



PUBLIC NOTICE

Release Date: September 20, 2023

PROPOSED NEW AND AMENDED LOCAL COURT RULES

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO
247 West Third Street, 11th Floor
San Bernardino, Ca 92415-0302
www.sb-court.org

909-708-8747

R. Glenn Yabuno
Presiding Judge

Carmen A. Trutanich
Interim Court Executive Officer

SAN BERNARDINO, CA— San Bernardino Superior Court (SBSC) proposes new and amended Local Rules of Court (attached) which will become effective on January 1, 2024.

All public comments must be made to SBSC's Assistant General Counsel, Susan Jones, at courts-pio@sb-court.org. If you do not have internet access, comments may be mailed to: Superior Court of California, County of San Bernardino, Attention: Susan Jones, Assistant General Counsel, 247 West Third Street, San Bernardino, CA 92415-0210. All comments must be received no later than November 3, 2023. This notice has been posted on the court's website at www.sb-court.org.

For media inquiries, contact Assistant General Counsel, Susan Jones, courts-pio@sbcourt.org.

NEW PROPOSED LOCAL RULES

LOCAL RULE 735 REMOTE APPEARANCE ON DOMESTIC VIOLENCE RESTRAINING ORDER OR GUN VIOLENCE RESTRAINING ORDER

- (a) Pursuant to Family Code section 6308, the Court may permit a party, support person (as defined in Family Code section 6303), or witness(es) to appear remotely at the hearing on a petition for a domestic violence restraining order. Pursuant to Penal Code section 18123, the Court permits party(s) or witness(es) to appear remotely at the hearing on gun violence restraining order.
- (b) If remote appearance is elected, the proceedings will be conducted by remote video and/or audio communications.
- (c) The party is required to submit form RA-010 (Notice of Remote Appearance) to the Court for filing. The form may be electronically filed or submitted in person to the court location where the petition has been or will be filed. The form could be filed simultaneously with the petition for domestic violence or gun violence restraining order, or presented for filing at least one (1) court day before the scheduled hearing date.
- (d) If a party elects to appear remotely, the party's support person or witnesses shall appear remotely for the hearing to provide their witness statement, if called upon.
- (e) All exhibits intended to be used at the remote appearance should be submitted to the Court with their initial filing.

(Eff. January 1, 2024.)

LOCAL RULE 20-401 REQUEST FOR BOND WAIVER

All requests for waiver of bond must be accompanied by a declaration from the requesting party providing the following information:

- (a) Whether the estate is solvent.
- (b) The name and address of any known or reasonably-ascertainable, unsecured creditors of the estate, including contingent liabilities.
- (c) The estate's estimated liability to these unsecured creditors, including contingent liabilities.
- (d) Estimated tax liabilities of the estate.
- (e) A detailed description of the efforts taken to obtain the information required by this rule.

(Eff. January 1, 2024.)

LOCAL RULE 20-613 PETITIONS RELATING TO REAL AND PERSONAL PROPERTY

- (a) Copies of Deeds. Where the petition affects title to real property such as, Spousal Property Petition, Petition to Determine Succession to Real Property, and Probate Code §850 Petitions, a copy of the deed(s) by which the decedent acquired titled must be attached to the petition.
- (b) Ownership Documents. Where the petition affects title to personal property such as, Spousal Property Petition, and Probate Code §850 Petitions, a copy of the supporting document(s) which shows decedent's ownership must be attached to the petition.

(Eff. January 1, 2024.)

**LOCAL RULE 20-912 EXPEDITED FINAL ACCOUNT AND FINAL DISTRIBUTION-
DECEDENT'S ESTATES**

Parties may seek Court approval of a Final Account or Waiver of Account and Petition for an Order for Final Distribution ("Final Account") without the need for a hearing if all the conditions set forth in this rule are met.

1. Upon filing, the Final Account shall be set for Future Hearing.
 - a. A Final Account (or Waiver of Account) and Report of the Personal Representative, Petition for Approval of Statutory Commissions and Attorney Fees, Reimbursement of Expenses Advanced (if any) and for Final Distribution must be filed.
 - b. A Final Account must conform to California Probate Code, California Rules of Court, Local Rules, and any applicable case law and/or statutes.
 - c. The filing of the Final Account will trigger a hearing to be set on the Court's calendar in the event the matter must proceed by hearing.
 - d. The description in the caption of all documents filed under this rule must include the words: "Expedited Final Account."

