



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 16, 2016

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Title	Agenda Item Type
Judicial Council–Sponsored Legislation: Authorize Electronic Delivery of Notices of Hearing in Proceedings Under the Probate Code	Action Required
	Effective Date
	December 16, 2016
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend various probate notice provisions and Welf. & Inst. Code, §§ 728 and 5362	October 28, 2016
Recommended by	Contact
Policy Coordination and Liaison Committee	Douglas C. Miller, 818-558-4178 <a href="mailto:douglas.c.miller@jud.ca.gov">douglas.c.miller@jud.ca.gov</a>
Hon. Kenneth K. So, Chair	Daniel Pone, 916-323-3121 <a href="mailto:daniel.pone@jud.ca.gov">daniel.pone@jud.ca.gov</a>
Information Technology Advisory Committee	
Hon. Sheila F. Hanson, Chair	
Probate and Mental Health Advisory Committee	
Hon. John H. Sugiyama, Chair	

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### Executive Summary

The Policy Coordination and Liaison Committee, Information Technology Advisory Committee, and Probate and Mental Health Advisory Committee recommend that the Judicial Council sponsor legislation to modernize the Probate Code and two notice provisions of the Welfare and Institutions Code that are connected to or analogous to probate notice provisions. The proposed legislation would authorize the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses.

## **Recommendation**

The Policy Coordination and Liaison Committee, Information Technology Advisory Committee, and Probate and Mental Health Advisory Committee recommend that the Judicial Council sponsor legislation to authorize electronic notice in specified probate and probate-related Welfare and Institutions Code proceedings.

The text of the proposed amendments to the legislation is attached at pages 8–34.

## **Previous Council Action**

For the past two years, the Information Technology Advisory Committee has been working with the Probate and Mental Health Advisory Committee to develop rules of court and legislation that would facilitate electronic service in all proceedings under the Probate Code. Last year, the two committees developed rule 7.802 of the California Rules of Court, and on October 27, 2015, the Judicial Council adopted the rule, effective January 1, 2016. Rule 7.802 provides the following:

The provisions of Code of Civil Procedure section 1010.6 and rules 2.250–2.261 of the California Rules of Court concerning filing and service by electronic means apply to contested proceedings under the Probate Code and the Probate Rules to the same extent as they apply to other contested civil proceedings in each superior court in this state.

In other words, this rule expressly applies the electronic service provisions of Code of Civil Procedure section 1010.6 to contested probate proceedings. This action was a small part of a much larger proposal to revise titles 2, 3, 4, 5, and 8 of the California Rules of Court to modernize the rules by facilitating electronic filing, electronic service, and modern business practices in civil, appellate, juvenile court, and traffic matters.

## **Rationale for Recommendation**

This year, the committees are recommending sponsoring legislation that would revise provisions primarily in the Probate Code to permit and provide for electronic service of notices and documents concerning the majority of hearings in probate matters that are not contested or not yet contested.

Probate proceedings are in rem in nature. They commence by the filing of a petition, which the court immediately sets for hearing at a specific date, time, and place. Written notice of that date, time, and place must be served, usually by mail, on persons who are likely to be interested in the proceeding. These persons are usually related to the decedent or to the proposed conservatee or ward, are entitled to share in the distribution of the decedent's estate or trust, or have previously filed a written request to be served with notice of the hearing of all petitions filed in the proceeding.

The persons served have a right to appear in the proceeding, file objections or other opposition pleadings, and participate in litigation to resolve the particular issue raised in the petition. This litigation is conducted similarly to regular civil litigation in nonjury cases. As noted above, the

pretrial and trial rules that apply in regular civil litigation also apply to contested probate matters, including the e-filing and e-service provisions of Code of Civil Procedure section 1010.6 (see Prob. Code, § 1000, and Cal. Rules of Court, rule 7.802). However, these provisions do not apply to the notices that must be served on interested persons concerning filed petitions that are not contested or not yet contested. This proposal would authorize e-service of notices of hearing in uncontested matters.

