

Riverside Superior Court  
Title 7 – Probate  
Proposed Local Rule Changes Effective July 1, 2018

**[RULE 7000  
APPLICATION OF RULES**

**A. Applicability of Rules. These rules apply to matters filed under any of the following authorities:**

- 1. The Probate Code**
- 2. Division 5, Part 1 of the Welfare & Institutions Code, also known as the Lanterman-Petris-Short Act**
- 3. Division 9, Part 3, Chapters 11 (Elder Abuse and Dependent Adult Civil Protection Act) or 12 (Protective Placements and Custody of Endangered Adults) of the Welfare & Institutions Code**
- 4. Division 7 (Dead bodies) or 102 (Vital Records and Health Statistics) of the Health and Safety Code**

**B. Sanctions**

- 1. Sanctions may be imposed for violation of and/or failure to comply with the local court rules.**
- 2. If a party or counsel fails to comply with any of these rules, the court on motion of a party or on its own motion may:**
  - a. Strike out all or any part of any pleading of that party; or**
  - b. Dismiss the action or proceeding or any part thereof; or**
  - c. Enter a judgment by default against that party; or**
  - d. Impose other penalties of a lesser nature as otherwise provided by law.**

**The court may order the party, or his or her counsel, to pay to the moving party reasonable expenses in making the motion, including reasonable attorney fees.**

**No penalty may be imposed without prior notice to, and an opportunity to be heard by, the party against whom the penalty is sought to be imposed.]**

**RULE 7153  
~~DUPLICATING AND TELEPHONE~~ [OVERHEAD] COSTS**

**[In decedent's estate administration cases, statutory fees or commissions are intended to cover all expenses incurred to carry out the ordinary duties of a personal representative that would be considered business overhead, including duplication of documents, long distance telephone calls, postage charges, and travel costs. Therefore,] ~~The~~ [the] Court ~~may~~ [will only] allow reimbursement for**

Additions are shown by bold and bracket [example]. Deletions are shown by ~~example~~.

~~[these] costs of duplication of documents, long distance telephone calls, postage charges and travel costs incurred by the attorney or estate representative and travel costs in extraordinary circumstances[, such as those incurred to render services that could be the subject of a request for extraordinary fees or commissions.]~~

## **RULE 7409 CONSERVATOR'S ACCOUNTS**

- A. Copies to be Sent. At the time of filing the ~~the~~ **[an]** accounting **[or a Declaration in Support of Order Dispensing With Accounting]**, a Riverside Superior Court form entitled "Probate Investigator's Referral Form", ~~and a conformed copy of the "Accounting"~~ must be sent to the Probate Investigator's Office, ~~and if an investigator has not been previously appointed, a completed Riverside Superior Court form entitled "Order Appointing Court Investigator" must be filed to obtain an investigator.~~ A copy of the report, petition and account**[ing or declaration]** shall be mailed to counsel for the conservatee, or to conservatee personally if unrepresented, at least ~~ten~~ **[fifteen]** days before the hearing.
- B. Conservatee's Address. The conservatee's current residence address should **[shall]** be set forth in each report or account**[ing or Declaration in Support of Order Dispensing With Accounting]** filed.
- C. Conservatorships, ~~Small Estate Waivers of Account, Period of Waiver.~~ **[Declaration in Support of Order Dispensing With Accounting. Any request for an order dispensing with an accounting under Probate Code 2628 must be submitted using local form RI-PR061. If the estate qualifies under Probate Code 2628 and the conservator elects to use this procedure instead of an accounting, the fully-completed form must be submitted in the same frequency as an accounting under Probate Code 2620.]** ~~A waiver of account granted upon the grounds of limited estate assets, pursuant to Probate Code Section 2628(b), shall be applicable only for the period from the last conservatorship review to the review hearing upon which the waiver is granted. At each successive review hearing, the conservator of an estate shall submit a new declaration in support of the waiver of account, which shall establish the necessary elements for a waiver of account pursuant to Probate Code Section 2628(b). In the absence of such elements entitling a waiver of account, an account shall be presented.~~

Additions are shown by bold and bracket **[example]**. Deletions are shown by strikethrough (example).