2. A Stipulation Must Be Filed with the Final Account.

To qualify for an Expedited Final Account, all interested persons must stipulate in writing to the Final Account and must agree to waive the right to a hearing as follows:

- a. The written Stipulation must include the following:
 - (1) A statement that the interested persons agree to advance the accounting hearing on the Final Account. This statement must include the hearing date set as a result of the filing of the Final Account (see 1.c., above);
 - (2) A statement that the interested persons agree to have the Court take the Final Account under submission;
 - (3) A statement that the interested persons agree to waive their right to a hearing on the Final Account;
 - (4) A statement that the interested persons agree to waive notice of the hearing on the Final Account;
 - (5) A statement that the interested persons waive all objections to the Final Account and specifically agree to the Final Account and prayer for relief stated in the Final Account.
 - (6) A statement that the interested persons agree they have each received a copy of and have read the Final Account.
- b. All interested persons must sign the Stipulation.
- c. The description in the caption of the Stipulation must include the words: "Expedited Final Account."
- d. Each person who has filed a Request for Special Notice must sign the Stipulation or withdraw the Request for Special Notice.
- e. In cases involving a sole distributee of the estate only, the sole distributee must file a written, signed Stipulation containing all statements required in 2.a. of this Local Rule.

3. A Proposed Order for the Final Account Must Be Filed.

a. The Proposed Order must specify the department and Judicial Officer assigned to the case but need not reflect a date and time for the accounting hearing.

b. The last line before the Judicial Officer's signature must state the following: "Ex Parte Petition for Final Discharge is due by _____. " (The Court will fill in the date if approved for signature).

c. The description in the caption of the Proposed Order must include the words: "Expedited Final Account."

d. The Proposed Order must comply with Local Rules 20-612 and 20-614.

4. Other Requirements

a. A copy of the final escrow closing statement must be included with the Final Account if any real property was sold during the accounting period.

b. Proof of Satisfaction of all allowed creditor claims must be included/attached to the filed Final Account.

c. The Final Account must comply with Local Rule 20-908 as to all applicable investment accounts.

b. A copy of the entire subject trust instrument, including any amendments, attachments, schedules and exhibits must be filed in the case if there is a pour-over will or a distribution to a trust.

c. If a reserve over \$5,000 is requested, Petitioner(s) must submit an informal accounting on the reserve with the Ex Parte Petition for Final Discharge. This requirement cannot be waived. (See Local Rule 20-911)

5. Final Accounts Ineligible for Expedited Procedure

Requests for

a. extraordinary fees

b. discretionary orders including but not limited to assignments of interest to third-party inheritance companies, or

c. requests for distributions to minor child(ren)

will render accounts ineligible for the Expedited Final Account procedure set forth in this rule and must not be included.

6. Nothing in this rule limits the Court's discretion to conduct any hearing on the Final Account pursuant to Probate Code section 11002. The Court may exercise its discretion at any time and require that the Final Account proceed at the hearing initially set in 1.a of this Rule.

(Eff. January 1, 2024.)

AMENDED PROPOSED LOCAL RULES

RULE 20-908 INVENTORIES AND ACCOUNTINGS (ESTATES & TRUSTS)

In decedent's estate and trust proceedings, Copies of bank account statements and investment account statements verifying the balance of cash and ~~or~~ securities on hand ~~shall~~must be attached to all inventories and accountings. Letter verifications from the financial institution stating the balance as of the applicable date may be substituted for copies of statements. Substantial variation between the statement or verification and the balance reflected in the inventory or account shall be explained. (Eff. January 1, 2000. Renumbered as Rule 20- 908 and amended, eff. July 1, 2007. As amended, eff. January 1, 2018. As amended, eff. January 1, 2024.)

RULE 20-1402 APPOINTMENT OF COUNSEL IN CONSERVATORSHIPS

(a) Appointments of counsel are personal and cannot be delegated to other attorneys. Only the attorney appointed by the court may render legal services to the client and appear at hearings. If appointed counsel intends to delegate tasks to another attorney who is under his or her direct supervision, before such delegation, counsel must obtain an amendment of the appointment order to include the name of the supervised attorney.

(b) Requests for fees by counsel for the ~~minor~~ conservatee in ongoing cases shall be made at least every two years.

(c) All requests for fees shall include separate subtotals setting forth the number of hours charged at each different hourly rate for which payment is requested.

(Former Rule 1502, rev. Dec. 1993. Renumbered as Rule 1402, eff. July 1, 1998. Renumbered as Rule 20-1402 and amended, eff. July 1, 2007. Amended, eff. January 1, 2014, July 1, 2016 and January 1, 2018. As amended, eff. January 1, 2024.)