Filing a petition in a probate proceeding affects only the particular matter to be resolved in that petition. These proceedings usually involve a number of petitions during the progress of the case to conclusion on distribution of the estate or trust, the death or restoration of a conservatee to capacity, or a ward's attainment of majority in a guardianship. The complete proceeding may take several years. Notices of the hearing of all petitions filed in the proceeding must be served on the persons entitled to notice, whether or not they chose to participate in litigation to resolve earlier petitions filed by interested persons, and whether or not the noticed petitions themselves are contested. This aspect of probate proceedings means that many notices of hearings must be served on a number of potentially interested persons throughout the progress of the proceeding even if none of the notices leads to contested matters. On the other hand, unlike in regular civil litigation practice, personal service of most notices and petitions is not required.<sup>1</sup> Most service in probate proceedings is by mail, even service on persons who have not previously appeared in the case.

To modernize the procedures for providing notice, this proposal would amend the relevant portions of the Probate Code and two sections of the Welfare and Institutions Code to authorize delivery of notices by electronic means if the person to receive notice has consented to electronic service and has provided an electronic address.<sup>2</sup>

The proposed legislation is lengthy. However, most of it consists of references to the basic notice provision of the Probate Code, section 1215. Amended subdivision (b) of section 1215 would incorporate existing section 1216. The entire amended section would read as follows:

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<sup>1</sup> Some situations in probate proceedings do require personal service of petitions or other documents, usually together with a citation, a document similar to a summons or an Order to Show Cause. However, these situations arise infrequently and would not be affected by the proposed legislation.

The Probate Code also permits personal service of any document that must or may be served by mail (Prob. Code, § 1216). Section 1216 would be repealed by this proposal, but its content would be carried into the completely revised subdivision (b) of section 1215.

<sup>2</sup> Welfare and Institutions Code sections 728 and 5362. Section 728, part of the Juvenile Court Law, requires notice from the juvenile court to the court handling an existing probate guardianship that the juvenile court has modified or terminated the probate proceeding. The court in the probate matter is then required to serve notice of this action to the persons interested in the guardianship. Thus the notice under section 728 to the persons interested in the guardianship is actually a notice under the Probate Code. Section 5362 is part of the Lanterman-Petris-Short Act's (LPS's) provisions establishing conservatorships for persons gravely disabled by a mental health disorder or chronic alcoholism. Section 5350 applies Probate Code provisions governing probate conservatorships to LPS conservatorships, except as otherwise provided in section 5350. Section 5362 requires 60 days' advance notice of the LPS conservatorship's expiration date from the court to persons and institutions interested in the proceeding. That notice is governed by the notice provisions of the Probate Code.

## § 1215.

Unless otherwise expressly provided, a notice or other paper that is required or permitted to be delivered to a person shall be delivered by mail as provided in subdivision (a), personally delivered as provided in subdivision (b), or delivered electronically as provided in subdivision (c) of this section.

### (a) Mail delivery

(1) A notice or other paper shall be delivered by mail as follows:

(A) By first-class mail if the person's address is within the United States. First-class mail includes certified, registered, and express mail.

(B) By international mail if the person's address is not within the United States.<sup>3</sup> International mail includes first-class mail international, priority mail international, priority mail express international, and global express guaranteed.

(2) The notice or other paper shall be deposited for collection in the United States mail, in a sealed envelope, with postage paid, addressed to the person to whom it is mailed.

(3) Subject to Section 1212, the notice or other paper shall be addressed to the person at the person's place of business or place of residence.

(4) When the notice or other paper is deposited in the mail, mailing delivery is complete and the period of notice is not extended.

### (b) Personal delivery

(1) A notice or other paper may be delivered personally to that person.

(2) Personal delivery is complete when the notice or other paper is delivered personally to the person who is to receive it.

### (c) Electronic delivery

(1) A notice or other paper may be delivered by electronic means if the person to receive notice has consented to receive electronic delivery in the proceeding before the court and has provided an electronic address.

(2) Electronic delivery is complete when the notice or other paper is sent and the period of notice is not extended.

