



**SUPERIOR COURT OF CALIFORNIA**  
COUNTY OF SACRAMENTO  
[WWW.SACCOURT.CA.GOV](http://WWW.SACCOURT.CA.GOV)

May 28, 2020

Dear Members of the Sacramento Legal Community:

Thank you again for the gracious opportunity to participate at the Sacramento County Bar Association's Virtual Town Hall Forum on May 27, 2020, where Judges Hom, Sueyoshi and I served as presenters.

While this has been a time of unprecedented uncertainty for court operations and the community in general, I was pleasantly surprised by the significant level of interest and participants at this forum. I believe this reaffirms the extreme professionalism you embody and your exemplary commitment to better serve our population and the system. The Family and Probate Division received numerous thoughtful and relevant questions regarding the status of operations, and while I attempted to answer as many as I could, time constraints presented limitations to adequately addressing them all.

Therefore, attached are written responses providing greater detail and clarity to the questions raised, which have now been posted on the court's website at: <https://www.saccourt.ca.gov/general/docs/faqs-and-answers-for-families-children-probate.pdf>. Additionally, for your information, the Family Court has issued a new public notice providing for the resumption of Family Law trials and settlement conference, dated May 27, 2020. (<https://www.saccourt.ca.gov/general/docs/family-law-public-notice-trials-and-settlement-conferences-final.pdf>)

The court continues to remain committed to addressing the concerns of the Bar and constituents you serve. We express our appreciation to each of you for your dedication and continued patience as we all navigate through these unsettled times.

Best regards,

Bunmi Awoniyi  
Supervising Judge of the Family Law/Probate Courts

**Answers to FAQs for Families/Children and Probate  
May 27, 2020**

**FAMILY**

1. Is e-filing for family law still expected to be up and running by August 2020? Placer County enabled it a few weeks ago. Any reason why it is taking longer in Sacramento?

While e-filing is available as a stand-alone option, it would not be efficient for us from a staffing standpoint at this juncture. The current backlog has increased the responsibilities and workload of our staff. While E-filing will undoubtedly have efficiencies for the Bar and Public, it would be cumbersome for the court. The court is under contract with a vendor to digitalize all of our court processes. Family law was assigned a “go live” date of August 2020 for an integrated case management program that would include E-filing. We eagerly anticipated this date. Other court divisions were assigned priority implementation of their case management programs. Delays in their implementation have similarly pushed back our “go live” date. Presently, we do not have a date certain to announce. We will keep you informed. Please be assured the court is aware of the significance of a digitalized footprint to stay abreast of the technological opportunities that cannot otherwise be maximized and of the inherent efficiencies for our court users.

2. For trials and hearings conducted by Zoom, will the file transfer option be enabled so documents can be sent to the Court and opposing counsel/party after obtaining the verbal approval from the Court? Should we electronically mark exhibits before transferring by, for example, typing onto the document?

The court interpretation of this question is whether parties and attorneys will have the ability to share electronic files using Zoom during hearings and trials. The file sharing option in the court’s Zoom account is enabled allowing documents to be displayed for the court and attorneys/ parties if approved. We are holding all law and motion hearings using Zoom. Trials will resume the week of July 6, 2020, and will be held in person. If we proceed to holding trials using Zoom to address backlogs, specific instructions on the marking of exhibits, providing them in advance through the court drop box and/or on a jump drive, will be provided in advance.

3. If a MSC and/or trial is set for June will proceed as calendared?

Unfortunately, trials scheduled in June will be continued. Trials will resume the week of July 6, 2020. To address the backlog, the Family Court darkened all Law and Motion calendars to create a dedicated week of trials starting on July 6, 2020 through July 10, 2020. Settlement conferences for trials scheduled July 6, 2020 through July 10, 2020, will go forward, and will be scheduled the weeks of June 22 and June 29, 2020. Beginning the week of July 13, 2020, trials will be held each week on Thursday and Friday, at 8:30 am.

