

San Francisco Paralegal Association

March 14, 2017

1. Staffing Changes and Issues
 - a. New Judge
 - b. Temporary clerk supervisor still in place
 - i. Gina Gonzalez - 415-551-5795
 - c. Court investigators
 - i. Jeanine Lim retiring, job application period just ended
 - ii. Likely two more investigators retiring this year
 - d. Probate examiners
 - i. Stable staff, changing hours.
 1. Sandy, Tim, Sean – leave at 4
 2. Trudy – WFH Wednesdays
 3. Sean – WFH Thursdays
 - ii. Communication tips
 1. Email is best
 2. Might not get a confirmation email or phone call re a continuance request – check T/R
 - e. Probate Clerks –
 - i. Courtroom clerks
 1. Leslie Gomez was moved to the C-Track implementation team, and Rosie is back
 2. Assigned staff are Rosie and Nancy
 3. Craig and Michael D. training to sub in
 - ii. Gina's Staff – filing, 202 lobby, mental health
 1. 5 have little to no probate experience (Michael R., Carlos, Robert, Mira, Aisha)
 2. 1 was in probate years ago (Alison)
 3. 2 veterans – Lydia (2 years) and Liz (4 years – the most senior clerk in probate now)
 4. SOPs and CTrack
 - f. What do all those changes mean for you?
 - i. Patience
 - ii. Be careful about how you caption your petitions
 - iii. Politely request the clerk check with me
 - iv. Conservatorship interim accountings and Petitions for Appointment of Conservators are being set a couple of months out
2. Recent Policy Decisions, Clarifications, and Current Trends
 - a. Statutory Notices under Probate Code §9202
 - i. Petitions to Terminate Estate for Lack of Assets Probate Code §12251

- ii. Notice must be given. There are no exceptions in the Probate Code for estates with no assets
 - iii. Practice tip→if you fail or forget to cite this code section and/or forget to title the petition in this way (and just say, for example, Petition to Terminate, you will get charged \$435 instead of \$200)
 - b. OSCs do not automatically go off calendar just because the required document gets filed
 - c. Filing documents conditionally under seal
 - i. CRC 2.551
 - d. Public Access to guardianship and conservatorship documents
 - i. CRC 2.503
 - e. Referral to Pro Bono Mediation by ex parte petition.
 - i. An Order referring a case to Pro Bono Mediation will not be signed prior to the first appearance on the morning calendar
 - ii. If an appearance was made, and pro bono mediation was discussed, an order referring the case to mediation can be granted by stipulation of the parties
 - 1. The parties must agree on the following dates and put them in the order:
 - a. Mediation shall be completed by _____
 - b. The parties shall notify the examiner of the outcome by _____
 - c. Status date on petition after mediation _____
 - iii. If an appearance was made, but no mention of mediation was made and the issue was not discussed, a second appearance on the regular morning calendar is required
3. Status Hearings
- a. PLEASE remember the deadlines!
 - b. Local Rule 14.8.C. - contact the Examiner or send an email no less than 3 court days before the hearing (probcontinue204@sftc.org)
 - i. Two court days before the hearing, the examiner is preparing hearing notes and the judges have started reviewing the hearing files
 - ii. Filing the required document the day before the hearing just frustrates everyone
 - c. Where do you find the status date for filing the next accounting?
 - i. In the Order settling the last account.
 - d. For closing the estate?
 - i. Those dates now being set when the Order for Probate is signed, so you will no longer be getting a fax – you have to calendar those dates!
 - e. Orders to Appear
 - i. Do not assume that just because you filed the required document, you do not have to appear.
 - ii. That decision will be made by the Judge.
 - iii. Watch the T/Rs.

