

APR 16 2020

CLERK OF THE COURT

BY: *Leticia Gomez*
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

IN RE: ADMINISTRATIVE ORDER OF THE
PROBATE AND MENTAL HEALTH
DIVISION RE COVID-19 PANDEMIC

SECOND AMENDED GENERAL ORDER
OF THE PROBATE AND
MENTAL HEALTH DIVISION

The Probate and Mental Health Division of the Superior Court of San Francisco issues this Second Amended General Order of the Probate and Mental Health Division under the authority granted by Government Code section 68115; the Emergency Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, dated March 16, 2020, March 19, 2020 and April 10, 2020; Chief Justice Cantil-Sakauye's Statewide Orders, dated March 23, 2020 and March 30, 2020; Chief Justice Cantil-Sakauye and the Judicial Counsel of California's adoption of emergency rules 1 through 11 of the California Rules of Court, effective April 6, 2020; and, the General Orders of the Honorable Garrett L. Wong, Presiding Judge of the Superior Court of California, County of San Francisco, filed March 16, 2020, March 19, 2020, March 24, 2020, April 1, 2020 and April 14, 2020. This Order AMENDS and SUPERSEDES the General Order of the Probate and Mental Health Division, signed March 26, 2020 and the Amended General Order of the Probate and Mental Health Division, signed April 2, 2020.

The Probate and Mental Health Division **HEREBY FINDS AND ORDERS AS FOLLOWS:**

Wednesday, March 18, 2020 through Monday, June 1, 2020, inclusive, are deemed holidays for purposes of computing time for filing papers with the Court under Code of Civil Procedure sections 12 and 12a (see Government Code § 68115(a)(4)), for purposes of:

1. Filings pursuant to the Probate Code, including but not limited to:

- a. Initial petitions for probate (Probate Code § 8003);
 - b. Petitions to probate a subsequently-discovered will (Probate Code § 8226);
 - c. Petitions to revoke probate (Probate Code § 8270);
 - d. Reports of sale (Probate Code § 10308).
2. Responses to filings pursuant to the Probate Code, including but not limited to:
 - a. Objections to Inventory and Appraisal (Probate Code § 2614);
 - b. Responses to petition to revoke probate of will (Probate Code §8271);
 - c. Responses to summons (Probate Code §§ 8250, 8271).

IT IS FURTHER ORDERED, consistent with Presiding Judge Garrett Wong's March 24th, April 1st and April 14th General Orders, that Wednesday, March 18, 2020 through Monday, June 1, 2020, inclusive, are deemed holidays for purposes of computing time for filing papers under Code of Civil Procedure sections 12 and 12a (see Government Code § 68115(a)(4)) for matters pending before the Probate Division as follows:

1. The time to respond to discovery, including to time to object, the time to file motions for protective orders and the time to compel discovery pursuant to Code of Civil Procedure sections 2016.010 et seq.;
2. The time to move to quash, file a demurrer, move to strike, including a special motion to strike pursuant to Code of Civil Procedure section 425.16 et seq., or otherwise respond to a petition to the extent the time to respond is governed by the Code of Civil Procedure and not the Probate Code;
3. The time to file, hear and rule on any post-trial motion as set forth in the Code of Civil Procedure, including but not limited to notices of intent to move for a new trial and motions for a new trial, pursuant to Code of Civil Procedure sections 659 et seq.;
4. The time to file a cost bill, a motion to tax costs, or a motion for attorney fees;
5. The time to file a motion under Code of Civil Procedure section 473;
6. The time to file a motion under Code of Civil Procedure section 1008.

All trust, estate, guardianship, and probate conservatorship hearings currently on calendar for a date between March 18, 2020 and June 19, 2020, inclusive, are continued for exactly twelve weeks, unless the new date falls on a holiday, in which case the hearing will be continued to the subsequent appropriate calendar. New filings will be given hearing dates in accordance with this Order and subject to calendar availability. Temporary letters will be extended to the continued hearing date upon presentation of a proposed order.

Matters set on the LPS Calendars (Welfare and Institutions Code Sections 5000 *et seq*) will be

1 given priority and proceed as scheduled. The court will continue to collaborate with the parties regarding
2 to develop appropriate procedures for hearing and adjudicating matters on these calendars. Absent
3 specific order of the Court otherwise, all hearings will be conducted in Department 622 of the Civic
4 Center Courthouse, at 400 McAllister Street, San Francisco, California 94102. The parties are directed to
5 continue their practice of cooperating in continuing matters that are not urgent, to the extent
6 possible. Where hearings are necessary, hearings will be conducted, whenever possible, by video or
7 telephone, subject to the patient's consent to proceed in that manner. (See Cal. Rules of Court,
8 Emergency Rule 3(a)(1) & (3).) Temporary conservatorships sought under the LPS Act will be
9 considered by the Court on Wednesdays and Thursdays. In urgent cases, the Court will consider an LPS
10 temporary conservatorship petition on another weekday if the Court is given one court day prior
11 notice. Certification and Riese Hearings will be given priority as well and will proceed by video or
12 telephone. See Cal. Rules of Court, Emergency Rule 3(a)(1) & (3).) CIPP and AOT status hearings are
13 off calendar until further notice.

14 All in-person visits by Probate Division Court Investigators related to guardianship and
15 conservatorship matters are suspended until June 1, 2020.

16 Ex parte applications for temporary letters in guardianship and probate conservatorship matters,
17 for special letters of administration, or to advance a hearing date in any matter are subject to a showing in
18 the moving papers of immediate and irreparable injury justifying an emergency hearing. The Court will
19 review submissions and will continue or take a matter off-calendar if the Court does not deem that matter
20 sufficiently emergent. The Court, in its discretion, will decide ex parte matters on the papers. If the Court
21 determines that a hearing is required, the hearing will be conducted by telephone via the CourtCall
22 system, on a Wednesday or Thursday. (See Cal. Rules of Court, Emergency Rule 3(a)(1) & (3).)
23 Proposed orders must be submitted to the Court in advance of the hearing. The requirement to obtain
24 prior court permission for CourtCall appearances is waived until further notice. If a matter is to be heard
25 telephonically, the petitioning party must give notice of the procedure to participate to all parties entitled
26 to notice, in compliance with California Rules of Court, Rule 3.1203 and Rule 3.1204.

27 To the extent the Probate and Mental Health Division accepts and/or processes any filings or
28 performs preliminary administrative work on files, such acceptance and/or processing shall not alter the
designation and application of court holidays and extensions provided by this Order.

This is an evolving situation, and procedures are likely to change. Please refer to the Court's

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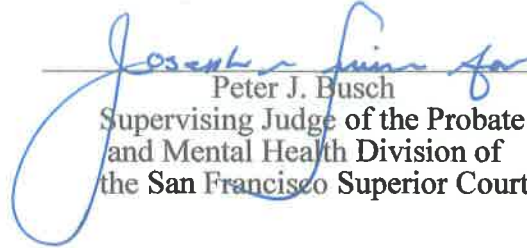
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1 website for current instructions and information, at <https://sfsuperiorcourt.org/>.

2 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**
3 **CIRCUMSTANCES REQUIRE.**

4 DATED: April 15, 2020


Peter J. Busch
Supervising Judge of the Probate
and Mental Health Division of
the San Francisco Superior Court

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