For trials and settlement conferences that will be continued, parties and attorneys will be contacted by telephone, provided available dates for scheduling, and will be given a timeframe to respond with proposed dates based on availability. Notice of continued trials and settlement conferences will be posted in the Public Case Access System. If parties or attorneys are not linked to their case in the Public Case Access System, they will be sent a copy of the minute order by US Mail.

Parties and attorneys are encouraged to stipulate to continue by faxing to the court the local form [Facsimile Request to Drop or Continue Hearing, Long Cause Hearing or Trial by Stipulation](#). Priority will be given to custody and domestic violence proceedings and based on the date received by the

court. If the proposed dates provided are not available, parties and attorneys will be contacted by telephone, provided available dates for scheduling, and given a timeframe to respond with proposed dates. Available dates for trials and settlement conferences will be posted to the court's web under the [Public Notice](#) section.

Parties and attorneys are required to file an original and two copies of a statement of issues twenty (20) days before their settlement conference date pursuant to local rule 5.29, unless otherwise ordered by the court. Filings may be submitted through US Mail or the drop box at the the William R. Ridgeway Family Relations Courthouse between 8:00 a.m. and 4:00 p.m.

4. Will the June trials be required to be conducted through Zoom?

The court has focused its resources and efforts on addressing law and motion hearings that were scheduled during the court closure, and our next priority is to reschedule all trials scheduled beginning March 20, 2020 through July 3, 2020. Trials will resume the week of July 6, 2020, and every Thursday and Friday starting the week of July 13, 2020, and will be held in person.

5. Will trials on non-emergency issues (not Domestic Violence and not child custody), calendared for June, still proceed forward?

Trials scheduled beginning March 20, 2020 through July 3, 2020 will be continued but will be heard as soon as practically possible, with priority given to previously scheduled trials.

6. If they are not rescheduled, how is the court dealing with MSC's and trial at this time? Zoom? Or other plans?

Trials scheduled before July 6, 2020 and settlement conferences scheduled before June 22, 2020, will be continued.

Beginning on June 22, 2020, settlement conferences will resume. Temporary Judges will be assigned to the courthouse, and all parties and attorneys will appear remotely using Zoom. The court will be in contact with the Family Law Executive Committee to coordinate coverage and arrange training for our Temporary Judges.

Beginning on July 6, 2020, trials will resume and will be held at the courthouse. Upon arrival at the courthouse, parties and attorneys will be checked in and assigned to a courtroom, ensuring social distancing. At this time the court mandates face coverings for anyone entering the court facility. Please continue to check the Family and Children section of the Sacramento Superior Court webpage at <https://www.saccourt.ca.gov/family/family-law.aspx> for any updates.

7. Is there an email address for the court where I can send an inquiry on these cases and find out if they plan on continuing them because it's my understanding custody cases need to go first.

For law and motion hearings minute orders have been posted in the Public Case Access System continuing all hearings that were scheduled beginning March 23, 2020 through May 8, 2020, and those scheduled on a nonrotating odd or even weeks through July 3, 2020.

May 26 – Odd departments 121, 123,127	June 15 – Even departments 120, 122, 124, 126
June 1 – Even departments 120, 122, 124, 126	June 22 – Odd departments 121, 123,127
June 8 – Odd departments 121, 123,127	June29 – Even departments 120, 122, 124, 126

If a minute order was not posted in the Public Case Access System continuing a hearing on one of your cases, you may contact the court through the [Contact Us link](#) on our web at: <https://www.saccourt.ca.gov/contact.aspx> and we will respond as administratively possible.

We will begin continuing approximately 420 trials and settlement conferences starting May 26, 2020. We are hopeful that we will have all cases rescheduled by June 26, 2020. We appreciate your patience and understanding as we work toward rescheduling these cases.

For information on the trial process, please see question number three (3) above.

8. I know the final holiday is May 5th, so the 6th is the first day to start counting, but what about the day the holiday period started? Do we use March 17th, or 20th?

The [March 19, 2020, Order – Temporary Court Closure](#) issued by the Presiding Judge declared a court holiday March 20, 2020 through March 30, 2020. Orders extending the court holiday were issued on March 30, 2020 and April 16, 2020. However, the [Order – End of Family Law Filing Holiday Resumption of Specified Family law Proceedings](#) ended the holiday on May 5, 2020.