4. Closing Estates.
 - a. The court has set your matter for status on closing the estate.
 - b. What does that mean?
 - i. Probate Code §12200
 - c. What do you have to file?
 - i. Probate Code §12200
 1. Which one should you choose? Probate Code §11640
 - ii. Probate Code §12201 – note language that must go on the Notice of Hearing form
5. Disturbing Trend
 - a. Actions taken after the Order for Final Distribution is signed.
 - i. Sale of stock
 - ii. Payment of income taxes when the petition for final distribution states all income taxes have been paid
 1. Watch the factual allegations in the petitions
 - b. If something is discovered in time to allow for an amended order, file ex parte petition to amend order.
 - c. If not, fiduciary will have to address failure to comply with the terms of a final order.
 - i. Court takes this issue very seriously.
6. Ex Parte Final Discharge.
 - a. Local Rule 14.72 re Orders for Final Distribution
 - b. Receipts must MATCH or EXCEED the amount in the order
 - c. Court can decide not to discharge a PR if the receipts do not match the order – Probate Code §12250
7. Sales.
 - a. Publication – what do you publish?
 - i. Notice of Intent to Sell – Local Rule 14.55
 - ii. NOT→Report of Sale!
 - iii. Why? Soliciting offers
8. E-filing Updates
 - a. Documents filed quickly
 - b. Still no talk about expanding to Conservatorships and Guardianships
 - c. Electronic Signatures.
 - i. Not allowed for documents signed under penalty of perjury – CRC 2.257
 - d. Courtesy Copies – window open 8:30 am – 12 pm, 1:30 pm – 4 pm
 - i. Copies
 1. Endorsed Filed
 2. Hearing dates mandatory
 3. Case number mandatory
 - ii. Exception to courtesy copy rule→judicial council forms, pleadings two pages or less, regular font size
 1. Exception to exception→ex parte petitions. Courtesy copies still required

- iii. Proposed Orders – still an issue, and we don't know why
 - 1. Drop off in Room 202 when window open
 - 2. Must have case number and current hearing date (NOT original date)
 - 3. Do not lodge orders with File&Serve Xpress!
 - e. Related Trust and Conservatorship – for Spring 2017
 - i. File the conservatorship accounting first, then request that date for the trust accounting.
 - 1. Due to the CI staffing issue, we anticipate conservatorship accountings will continue to be set farther out than trust accountings through the rest of this year at least.
9. Fee Waivers
- a. Clarification that fee waivers are based on financial condition of proposed ward or Conservatee, not proposed Guardian or Conservator – see CRC 7.5
 - b. New Judicial Council forms
 - i. Note limitation on who uses FW-001 GC
 - ii. Don't forget #8.a. – who receives the benefits
10. Continuance Requests
- a. Made through the reviewing examiner, so the file has to be assigned to an Examiner before a continuance can be granted
 - i. Files are assigned one week before the hearing date (on Monday for next Monday, etc.)
 - ii. Email probcontinue204@sftc.org to make the request if it's the first time the petition will be heard.
 - iii. If you already have an examiner, you may request a continuance at any time.
 - b. Continuance requests for matters specially set on the law and motion calendar must be requested from the courtroom clerk at 415-551-3702.
 - c. Continuance requests in conservatorship matters set on Thursday morning should be made through the assigned investigator or Cynthia Jones (415-551-3656).
 - d. Continuance requests in guardianship matters set on Tuesday afternoon (appointments, etc.) should be directed to Cynthia Webb-Beckford (415-551-5933).

As always, the Court thanks you for your excellent work!

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: [Up^](#) [Add To My Favorites](#)**PROBATE CODE - PROB****DIVISION 7. ADMINISTRATION OF ESTATES OF DECEDENTS [7000 - 12591]** (*Division 7 enacted by Stats. 1990, Ch. 79.*)**PART 11. CLOSING ESTATE ADMINISTRATION [12200 - 12252]** (*Part 11 enacted by Stats. 1990, Ch. 79.*)**CHAPTER 2. Discharge of Personal Representative [12250 - 12252]** (*Chapter 2 enacted by Stats. 1990, Ch. 79.*)

12250. (a) When the personal representative has complied with the terms of the order for final distribution and has filed the appropriate receipts or the court has excused the filing of a receipt as provided in Section 11753, the court shall, on ex parte petition, make an order discharging the personal representative from all liability incurred thereafter.

