



**Superior Court of California  
COUNTY OF ALAMEDA**

October 23, 2017

**Notice to Attorneys and to All Interested Parties:  
Invitation to Comment on Proposed Amendments to Local Rules and Forms**

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Alameda hereby distributes for public comment the attached proposal to amend its local rule.

The proposal also may be viewed on the [Court's website](#). In addition, a hard copy of the proposal is available upon request by email at [pcomments@alameda.courts.ca.gov](mailto:pcomments@alameda.courts.ca.gov) or by phone at 510-891-6012.

**Important dates:**

- The last day to comment is **December 8, 2017**.
- The proposed local rules and forms take effect **January 1, 2018**, pursuant to Rule 10.613(i)(1).

**Summary and Text of Proposed Amendments:** *see attached.*

**Comments must be submitted in writing to:**

Michele Schroeder  
Superior Court of California, County of Alameda  
1225 Fallon Street, Room 209  
Oakland, CA 94612  
510-891-6276 fax  
[pcomments@alameda.courts.ca.gov](mailto:pcomments@alameda.courts.ca.gov)

**SUMMARY OF PROPOSED AMENDMENTS  
TO THE SUPERIOR COURT'S LOCAL RULES AND FORMS**

**Effective Date:** January 1, 2018

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**Affected Rule, Form, or Section:** Rule 1.9. Presentation of papers for filing in civil, family law, and probate

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**Proposed Action:** This proposal would provide an accurate reflection of which types of documents may be filed at which court locations due to a reorganization affecting the George E. McDonald Courthouse in Alameda.

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**Text of Amendments:**

**Title 1. General and Administrative Rules**

**Chapter 1. General and Administrative Rules**

**Rule 1.9. Presentation of papers for filing in civil, family law, and probate**

**(a) Definition of a Civil Case.**

For purposes of this rule, a "Civil Case" is an action or proceeding prosecuted by one party against another for the declaration, enforcement, or protection of a right or the redress or prevention of a wrong. Civil Cases include all cases except criminal cases, traffic cases, petitions for habeas corpus, "Family Law Cases" as defined in subparagraph (b) below, and proceedings in the Juvenile Court.

**(b) Definition of a Family Law Case.**

For purposes of this rule, a "Family Law Case" is any action or proceeding under the Family Code.

**(c) When this rule does not apply.**

This rule does not apply to pleadings, papers, forms, documents, and writings filed by facsimile transmission in compliance with section 1010.5 of the Code of Civil Procedure, rules 2.300-2.305 of the California Rules of Court, and Local Rule 1.8.

**(d) Presentation of papers for filing in a Civil Case.**

Except as provided in subparagraphs (f) – (i), all pleadings, papers, forms, documents, and writings to be filed in a Civil Case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612; or at the office of the civil clerk located at the Hayward Hall of Justice, Room 108, 24405 Amador Street, Hayward, California 94544; ~~or at the George E. McDonald Courthouse, First Floor, 2233 Shoreline Drive, Alameda, California 94504.~~

**(e) Presentation of papers for filing in a Family Law Case.**

All pleadings, papers, forms, documents, and writings to be filed in a Family Law Case must be

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presented for filing ~~at the George E. McDonald Courthouse, First Floor, 2233 Shoreline Drive, Alameda, California 94501, or at the office of the family law clerk located~~ at the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544. All pleadings, papers, forms, documents, and writings to be filed in a case requesting issuance of a protective order under Family Code Section 6200 et seq. (Domestic Violence Prevention Act) may also be filed at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

**(f) Presentation of papers for filing in Probate Code proceedings.**

All pleadings, papers, forms, documents, and writings to be filed in a proceeding under the Probate Code must be presented for filing at the Berkeley Courthouse, 2120 Martin Luther King, Jr. Way, Berkeley, California 94704. Notwithstanding the foregoing, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Civil Cases, then paragraph (j) of this rule applies; and, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Family Law Cases, then paragraph (e) of this rule applies.

**(g) Presentation of papers for filing in proceedings under the False Claims Act or the Lanterman-Petris-Short Act.**

All pleadings, papers, forms, documents, and writings to be filed in a case brought under Government Code sections 12650-12656 (False Claims Act) or in a case brought under Welfare and Institutions Code sections 5000 et seq. (Lanterman-Petris-Short Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

**(h) Presentation of papers for filing in proceedings requesting issuance of certain protective orders.**

All pleadings, papers, forms, documents, and writings to be filed in a case requesting issuance of a protective order under Welfare and Institutions Code section 15657.03 (Elder Abuse and Dependent Adult Civil Protection Act), Code of Civil Procedure section 527.6 (Civil Harassment Prevention), Code of Civil Procedure section 527.85 (Private Postsecondary School Violence Prevention), or Code of Civil Procedure section 527.8 (Workplace Violence Safety Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612 or the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544.

**(i) Presentation of papers in an adoption case for filing**

All pleadings, papers, forms, documents, and writings to be filed in an adoption case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612; or the office of the civil clerk located at Hayward Hall of Justice, Room 108, 24405 Amador Street, Hayward, California 94544.

Rule 1.9 amended effective ~~January 1, 2018~~ ~~July 1, 2016~~; adopted as rule 1.13 effective January 1, 2004 and renumbered effective July 1, 2007; previously amended effective January 1, 2008, July 1, 2008, January 1, 2012, ~~and~~ January 1, 2013, ~~and~~ July 1, 2015, ~~and~~ July 1, 2016.