## **Comments, Alternatives Considered, and Policy Implications**

### **Circulation for comment and responses**

This proposal was circulated for public comment by the Probate and Mental Health Advisory Committee (PMHAC) to court leaders and others in the probate bar and community. Six comments were received. All commentators approved the proposal, but three recommended modifications. A copy of the chart of comments on this proposal, with PMHAC's responses, is attached at pages 35–45.

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<sup>3</sup> "International mail" would replace "Airmail," an obsolete term no longer used to describe a class of mail by the United States Postal Service. The new phrase and the types of international mail listed were provided by the postal service.

Judge Julia Craig Kelety, Superior Court of San Diego County, made three recommendations for changes and a request to review and update all proof-of-service forms to accommodate e-filing, a review the advisory committee advised her will take place in 2017 so the modified forms would take effect at the same time as the proposed legislation. The third recommendation is merely to correct a typographical error in the proposed revision of Welfare and Institutions Code section 728, which was intended to refer to revised Probate Code section 1215 but instead refers to “section 215.” That correction has been made.

Judge Kelety’s first recommendation is to clarify in revised section 1215 that a party’s consent to e-service must be in the specific matter before the court, not in some other proceeding or in general. PMHAC supports this recommendation. Paragraph (1) of subdivision (c) of Section 1215 has been changed to read:

(1) A notice or other paper may be delivered by electronic means if the person to receive notice has consented to receive electronic delivery in the proceeding before the court and has provided an electronic address. (Emphasis added.)<sup>4</sup>

Judge Kelety’s second recommendation is to amend Cal. Rules of Court, rule 2.503, concerning limits on remote access to court records, because of her belief that electronic service by the court of documents to a person who is not a party (but who is entitled to notice) amounts to giving the person electronic court records subject to the rule. PMHAC did not support this change because the rules regarding remote access to court records, by their own terms, do not apply to parties or other persons entitled to access by statute or rule. The legislation would create a new class of “other persons entitled to access by statute”—persons or organizations that are not parties but are entitled to notice of a hearing in a probate matter.

Mr. Michael M. Roddy, Court Executive Officer of the Superior Court of San Diego County, repeated Judge Kelety’s concerns about the effect of rule 2.503 on electronic service on a nonparty by the court, but also requested that the committee undertake to develop and propose the adoption of a mandatory form for persons interested in a probate proceeding to consent in writing to electronic service. The committee’s response was to advise that it will propose any necessary or advisable new or revised forms—of which this appears to be one—while the proposed legislation is pending, in 2017.

Ms. Cheryl Siler, of Aderant Holdings, Inc., a national legal software company locally based in Culver City, advised of a potential conflict between the normal rule on service by mail—that the period of notice is not extended by the time necessary for delivery of the mail (current Probate Code section 1215(e), redesignated as section 1215(a)(4) in the revision without change)—and a provision in Code of Civil Procedure 1010.6, concerning electronic service, which is

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<sup>4</sup> The “proceeding before the court” is intended to mean the entire probate proceeding, not merely the specific matter raised by the notice of hearing, the petition, or any responsive pleading.

incorporated by reference in revised Probate Code section 1215(c). Section 1010.6(a)(4) extends the period of notice by two days if notice of hearing is transmitted by electronic means.

The advisory committee supports Ms. Siler's recommendation that the lack of an extension of the notice period should also apply for electronic service in uncontested probate matters, and that revised Probate Code section 1215(c)(2) should be changed to clarify that the time of notice is not extended. The following revision of section 1215(c)(2) was approved to accomplish this change:

Electronic service is complete when the notice or other paper is sent and the period of notice is not extended.

Existing section 1215(e) concludes with the same phrase. It would be retained in amended section 1215(a)(4). The phrase is a reference to Code of Civil Procedure section 1013(a), concerning mailing in contested civil matters, which provides a five-day extension of the notice period if the notice is mailed.