(b) Nothing in this section precludes discharge of the personal representative for distribution made without prior court order, so long as the terms of the order for final distribution are satisfied.

(Enacted by Stats. 1990, Ch. 79.)

12251. (a) At any time after appointment of a personal representative and whether or not letters have been issued, if it appears there is no property of any kind belonging to the estate and subject to administration, the personal representative may petition for the termination of further proceedings and for discharge of the personal representative. The petition shall state the facts required by this subdivision.

(b) Notice of the hearing on the petition shall be given as provided in Section 1220 to all interested persons.

(c) If it appears to the satisfaction of the court on the hearing that the facts stated in the petition are true, the court shall make an order terminating the proceeding and discharging the personal representative.

(Enacted by Stats. 1990, Ch. 79.)

12252. If subsequent administration of an estate is necessary after the personal representative has been discharged because other property is discovered or because it becomes necessary or proper for any other cause, both of the following shall apply:

(a) The court shall appoint as personal representative the person entitled to appointment in the same order as is directed in relation to an original appointment, except that the person who served as personal representative at the time of the order of discharge has priority.

(b) Notice of hearing of the appointment shall be given as provided in Section 1220 to the person who served as personal representative at the time of the order of discharge and to other interested persons. If property has been distributed to the State of California, a copy of any petition for subsequent appointment of a personal representative and the notice of hearing shall be given as provided in Section 1220 to the Controller.

(Amended by Stats. 2009, Ch. 8, Sec. 3. Effective January 1, 2010.)

[<< Previous Rule](#) | [\[Back to Title Index \]](#) | [Next Rule >>](#) | [Printer-friendly version of this page](#)



2017 California Rules of Court

Rule 2.551. Procedures for filing records under seal

(a) Court approval required

A record must not be filed under seal without a court order. The court must not permit a record to be filed under seal based solely on the agreement or stipulation of the parties.

(Subd (a) amended effective January 1, 2007.)

(b) Motion or application to seal a record

(1) Motion or application required

A party requesting that a record be filed under seal must file a motion or an application for an order sealing the record. The motion or application must be accompanied by a memorandum and a declaration containing facts sufficient to justify the sealing.

(2) Service of motion or application

A copy of the motion or application must be served on all parties that have appeared in the case. Unless the court orders otherwise, any party that already has access to the records to be placed under seal must be served with a complete, unredacted version of all papers as well as a redacted version. Other parties must be served with only the public redacted version. If a party's attorney but not the party has access to the record, only the party's attorney may be served with the complete, unredacted version.

(3) Procedure for party not intending to file motion or application

(A) A party that files or intends to file with the court, for the purposes of adjudication or to use at trial, records produced in discovery that are subject to a confidentiality agreement or protective order, and does not intend to request to have the records sealed, must:

- (i) Lodge the unredacted records subject to the confidentiality agreement or protective order and any pleadings, memorandums, declarations, and other documents that disclose the contents of the records, in the manner stated in (d);
- (ii) File copies of the documents in (i) that are redacted so that they do not disclose the contents of the records that are subject to the confidentiality agreement or protective order; and
- (iii) Give written notice to the party that produced the records that the records and the other documents lodged under (i) will be placed in the public court file unless that party files a timely motion or application to seal the records under this rule.

(B) If the party that produced the documents and was served with the notice under (A)(iii) fails to file a motion or an application to seal the records within 10 days or to obtain a court order extending the time to file such a motion or an application, the clerk must promptly transfer all the documents in (A)(i) from the envelope, container, or secure electronic file to the public file. If the party files a motion or an application to seal within 10 days or such later time as the court has ordered, these documents are to remain conditionally under seal until the court rules on the motion or application and thereafter are to be filed as ordered by the court.

(4) Lodging of record pending determination of motion or application

The party requesting that a record be filed under seal must lodge it with the court under (d) when the motion or application is made, unless good cause exists for not lodging it or the record has previously been lodged under

6

(3)(A)(i). Pending the determination of the motion or application, the lodged record will be conditionally under seal.

