

**Summary of Proposed Amendments
Local Rules of Court effective July 1, 2020
Monterey County Superior Court**

Chapter 1 – Distribution of Business

No changes

Chapter 2 – Monterey Division

No changes.

Chapter 3 – Juvenile Division

No changes.

Chapter 4 – Probate Department

4.6(a) Section added; added “local”

4.6(b) Section added: “The following applications may be made and considered on the papers alone and without a hearing, but in considering the application, the Court may order the application be set for hearing:

- (1) Appointing counsel for a conservatee or ward.
- (2) Appointing a guardian ad litem.
- (3) Appointing a probate referee.
- (4) Amending Letters based on death or name change.
- (5) Obtaining an amended order.
- (6) Increasing bond. Rule 7.204, California Rules of Court
- (7) Waiving an accounting. Probate Code section 2628.
- (8) Withdrawing funds from blocked account. Rule 7.954, California Rules of Court.
- (9) Obtaining an earlier hearing date on a petition or motion.”

Chapter 5 – Conservatorships and Guardianships

5.1(C) Modified language as follows:

A copy of all documents filed in a conservatorship proceeding must be served on the court investigator. For those persons filing electronically, service on the Court Investigators shall be completed using **one of the following**-electronic service addresses **found on the probate home page of the court’s website at www.monterey.courts.ca.gov:** **probateinvestigator@monterey.courts.ca.gov**.

For those persons permitted to file paper documents, service may be completed either electronically at the court investigator’s e-service address or by mail **at the addresses found on the probate home page of the court’s website.** ~~to the Monterey Division of the Superior Court, 1200 Aguajito Road, Monterey, CA 93940. Service on the investigator shall be reflected on the proof of service or notice of hearing filed with the court.~~

Section removed: “**~~5.2 EX PARTE PETITIONS~~**”

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~~A. The following petitions, powers, orders or authority require a noticed hearing and will not be granted ex parte. If an urgency or emergency exists, the remedy is to request an order shortening time with service on the court investigator.~~

- ~~1. Powers relating to medical consent under Probate Code sections 2355, 2357, and 3200.~~
- ~~2. Independent powers under Probate Code sections 2590 and 2591 relating to real property or transfers of personal property.~~
- ~~3. Petitions authorizing sales, transfers, or encumbrances of personal property in an amount exceeding \$5,000 in the aggregate annually. (Prob. Code, § 2545, subd. (b).)~~
- ~~4. Proposed action to exercise substituted judgment. (Prob. Code, § 2580.)~~
- ~~5. Authorization for gifts from excess income. (Prob. Code, § 2423.)~~
- ~~6. Authorization to purchase real property.~~
7. Petitions for fees.”

Chapter 6 – Civil Department

No changes.

Chapter 7 – Law and Motion

No changes

Chapter 8 – Attorney’s Fees

No changes.

Chapter 9 – Appellate Division

No changes.

Chapter 10 – Family Law Department

No changes

Chapter 11 – Parenting Coordinator Guidelines

No changes.

Chapter 12 – Settling of Contested Family Law and Adoption

No changes.

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Chapter 13 – Reserved

No changes.

Chapter 14 – Criminal Department

No changes

Chapter 15 – Writs

No changes.

Chapter 16 – Mental Health Department

No changes.

Chapter 17 – Duties of Attorneys

No changes.

Chapter 18 – Jury Rules

No changes.

Chapter 19 – Miscellaneous

No changes.