

Rule 601.01 Filing Procedures

All papers in Probate proceedings, other than the original documents specified below, must be filed electronically beginning September 3, 2013.

Self-represented parties are exempt from the mandatory electronic filing requirement, but are encouraged to participate in electronic filing and service. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with electronic filing.

The electronic filing of documents must be effected using the court's electronic service providers. Electronic service provider information is available on the Court's website at www.occourts.org.

The following original documents may not be filed electronically:

- Wills
- Codicils
- Bonds
- Undertakings
- Signed Letters (probate, guardianship, conservatorship)
- Financial Documents submitted by Private Professional Conservator
- Affidavits re: Real Property of Small Value

In a proceeding that requires the filing of an original document, an electronic filer may file an electronic copy of a document if the original document is then filed with the court within 10 calendar days. (Cal. Rules of Court, rule 2.252(e).)

Original documents and any other documents that are not electronically filed must be filed in the Probate Division of the Clerk's Office by the close of business on a court day.

The full case number must be printed on all documents submitted for filing. This Rule applies to all Probate documents filed on or after September 3, 2013, regardless of when the proceeding commenced.

Documents that are confidential by law should include the word "Confidential" in the caption. If a document is sealed or conditionally sealed, that fact or request should be noted in the Submitter's Comment Box.

Electronically filed documents filed before midnight on a court day will be deemed filed as of that day. Filing occurs at the time the document is received by the court as specified in the confirmation of receipt that is returned to the filer. Any electronically filed document received by the Court on or after midnight, or filed on a noncourt day, will be deemed filed on the first court day after it is received. This provision concerns only the effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This Rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

Rule 601.01 Filing Procedures, Hearings and Telephone Appearances

All documents and papers must be filed in the Probate Division of the Clerk's Office. Orders and ex parte petitions must be left in the designated area of the Clerk's Office for review. Documents and papers are not received in the courtroom.

Probate matters will be calendared for hearing by the Probate Division of the Clerk's Office as determined by the supervising probate judge. All petitions and applications which require a hearing will be assigned a calendar date, time and department upon being filed. Any request for early setting must be approved by the court and will be granted only for good cause.

The calendar date, time and department must be written in the upper left hand margin of all subsequent documents (such as supplements, proofs of service and notices) which relate to a matter on calendar, so that the Clerk's Office will be aware that the document needs to be promptly processed.

Telephone appearances will be permitted in accordance with rule 3.670, California Rules of Court.

(Revised effective January 1, 2014; A adopted effective July 1, 1992; revised effective July 1, 2008)