(5) *Redacted and unredacted versions*

If necessary to prevent disclosure, any motion or application, any opposition, and any supporting documents must be filed in a public redacted version and lodged in a complete, unredacted version conditionally under seal. The cover of the redacted version must identify it as "Public-Redacts materials from conditionally sealed record." The cover of the unredacted version must identify it as "May Not Be Examined Without Court Order-Contains material from conditionally sealed record."

(6) *Return of lodged record*

If the court denies the motion or application to seal, the moving party may notify the court that the lodged record is to be filed unsealed. This notification must be received within 10 days of the order denying the motion or application to seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the record. If the moving party does not notify the court within 10 days of the order, the clerk must (1) return the lodged record to the moving party if it is in paper form or (2) permanently delete the lodged record if it is in electronic form.

(Subd (b) amended effective January 1, 2017; previously amended effective January 1, 2004, January 1, 2007, and January 1, 2016.)

(c) References to nonpublic material in public records

A record filed publicly in the court must not disclose material contained in a record that is sealed, conditionally under seal, or subject to a pending motion or an application to seal.

(Subd (c) amended effective January 1, 2004.)

(d) Procedure for lodging of records

- (1) A record that may be filed under seal must be transmitted to the court in a secure manner that preserves the confidentiality of the records to be lodged. If the record is transmitted in paper form, it must be put in an envelope or other appropriate container, sealed in the envelope or container, and lodged with the court.
- (2) The materials to be lodged under seal must be clearly identified as "CONDITIONALLY UNDER SEAL." If the materials are transmitted in paper form, the envelope or container lodged with the court must be labeled "CONDITIONALLY UNDER SEAL."
- (3) The party submitting the lodged record must affix to the electronic transmission, the envelope, or the container a cover sheet that:
 - (A) Contains all the information required on a caption page under rule 2.111; and
 - (B) States that the enclosed record is subject to a motion or an application to file the record under seal.
- (4) On receipt of a record lodged under this rule, the clerk must endorse the affixed cover sheet with the date of its receipt and must retain but not file the record unless the court orders it filed.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2004, and January 1, 2007.)

(e) Order

- (1) If the court grants an order sealing a record and if the sealed record is in paper format, the clerk must substitute on the envelope or container for the label required by (d)(2) a label prominently stating "SEALED BY ORDER OF THE COURT ON (DATE)," and must replace the cover sheet required by (d)(3) with a filed-endorsed copy of the court's order. If the sealed record is in electronic form, the clerk must file the court's order, maintain the record ordered sealed in a secure manner, and clearly identify the record as sealed by court order on a specified date.
- (2) The order must state whether-in addition to the sealed records-the order itself, the register of actions, any other court records, or any other records relating to the case are to be sealed.
- (3) The order must state whether any person other than the court is authorized to inspect the sealed record.
- (4) Unless the sealing order provides otherwise, it prohibits the parties from disclosing the contents of any materials that have been sealed in anything that is subsequently publicly filed.

(Subd (e) amended effective January 1, 2017; previously amended effective January 1, 2004, January 1, 2007, and January 1, 2016.)

(f) Custody of sealed records

Sealed records must be securely filed and kept separate from the public file in the case. If the sealed records are in electronic form, appropriate access controls must be established to ensure that only authorized persons may access the sealed records.

(Subd (f) amended effective January 1, 2017; previously amended effective January 1, 2004.)

(g) Custody of voluminous records

If the records to be placed under seal are voluminous and are in the possession of a public agency, the court may by written order direct the agency instead of the clerk to maintain custody of the original records in a secure fashion. If the records are requested by a reviewing court, the trial court must order the public agency to deliver the records to the clerk for transmission to the reviewing court under these rules.

