



# Superior Court of California County of Orange

## Probate & Mental Health

UPDATE – Monday May 5, 2020

Effective Tuesday, March 17, 2020, the Orange County Superior Court significantly reduced services to the public due to the COVID-19 pandemic. At this time, matters identified as time sensitive or pertain to the safety and security of our community will be heard.

### Elder Abuse Temporary Restraining Orders

The court will continue to be available to process **Elder Abuse Temporary Restraining Orders**.

Request can be submitted via paper filing or electronically as follows:

- Email: Submit applicable forms/petitions to [EATRO@occourts.org](mailto:EATRO@occourts.org)
- Paper: Alternatively, submit applicable forms/petitions in person at Central Justice Center via the drop box by the front entrance
- For assistance, Self Help Services will be available onsite at Central Justice Center; follow the instructions posted on the front entrance by the table
- Once reviewed by the court,
  - If filed in person via drop box, the order will be provided to petitioner
  - If filed via email, the order will be sent to petitioner via email and certified copies via mail

For information regarding Elder Abuse Restraining Orders, please visit the court's website at <http://www.occourts.org/self-help/restrainingorders> and <https://california.tylerhost.net/SRL>

Hearings on the Request for Elder Abuse Restraining Order will be rescheduled starting in June with notice to all parties.

### Emergency Ex-parte Requests

The court will continue to hear **Emergency Ex-parte Requests** as follows:

- Only request will be considered that clearly comply with California Rule of Court 3.1202 involving irreparable harm, immediate danger, or other statutory basis for granting relief ex parte
- Attorneys are required to submit requests via eFiling
- Self-represented parties may submit request via eFiling or in paper via the drop box located at the front entrance of Central Justice Center; for assistance Self Help Services will be available onsite at Central Justice Center. Follow the instructions posted on the front entrance by the table.

### Riese Hearings

The court will continue to hear matters related to Riese hearings.

- Riese Appeals will be heard in Department C9 via video remote appearance through Microsoft Teams.

- Riese Petition Hearings will continue to be heard at each facility and will be conducted by Riese Hearing Officers. If the hearing officers become unavailable, the matters will be heard through Department C9.

### **Bonds, Letters of Guardianship & Conservatorship and Orders**

1. Until further notice, the court will accept electronic submission as follows:
  - Electronic submission of letters of guardianship and conservatorships will be allowed and require a signature (digital or otherwise). Letters with blank signatures will not be accepted for processing.
  - Electronic submission of bonds will be allowed. The submitting party must retain possession of the original bond and make it available to the court upon request.
2. Effective April 27, 2020, the court will begin processing orders and letters in priority order for matters that had been approved prior to March 17, 2020.

### **Probate Conservatorships, LPS Conservatorships, Guardianships and Minor's Compromise**

Effective April 27, 2020, the court resumed processing matters relating to **Probate Conservatorships, LPS Conservatorships, Guardianships and Minor's Compromise**.

1. All filings received from March 17, 2020 through April 24, 2020 will be deemed filed as of April 27, 2020.
2. New filings can be submitted through eFiling or in person at Central Justice Center via the drop box by the front entrance.
3. Minor's Compromise hearings will be scheduled to be heard starting the week of May 4, 2020. Notice will be provided to all parties and all appearances will be conducted via video appearance through Microsoft Teams. See Minor's Compromise Remote Appearance Process posted on the court's COVID-19 Probate & Mental Health website.
4. Petitions for the appointment, reappointment, modification, or termination of an LPS Conservatorship will be scheduled to be heard starting the week of May 4, 2020. Notice will be provided to all parties and appearances will be conducted via video appearance through Microsoft Teams.
  - All expiring LPS Letters of Conservatorship are extended until April 27, 2020, or to the earliest available date thereafter upon which hearing may be scheduled as to any pending reappointment petition. Acts by an LPS conservator which may occur beyond the expiration period and prior to hearing on the reappointment petition are permitted pursuant to Welfare and Institutions Code Section 5363 and will be considered for ratification at the time of hearing.
5. Petitions for the appointment, modification, or termination of Probate Conservatorships and Guardianships will be scheduled to be heard starting the week of June 15, 2020, with notice to all parties. Extra calendars will be scheduled to process backlogged hearings. Check the court's COVID-19 Probate & Mental Health website closer to the hearing date for appearance options.
  - Temporary letters of guardianship and probate conservatorship which may otherwise expire during this time period are extended until the hearing date.

## All Other Probate Matters

For **all other Probate** matters, the processing of filings will resume on May 26, 2020.

1. All filings received from March 17, 2020 through May 2, 2020 will be deemed filed as of May 26, 2020.
2. New filings processing will resume on May 26, 2020.
3. Law and Motion hearings scheduled from March 17, 2020 through June 12, 2020 will be heard starting the week of June 15, 2020, with notice to all parties. Extra calendars will be scheduled to process backlogged hearings. Check the court's COVID-19 Probate & Mental Health website closer to the hearing date for appearance options.
4. Decedent Estates hearings scheduled from March 17, 2020 through June 12, 2020 will be heard starting the week of June 15, 2020, with notice to all parties. Check the court's COVID-19 Probate & Mental Health website closer to the hearing date for appearance options.
  - Special letters of administration which may otherwise expire during this time period are extended until the hearing date set pursuant to paragraph 8.
5. Hearings related to Sales of Real Property scheduled from March 17, 2020 through June 12, 2020 will be heard starting the week of June 15, 2020, with notice to all parties.
6. Hearings related to Accounts & Miscellaneous and Trust matters will be rescheduled approximately 24 weeks from the currently scheduled hearing date, with notice to all parties. Hearings will resume the week of August 31, 2020.
  - Interim trustee appointments which may otherwise expire during this time period are extended until the hearing date set pursuant to paragraph 9.

Although hearings may continue to display as calendared in electronic online case access, no hearings besides those noted above will be conducted through May 22, 2020.

The court continues to assess possibility of increasing services and conducting remote hearings for matters that are not time-sensitive and will distribute information accordingly as those decisions are made.