9. Does the court have an ombudsman, clerk, or someone who can help mitigate challenges with calls being dropped, technical issues, missed filings, etc. which may result in further litigation? What is the plan for issues related to these new processes?

The court recognizes the significant impact of not being able to contact staff to answer questions. Due to the lack of staff permitted in the courthouse we are unable to staff our reception office. However, you may contact the court through the Contact Us link on our web at:

<https://www.saccourt.ca.gov/contact.aspx> and we will respond as soon as administratively possible.

9. Will Termination of Parental Rights Cases missed during the court closure period be scheduled for hearings and trials?

During the court closure period, there were approximately eighteen (18) termination of parental rights cases scheduled in Department 124 that were missed, and require resetting.

For those eighteen (18) cases, approximately eleven (11) had investigation reports already completed or were set for further proceedings, not requiring a further report. These matters will be rescheduled to occur during the week of July 6, 2020, in Department 124. The court staff will be preparing continuance minute orders advising parties of the new Zoom hearing date and time accordingly in the next few days.

Those seven (7) cases requiring an investigation report will be set during the weeks of July 13, 2020 and July 20, 2020, to allow the Probate Court Investigators enough time to complete their investigation and report to the court.

## **PROBATE**

1. When filing a petition in the Probate Court which requires a hearing date, must we reserve that hearing date in advance? How shall we reserve that date if same is required?

Reserving a hearing date is not necessary, however, the submitting party can provide a list of available dates approximately 45-65 days out, and the court staff will make every effort to accommodate if possible. If dates are not provided or unavailable, court staff will provide the first available hearing date.

2. Is it counsel's choice to appear telephonically or by video conference?

While the court would prefer video appearances, there is the ability for parties to participate telephonically, if a computer, smart device or internet access is unavailable to the participant. In either situation, the appearance must use the Zoom telepresence technology.

3. Are Courtcall appearances an option? The instruction guide references using a Zoom designated phone number for telephone appearances.

Prior to the court closure, CourtCall was the primary option for telephonic appearances in Probate. However, during this time of modified services in light of the pandemic, all Probate hearings had to employ telepresence technology consistent with court-wide application. The Court as a whole adopted and implemented the use of Zoom telepresence technology as its platform, which can accommodate both video and telephonic appearances, at no cost to participants. Therefore, CourtCall is not an option or being utilized during this time.

4. The instruction guide states that we must use the link provided in the notice or minute order for our Zoom appearance. When/How are those being issued by the Court? We have a pending hearing for a trustee accounting that was continued from 4/29 to 7/29. We have received no notice from the court regarding the continuance. CCMS has the minute order from 4/29 but it makes no mention of Zoom for the future hearing. There is nothing in CCMS with a link or reference to a Zoom conference for the hearing.

As the COVID-19 pandemic has resulted in unprecedented times of uncertainty, efforts to mitigate the impacts remain fluid and dynamic. Given the summary notification of the shelter in place order, the court closure was executed expeditiously to comply and protect our employees and the public. As such, the court was not able to provide much guidance to the population of users who had Probate hearings already set, and now missed. As staff resources had been authorized and limited work efforts were resumed, staff did make progress in resetting and continuing some missed hearings. Unfortunately, the response to the COVID-19 pandemic continues to evolve and change quickly, and the court during the initial resetting efforts did not anticipate Zoom appearances beyond July. Therefore, there will be some cases where Zoom appearance information was not provided. Court staff is working to remedy that now by sending notification and Zoom appearance information and instructions to those cases not previously provided. As the court continues to navigate through this unsettled time, greater efforts will be made to provide notification of changes.

5. Ordinarily, we would provide notice of intent to appear telephonically. Are we going to have to give notice of intent to appear remotely since all appearances are remote?