(h) Motion, application, or petition to unseal records

- (1) A sealed record must not be unsealed except on order of the court.
- (2) A party or member of the public may move, apply, or petition, or the court on its own motion may move, to unseal a record. Notice of any motion, application, or petition to unseal must be filed and served on all parties in the case. The motion, application, or petition and any opposition, reply, and supporting documents must be filed in a public redacted version and a sealed complete version if necessary to comply with (c).
- (3) If the court proposes to order a record unsealed on its own motion, the court must give notice to the parties stating the reason for unsealing the record. Unless otherwise ordered by the court, any party may serve and file an opposition within 10 days after the notice is provided and any other party may file a response within 5 days after the filing of an opposition.
- (4) In determining whether to unseal a record, the court must consider the matters addressed in rule 2.550(c)-(e).
- (5) The order unsealing a record must state whether the record is unsealed entirely or in part. If the court's order unseals only part of the record or unseals the record only as to certain persons, the order must specify the particular records that are unsealed, the particular persons who may have access to the record, or both. If, in addition to the records in the envelope, container, or secure electronic file, the court has previously ordered the sealing order, the register of actions, or any other court records relating to the case to be sealed, the unsealing order must state whether these additional records are unsealed.

(Subd (h) amended effective January 1, 2016; previously amended effective January 1, 2004, and January 1, 2007.)

Rule 2.551 amended effective January 1, 2017; adopted as rule 243.2 effective January 1, 2001; previously amended and renumbered as rule 2.551 effective January 1, 2007; previously amended effective January 1, 2004, and January 1, 2016.

[\[Back to Top \]](#)

[<< Previous Rule](#) | [Back to Title Index](#) | [Next Rule >>](#) | [Printer-friendly version of this page](#)



2017 California Rules of Court

Rule 2.503. Public access

(a) General right of access

All electronic records must be made reasonably available to the public in some form, whether in electronic or in paper form, except those that are sealed by court order or made confidential by law.

(Subd (a) amended effective January 1, 2007.)

(b) Electronic access required to extent feasible

A court that maintains the following records in electronic form must provide electronic access to them, both remotely and at the courthouse, to the extent it is feasible to do so:

- (1) Registers of actions (as defined in Gov. Code, § 69845), calendars, and indexes in all cases; and
- (2) All records in civil cases, except those listed in (c)(1)-(9).

(Subd (b) amended effective January 1, 2010; previously amended effective July 1, 2004, January 1, 2007, and January 1, 2008.)

(c) Courthouse electronic access only

A court that maintains the following records in electronic form must provide electronic access to them at the courthouse, to the extent it is feasible to do so, but may provide remote electronic access only to the records governed by (b):

- (1) Records in a proceeding under the Family Code, including proceedings for dissolution, legal separation, and nullity of marriage; child and spousal support proceedings; child custody proceedings; and domestic violence prevention proceedings;
- (2) Records in a juvenile court proceeding;
- (3) Records in a guardianship or conservatorship proceeding;
- (4) Records in a mental health proceeding;
- (5) Records in a criminal proceeding;
- (6) Records in a civil harassment proceeding under Code of Civil Procedure section 527.6;
- (7) Records in a workplace violence prevention proceeding under Code of Civil Procedure section 527.8;
- (8) Records in a private postsecondary school violence prevention proceeding under Code of Civil Procedure section 527.85;
- (9) Records in an elder or dependent adult abuse prevention proceeding under Welfare and Institutions Code section 15657.03; and
- (10) Records in proceedings to compromise the claims of a minor or a person with a disability.

(Subd (c) amended effective January 1, 2012; previously amended effective July 1, 2004, January 1, 2007, January 1, 2008, and January 1, 2010.)

(d) "Feasible" defined

9

SAN FRANCISCO LOCAL RULES

14.8. Continuances.

C. Probate Examiners will only grant a request for continuance of a status hearing if it is made no later than three (3) Court days prior to the hearing date. If a continuance is not granted prior to the status hearing, an appearance is required.