The parallel provision for electronic service is amended in section 1215(c)(2), which is a reference to the two-day extended notice period of Code of Civil Procedure 1010.6(a)(4) in contested matters. In both situations in uncontested matters, mailed notices under section 1215(a) and e-served notices under section 1215(c) would not extend the period of notice.

Finally, the comment of the Superior Court of Los Angeles County refers to Welfare and Institutions Code section 5362, part of the Lanterman-Petris-Short Act, which requires the court clerk to notify the LPS conservator, the conservatee, the conservatee's attorney, the facility where the LPS conservatee is confined, and certain other county officials if the conservator is a private party, of the termination of the conservatorship at least 60 days before the termination date. The court requests that electronic service of this notice be mandated at some point in the future.

PMHAC's response to this comment advises that section 5362 would be amended by the proposed legislation to provide for notification "pursuant to Section 1215 of the Probate Code," which would include electronic service.

### **Post-public comment review process**

On August 5, 2016, PMHAC met and discussed the above comments and proposals for change. With the changes noted above, the committee voted to recommend the amended legislative proposal for Judicial Council sponsorship.

On August 19, 2016, the Rules & Policy Subcommittee of the Information Technology Advisory Committee met and discussed the comments and actions taken by the probate committee in response. The subcommittee approved those actions and recommended that its full committee support them. On August 25, 2016, the full Information Technology Advisory Committee met and considered the recommendation of its Rules & Policy Subcommittee. The full committee

approved them for review by the Judicial Council Technology Committee as part of the process to develop a recommendation that the Judicial Council sponsor the legislation.

The Judicial Council Technology Committee reviewed the joint proposal of the Information Technology and Probate and Mental Health Advisory Committees on September 12, 2016, and unanimously approved it for consideration by the Policy Coordination and Liaison Committee for Judicial Council sponsorship. The Policy Coordination and Liaison Committee approved the proposal on October 27, 2016, for consideration by the Judicial Council.

### **Attachments**

1. Text of proposed revised legislation, at pages 8–34
2. Chart of comments, at pages 35–45

Probate Code sections 331, 366, 453, 711, 715, 732, 733, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1265, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8200, 8203, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222 and Welfare and Institutions Code sections 728 and 5362 would be amended; Probate Code section 1265 would be restated and added as section 1266; and Probate Code section 1216 would be repealed, effective January 1, 2018, to read:

1 **Prob. Code, § 331.**

2 (a) This section applies only to a safe deposit box in a financial institution held by the decedent  
3 in the decedent’s sole name, or held by the decedent and others where all are deceased. Nothing  
4 in this section affects the rights of a surviving coholder.

5 (b)–(d) \* \* \*

6 (e) The person given access shall deliver all wills found in the safe deposit box to the clerk of the  
7 superior court and ~~mail or~~ deliver pursuant to Section 1215 a copy to the person named in the  
8 will as executor or beneficiary as provided in Section 8200.

9 (f) \* \* \*

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11 **§ 366.**

12 Notice of a hearing under this part shall be ~~mailed~~ delivered pursuant to Section 1215 at least 15  
13 days before the hearing to each fiduciary and consultant and to the following persons:

14 (a)–(d) \* \* \*

15

16 **§ 453.**

17 (a) On petition of a person required to appear before the probate referee pursuant to this chapter,  
18 the court may make a protective order to protect the person from annoyance, embarrassment, or  
19 oppression. The petitioner shall deliver pursuant to Section 1215 ~~mail~~ notice of the hearing on  
20 the petition to the probate referee and to the personal representative, guardian, conservator, or  
21 other fiduciary at least 15 days before the date set for the hearing. Any subpoena issued by the  
22 probate referee is stayed during the pendency of the petition.

23 (b) On petition of the probate referee, the court may make an order to show cause why a person  
24 who is required, but fails, to appear before the probate referee pursuant to this chapter, should  
25 not be compelled to do so. The probate referee shall deliver pursuant to Section 1215 ~~mail~~ notice  
26 of the hearing on the petition to the person at least 15 days before the date set for the hearing.