Yes. Until further notice, all Probate hearings will occur using Zoom telepresence appearances, as the courthouse is still closed to physical entry by the public. Therefore, it is essential that the notices for all hearings must include the instructions for parties entitled to Notice to attend via Zoom. Additionally, a proof of service of such must also be filed accordingly with the court, either by Drop Box or US Mail.

6. Do we need to serve instructions or information on interested parties so they know how to participate in a remote hearing? If so, does this need to be incorporated in published notices?

Yes, parties are required to comply with any service requirements provide for by law. Additionally, parties must be served with the Zoom appearance notification (web link: <https://www.saccourt.ca.gov/pdf-content/zoom-appearance-court-hearing-probate-04272020.pdf>), Zoom instructions (web link: <https://www.saccourt.ca.gov/family/docs/zoom-court-hearing-instructions-042320.pdf>), including filing a proof of service of such (web link: <https://www.saccourt.ca.gov/pdf-content/zoom-appearance-court-hearing-pos-probate-05072020.pdf>), to ensure all parties are properly noticed and prepared to appear using Zoom.

7. Will probate department hearings be live streamed on the Court's YouTube Channel?

While the general public can join the Probate Zoom Virtual courtroom during the court calendar, the proceedings are not being live streamed on the Court's YouTube Channel.

8. If all information is to be obtained through CCMS, how will conservatorship cases be managed given that the CCMS docket is more restricted than a probate or trust matter?

The court recognizes the confidential nature of conservatorship cases and the constraints with the California Case Management System (CCMS). Prior to the court closure, parties could access the "electronic court file" using any of the Kiosks located in the Probate Lobby, or facilitating an in-person transaction with a Probate front counter clerk. Recognizing that the Family Relations Courthouse is closed to the public, and accessing either a Kiosk or staff person is not viable, options are available that do not require entry into the courthouse. Alternatively, individuals can submit a request for documents via the court Drop Box or US Mail addressed to the Probate Division, including accompanying fees, and court staff will facilitate as soon as administratively possible.

9. How can we download minute orders without being charged? CCMS does not always recognize a subscribing attorney and thus doesn't provide limited free access.

Under the current practice, parties and attorneys can subscribe to a case through the Public Case Access System (PCAS) and receive notification when a court minute order is posted to the California Case Management System (CCMS). Upon properly subscribing, documents are free for 72 hours upon execution of the subscription. For information regarding subscribing to a case, please refer to the court's website at <https://services.saccourt.ca.gov/PublicCaseAccess/>. While the court is not aware of any current issues with PCAS accessibility, individuals can email for technical assistance at: <https://www.saccourt.ca.gov/contact.aspx?contact=technical&system=PCAS>.

10. How will proposed conservatee appearances be coordinated for a remote appearance – i.e. developmentally disabled person?

The court interprets this question to mean that although a conservatee has the right by law to attend the court hearing, how will the coordination occur for a conservatee who may not have the ability/capacity to facilitate a telepresence or virtual court appearance. Conservatees can appear as all other participants by utilizing the Zoom telepresence technology. Counsel, caregivers, and others who assist the conservatee are encouraged to facilitate as necessary such Zoom telepresence appearances. Zoom log-in information should be provided with the notice of hearing and Zoom instructions are available on court's website at <https://www.saccourt.ca.gov/pdf-content/zoom-appearance-court-hearing-probate-04272020.pdf> and <https://www.saccourt.ca.gov/family/docs/zoom-court-hearing-instructions-042320.pdf>.

11. If all information is to be obtained through CCMS, how will conservatorship cases be managed given that the CCMS docket is more restricted than a probate or trust matter?

Duplicate of #8.

12. How will hearings for Confirmation and Report of Sale of Real Property (involve public bidding) be handled?

The court recognizes that the practice prior to the COVID-19 pandemic was to conduct the bidding process in the courtroom at the noticed hearing date and time. Also, the court recognizes that prior to the court closure, the clerk would post public postings as provided for by law in the Probate Lobby. Since the court closure, and closing interior access of the courthouse to the public, the public posting area has been relocated to the 1<sup>st</sup> Floor of the Family Relations Courthouse, just inside the building before the magnetometer screening machine, where public is allowed. Zoom information regarding the hearing shall also be included in the public posting.