14.55 Publication of Notice of Intention to Sell Real Property.

A. Procedure.

Notice of intention to sell real property must be published pursuant to Government Code § 6063(a) in decedents' estates except for estates in which there is a power of sale in the will. Publication must be in a newspaper published in the county in which the real property lies.

B. Contents and Purpose of Notice.

The notice should include the date and place of sale (not the date of the confirmation hearing). The published notice is a solicitation for offers. No offer can be accepted until the date on or after the time for making bids expires. The notice should contain the street address or other common designation of the property, or if there is none, the legal description of the property. If an exclusive listing has been given, the notice should so state. If the property is to be sold subject to an encumbrance, the notice should so state. If the property is to be sold for cash only, the notice must so state. If the estate would prefer all cash but will accept part cash and part credit, the notice should include the following language: "All cash, or part cash and part credit, the terms and conditions of credit as are acceptable to the fiduciary and the Court." See Probate Code § 10300 et seq.

C. Effect of Notice.

Any offer accepted and returned to Court for confirmation cannot be at variance with the terms of the sale contained in the notice.

14.72 Obtaining Final Discharge.

Counsel or self-represented parties must submit Judicial Council Form DE-295 with endorsed filed copies of receipts attached. If funds have been retained in reserve, the ex parte petition for final discharge must show the disposition of all funds, and receipts must be filed for any distribution of the reserve. The Court at its discretion may require a supplemental accounting of the reserve. If the accounting was not waived, an informal accounting is required for a reserve of \$10,000.00 or more. The order portion should be completed in full except for the date and name of the Judge. If the order for final distribution or order terminating the proceeding is more than three (3) pages, a conformed copy of the order must be submitted with the petition for final discharge.


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code: Section: 
[Up^](#) [Add To My Favorites](#)
PROBATE CODE - PROB
DIVISION 7. ADMINISTRATION OF ESTATES OF DECEDENTS [7000 - 12591] (*Division 7 enacted by Stats. 1990, Ch. 79.*)

PART 11. CLOSING ESTATE ADMINISTRATION [12200 - 12252] (*Part 11 enacted by Stats. 1990, Ch. 79.*)

CHAPTER 1. Time for Closing Estate [12200 - 12206] (*Chapter 1 enacted by Stats. 1990, Ch. 79.*)

12200. The personal representative shall either petition for an order for final distribution of the estate or make a report of status of administration not later than the following times:

(a) In an estate for which a federal estate tax return is not required, within one year after the date of issuance of letters.

(b) In an estate for which a federal estate tax return is required, within 18 months after the date of issuance of letters.

(*Enacted by Stats. 1990, Ch. 79.*)

12201. If a report of status of administration is made under Section 12200:

(a) The report shall show the condition of the estate, the reasons why the estate cannot be distributed and closed, and an estimate of the time needed to close administration of the estate.

(b) The report shall be filed with the court. Notice of hearing of the report shall be given as provided in Section 1220 to persons then interested in the estate, and shall include a statement in not less than 10-point boldface type or a reasonable equivalent thereof if printed, or in all capital letters if not printed, in substantially the following words: "YOU HAVE THE RIGHT TO PETITION FOR AN ACCOUNT UNDER SECTION 10950 OF THE CALIFORNIA PROBATE CODE."

(c) On the hearing of the report, the court may order either of the following:

(1) That the administration of the estate continue for the time and on the terms and conditions that appear reasonable, including an account under Section 10950, if the court determines that continuation of administration is in the best interests of the estate or of interested persons.

(2) That the personal representative shall petition for final distribution.

(*Enacted by Stats. 1990, Ch. 79.*)

12202. (a) The court may, on petition of any interested person or on its own motion, for good cause shown on the record, cite the personal representative to appear before the court and show the condition of the estate and the reasons why the estate cannot be distributed and closed.

(b) On the hearing of the citation, the court may either order the administration of the estate to continue or order the personal representative to petition for final distribution, as provided in Section 12201.

