



Chambers of
KIRK H. NAKAMURA
PRESIDING JUDGE

Superior Court of California County of Orange

700 CIVIC CENTER DRIVE WEST
P.O. BOX 1994
SANTA ANA, CA 92702-1994

THIRD AMENDED ADMINISTRATIVE ORDER 20/07 **PROBATE ORDER REGARDING COURT CLOSURE**

Pursuant to the provisions of Government Code section 68115, at the Court's request, California Supreme Court Chief Justice Tani Cantil-Sakauye has issued emergency orders due to the COVID-19 emergency permitting the significant reduction of services to the public, with minimal exceptions for critical functions. I, as Presiding Judge, therefore issued various Implementation Orders and Administrative Orders on March 17, 2020, March 23, 2020, March 24, 2020, March 27, 2020, April 1, 2020 and April 24, 2020.

Pursuant to the authority granted by the Emergency Rules and Orders, the Court hereby orders:

1. Pursuant to the Chief Justice's Advisory of March 20, 2020 and Administrative Order 20/09, all Probate trials, hearings, and proceedings are suspended from March 23, 2020 through May 22, 2020, with the exception of essential functions and matters authorized by the Implementation Order of April 24, 2020.
2. For matters relating to **Probate Conservatorships, LPS Conservatorships, Guardianships and Minor's Compromises**, the processing of filings will resume effective April 27, 2020 as follows:
 - a. March 17, 2020 through April 24, 2020 are holidays for purposes of computing the time to file documents related to Probate Conservatorships, LPS Conservatorships, Guardianships, and Minors Compromises under Code of Civil Procedure sections 12 and 12a. (Gov. Code § 68115(a)(4)).
 - i. Electronically filed documents that have been automatically processed by the Court's case management system and reflect a "filed" date designated a court holiday under the Emergency and Implementation Orders, will be deemed to be filed on April 27, 2020.
 - ii. All other documents received by the Court during the designated holiday period, which are related to Probate Conservatorships, LPS Conservatorships, Guardianships, and Minors Compromises, will be deemed filed as of April 27, 2020.
 - iii. Hearings on Probate Conservatorships, LPS Conservatorships, Guardianships, and Minors Compromises will be scheduled as set forth in paragraphs 4 through 6 below.
3. For **all other Probate** matters, the processing of filings will resume on May 26, 2020:
 - a. March 17, 2020 through May 22, 2020 are holidays for purposes of computing the time to file documents in Court under Code of Civil Procedure sections 12 and 12a. (Gov. Code § 68115(a)(4)).
 - i. Electronically filed documents that are automatically processed by the Court's case management system and reflect a "filed" date designated a court holiday under the Emergency and Implementation Orders, will be deemed filed as of May 26, 2020.

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- ii. All other documents received by the Court during the designated holiday period, which are not associated with essential functions, will be deemed filed as of May 26, 2020.
 - iii. Hearings will be scheduled as set forth in paragraphs 7 through 9 below.
4. Pursuant to the Chief Justice's Advisory dated April 17, 2020, Minor's Compromise hearings scheduled from March 17, 2020 through April 24, 2020 will be rescheduled to be heard starting on May 4, 2020. Notice will be provided to all parties and all appearances will be conducted via video appearance. All Minor's Compromise filings processed as of April 27, 2020 will be scheduled within approximately 5 weeks per current scheduling guidelines.
5. Petitions for the appointment, reappointment, modification, or termination of an LPS Conservatorship submitted to the court from March 17, 2020 through April 24, 2020 will be scheduled to be heard starting the week of May 4, 2020 per current scheduling guidelines. Notice will be provided to all parties and appearances will be conducted via video appearance. All other petitions or requests for relief related to an LPS Conservatorship (e.g. accountings) will be scheduled as set forth in paragraph 9 below.
 - a. 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.
6. Petitions for the appointment, modification, or termination of Probate Conservatorships and Guardianships 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. All other petitions or requests for relief related to a Probate Conservatorship or Guardianship (e.g. accountings) will be scheduled as set forth in paragraph 9 below.
 - a. Temporary letters of guardianship and probate conservatorship which may otherwise expire during this time period are extended until the hearing date set pursuant to paragraph 6.
7. 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
8. 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.
 - a. Special letters of administration which may otherwise expire during this time period are extended until the hearing date set pursuant to paragraph 8.
9. 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.
10. Hearings related to Accounts & Miscellaneous, and Trust matters not addressed above, 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.

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- a. Interim trustee appointments which may otherwise expire during this time period are extended until the hearing date set pursuant to paragraph 9.
11. Until further notice, 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.
12. Until further notice, 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.
13. 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.
14. The following essential time-sensitive matters will continue to be processed through May 22, 2020 pursuant the established process published via press release:
 - a. Elder Abuse Temporary Restraining Order
 - b. Petitions for Writs of Habeas Corpus- LPS
 - c. Riese Petition Hearings and Riese Appeals
 - d. Emergency Ex-parte Hearing (complying with California Rule of Court 3.1202)
 - e. LPS Conservatorships (Petition for Appointments)

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 the 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.

IT IS SO ORDERED this 24th day of APRIL 2020, at Santa Ana California.



Kirk H. Nakamura
Presiding Judge