

PROBATE

FAQ:

Q: How is the Probate Department being affected by COVID-19?

A: Except for certain ex parte matters, all Probate Department hearings between March 17, 2020, and May 8, 2020, have been or will be rescheduled (“Closure Period”). Notice of continued hearing dates will be provided by the Court. Temporary letters expiring between March 17, 2020, and April 17, 2020, have been extended by order of the Court in each case. Temporary letters expiring thereafter will be addressed at a later time.

For an unknown period of time, the Court Investigators will not engage in any in-person investigations.

To move matters forward during this time, the Probate Department has also adopted a new Emergency Agreement to Waive Notice and Hearing and to Submit the Matters on the Papers. Please review the guidelines after the Questions and Answer section of this document for use of this new procedure.

Q: The new hearing date I was assigned is not going to work. What should I do?

A: Parties may file a declaration requesting a new hearing date with a proposed order. Suggestions as to what dates are acceptable in July and August 2020 are encouraged within the declaration submitted.

Q: What kinds of Probate Department ex partes are being heard during the Closure Period?

A: Temporary guardianships, temporary conservatorships and special administration petitions are being heard ex parte. *In-person Probate Department ex parte appearances are not anticipated during the Closure Period.*

All ex partes will be assigned an ex parte hearing date for notice purposes. Notice of Hearing or a declaration of diligent search should be provided as required by law for each type of probate ex parte listed above.

Although a hearing date will be assigned, each matter will be determined on the papers and no hearing will be held, unless otherwise ordered. If the Court determines a hearing is needed, the Court will provide notice to the moving party of a *telephonic* hearing date and time. If a telephonic hearing is scheduled, in addition to the notice originally provided under the law for the original ex parte date, a moving party must provide notice of the telephonic hearing as required by California Rules of Court, rules 3.1203 and 3.1204.

Q: My matter has been continued, do I have to give new Notice of Hearing? What about new publication on a Petition to Probate?

A: During the Closure Period, matters continued by the Court will need to be re-noticed by the petitioner/moving party as required by law. This includes Notice of Hearings any other required notice, other than publication.

During the Closure Period *only*, if publication under Probate Code section 8120 et seq. was perfected for the original hearing date scheduled during the Closure Period (or a subsequent continuance date during the Closure Period), new publication will **NOT** be required unless otherwise deemed necessary by the Court.

Q: How quickly will my probate filings be processed?

A: The Court is currently operating with very limited staff for health and safety reasons. Most Probate Department filings will be processed as soon as possible. Emergency documents, as determined by the Court, will be given priority for processing.

Q: How can I contact the Court regarding probate matters?

A: Generally, please [click here](#) for information about e-file, court dates and the drop box. Contact by telephone is reserved for critical or essential court business only. Also, at this time, emails to the Probate Department email at probate@slo.courts.ca.gov is reserved for critical or essential probate business only.

General Process for Emergency Agreement to Waive Notice and Hearing and to Submit Matters on the Papers (“Emergency Agreement”) - THIS PROCESS HAS BEEN DISCONTINUED