(*Amended by Stats. 1996, Ch. 563, Sec. 28. Effective January 1, 1997.*)

12203. (a) For purposes of this chapter, continuation of the administration of the estate in order to pay a family allowance is not in the best interests of the estate or interested persons unless the court determines both of the following:

(1) The family allowance is needed by the recipient to pay for necessities of life, including education so long as pursued to advantage.

(2) The needs of the recipient for continued family allowance outweigh the needs of the decedent's beneficiaries whose interests would be adversely affected by continuing the administration of the estate for this purpose.

(b) Nothing in this section shall be construed to authorize continuation of a family allowance beyond the time prescribed in Section 6543.

||

Article 3. Final Distribution (11640-11641)

11640. (a) When all debts have been paid or adequately provided for, or if the estate is insolvent, and the estate is in a condition to be closed, the personal representative shall file a petition for, and the court shall make, an order for final distribution of the estate.
(7808)

(b) The court shall hear and determine and resolve in the order all questions arising under Section 21135 (ademption by satisfaction) or Section 6409 (advancements).⁽⁷⁸⁰⁹⁾

(c) If debts remain unpaid or not adequately provided for or if, for other reasons, the estate is not in a condition to be closed, the administration may continue for a reasonable time, subject to Chapter 1 (commencing with Section 12200) of Part 11 (time for closing estate).⁽⁷⁸¹⁰⁾

11641. When an order settling a final account and for final distribution is entered, the personal representative may immediately distribute the property in the estate to the persons entitled to distribution, without further notice or proceedings.

[<< Previous Rule](#) | [\[Back to Title Index \]](#) | [Next Rule >>](#) | [Printer-friendly version of this page](#)



2017 California Rules of Court

Rule 2.257. Requirements for signatures on documents

(a) Documents signed under penalty of perjury

When a document to be filed electronically provides for a signature under penalty of perjury, the following applies:

- (1) The document is deemed signed by the declarant if, before filing, the declarant has signed a printed form of the document.
- (2) By electronically filing the document, the electronic filer certifies that (1) has been complied with and that the original, signed document is available for inspection and copying at the request of the court or any other party. Local child support agencies may maintain original, signed pleadings by way of an electronic copy in the statewide automated child support system and must maintain them only for the period of time stated in Government Code section 68152(a). If the local child support agency maintains an electronic copy of the original, signed pleading in the statewide automated child support system, it may destroy the paper original.
- (3) At any time after the document is filed, any other party may serve a demand for production of the original signed document. The demand must be served on all other parties but need not be filed with the court.
- (4) Within five days of service of the demand under (3), the party on whom the demand is made must make the original signed document available for inspection and copying by all other parties.
- (5) At any time after the document is filed, the court may order the filing party to produce the original signed document in court for inspection and copying by the court. The order must specify the date, time, and place for the production and must be served on all parties.

(Subd (a) amended effective July 1, 2016; previously amended effective January 1, 2007.)

(b) Documents not signed under penalty of perjury

If a document does not require a signature under penalty of perjury, the document is deemed signed by the party if the document is filed electronically.

(Subd (b) amended effective January 1, 2007.)

(c) Documents requiring signatures of opposing parties

When a document to be filed electronically, such as a stipulation, requires the signatures of opposing parties, the following procedure applies:

- (1) The party filing the document must obtain the signatures of all parties on a printed form of the document.
- (2) The party filing the document must maintain the original, signed document and must make it available for inspection and copying as provided in (a)(2). The court and any other party may demand production of the original signed document in the manner provided in (a)(3)-(5).
- (3) By electronically filing the document, the electronic filer indicates that all parties have signed the document and that the filer has the signed original in his or her possession.

(Subd (c) amended effective January 1, 2007.)

(d) Digital signature

13

A party is not required to use a digital signature on an electronically filed document.

(e) Judicial signatures

If a document requires a signature by a court or a judicial officer, the document may be electronically signed in any manner permitted by law.

(Subd (e) adopted effective January 1, 2008.)

Rule 2.257 amended effective July 1, 2016; adopted as rule 2057 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2008.

[\[Back to Top \]](#)

14