Since all Probate hearings are currently being conducted via Zoom telepresence appearances until further notice, the bidding process will likewise occur using Zoom. This process is already in place and the court has already handled several such matters. Bidders can join the Zoom session and participate in the hearing to present offers/bids accordingly. Zoom information is also contained at: <https://www.saccourt.ca.gov/pdf-content/zoom-appearance-court-hearing-probate-04272020.pdf> and <https://www.saccourt.ca.gov/family/docs/zoom-court-hearing-instructions-042320.pdf>.

13. Will remote hearings impact filing requirements, such as Response to Probate Notes?

Unless otherwise stated in the Probate Mitigation Plan that became effective on May 6, 2020, (posted on the court's webpage at <https://www.saccourt.ca.gov/general/docs/extended-court-closure-mitigation-plan-resumption-of-probate-services-050420.pdf>), all requirements prior to the court closure still remain in effect.

The fact that the hearings are remote via Zoom, makes it more important than ever that the parties comply with Local Rule 4.01(B), by filing a written Response to Calendar Notes no less than five (5) days before the hearing.

14. Will orders be mailed or placed in attorney pick up box?

The court recognizes that prior to the COVID-19 pandemic, parties or attorneys could submit documents in-person, by Drop Box or US Mail. Since the court closure with modified service levels, such documents can only be provided either by Drop Box or US Mail. In either case, if a Self-Addressed Stamped Envelope (SASE) is provided, then completed documents will be returned using the SASE. For Self Represented Litigants, if no SASE is received, the court will complete processing and return documents via the US Mail as soon as administratively possible. For attorney documents received without a SASE, completed documents will be deposited in the attorney box located just inside the Family Relations Courthouse before the Magnetometer screening machine.

#### 15. Estimates/expectations for order availability from remote hearings?

Local Rule 4.16 requires, “the proposed formal order for a noticed hearing shall be presented to the Probate Court five court days prior to the hearing if lodged in person or eight court days prior to the hearing if lodged through the mail.” During the closure period, in person is considered Drop Box, since physical entry beyond the entry screening area is not feasible at this time. The timeline for orders after hearing are usually available within 2 days after the hearing. If Letters are to be issued, it can take up to two weeks, as these orders require additional processing. For proposed orders received outside the parameters as set forth in Local Rule 4.16, orders may take longer to complete, but will be completed as soon as administratively possible. As authorized staff resources are still limited at this time, please exercise greater patience and understanding.

#### **Additional Information Regarding Planned Resumption of Probate Conservatorship Investigations and Hearings**

Since the initial court closure on March 20, 2020, the Probate Court has continued to provide critical services, offering a process for ex partes, and subsequently expanding services to resume court proceedings using Zoom telepresence appearances for Probate Estate/Trust and Guardianship matters. However, like many other court jurisdictions, conservatorship cases could not resume, because pursuant to Probate Code section 1826 (and Probate Code section 1851 for periodic reviews), a Probate Court Investigator must **personally** meet with conservatee and provide a report and recommendation to the court. With COVID-19 shelter in place orders in effect, facilitating in-person visits with the conservatee population is not viable.

As the court closure continues to extend, this protected population continues to be at risk without court supervision. While there was hope that the Judicial Council would address this deficit by issuing an Emergency Order relaxing in-person visits, no such provision has occurred. Probate Judges and courts across the state are now implementing actions to address this caseload, and in most cases waiving in-person visits. Courts resuming conservatorship investigations are conducting them remotely, and when not possible, the Probate Court Investigator will prepare a report using only collateral interviews, acknowledging that input from the conservatee was not possible.

Both Judge Culhane and Awoniyi consistently agree with judges statewide that adopting the above referenced practice is significantly better than doing nothing at all by continuing conservatorship cases out indefinitely, with potentially little to no protection.

It is therefore anticipated that the Probate Court will resume Conservatorship Investigations effective June 8, 2020 in the modified manner referenced above, in order to have reports ready for court set to return in August 2020. Once plans are solidified, further notifications will be provided.