27

28 **§ 711.**

29 If a document deposited with an attorney is lost or destroyed, the attorney shall give notice of the  
30 loss or destruction to the depositor by one of the following methods:

31 (a) By ~~mailing~~ delivering the notice pursuant to Section 1215 to the depositor’s last known  
32 address.

33 (b) By the method most likely to give the depositor actual notice.



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**§ 715.**

An attorney may give written notice to a depositor, and obtain written acknowledgment from the depositor, in the following form:

**NOTICE AND ACKNOWLEDGMENT**

To: \_\_\_\_\_  
(Name of depositor)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, state, and ZIP)

\_\_\_\_\_  
(Electronic Address).....

I have accepted your will or other estate planning document for safekeeping. I must use ordinary care for preservation of the document.

You must keep me advised of any change in your addresses shown above. If you do not and I cannot return this document to you when necessary, I will no longer be required to use ordinary care for preservation of the document, and I may transfer it to another attorney, or I may transfer it to the clerk of the superior court of the county of your last known domicile, and give notice of the transfer to the State Bar of California.

\_\_\_\_\_  
(Signature of attorney)

\_\_\_\_\_  
(Address of attorney)

\_\_\_\_\_  
(City, state, ZIP)

\_\_\_\_\_  
(Electronic Address).....

My addresses shown above ~~is~~ are correct. I understand that I must keep you advised of any change in ~~these~~ is addresses.

Dated:

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(Signature of depositor)

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**§ 732.**

(a) An attorney may terminate a deposit under this section if the attorney has, pursuant to Section 1215, mailed delivered notice to reclaim the document to the depositor's last known address and the depositor has failed to reclaim the document within 90 days after the mailing delivery.

(b)-(f) \* \* \*

**§ 733.**

(a) An attorney transferring one or more documents under Section 732 shall mail deliver notice of the transfer to the State Bar of California pursuant to Section 1215. The notice shall contain all of the following information:

(1)-(5) \* \* \*

(b) \* \* \*

**§ 1050.**

The judgment roll in a proceeding under this code consists of the following papers, where applicable:

(a) In all cases:

(1)-(2) \* \* \*

(3) Any notice of the hearing, and any order to show cause made in the proceeding, with the affidavits showing publication, posting, or mailing, or personal delivery pursuant to Section 1215 of the notice or order as may be required by law or court order.

(4)-(7) \* \* \*

(b)-(e) \* \* \*

**§ 1209.**

(a) Where notice is required to be given to the State of California, the notice shall be given to the Attorney General.

(b) Where notice is required to be given to the Attorney General, the notice shall be mailed delivered pursuant to Section 1215 to the Attorney General at the office of the Attorney General at Sacramento, California.

**§ 1212.**

Unless the court dispenses with the notice, if the address of the person to whom a notice or other paper is required to be mailed or delivered pursuant to Section 1215 is not known, notice shall be given as the court may require in the manner provided in Section 413.30 of the Code of Civil Procedure.

**§ 1213.**

(a) The following persons shall mail deliver a notice pursuant to Section 1215, as described in Section 1211, to a surety who has filed a court bond in a proceeding:

(1)-(4) \* \* \*

1 (b) Within five days after entry of an order to suspend or remove a guardian, conservator, or  
2 personal representative, the person who filed a petition to suspend or remove a guardian or, if the  
3 order to suspend or remove a guardian, conservator, or personal representative was issued upon a  
4 motion by the court, the court, shall notify the surety who has filed a court bond of the order by  
5 ~~first class mail, postage prepaid.~~

6 (c) The notice required by this section shall be ~~mailed~~ delivered pursuant to Section 1215 to the  
7 addressee listed on the surety bond.

8 (d) \* \* \*

9  
10 **§ 1214.**

11 If a notice or other paper is required or permitted to be ~~mailed, delivered, served, or otherwise~~  
12 ~~given served or delivered pursuant to Section 1215~~ to a person who is represented by an attorney  
13 of record, the notice or other paper shall also be ~~mailed~~ delivered pursuant to Section 1215 to this  
14 attorney, unless otherwise specified in a request for special notice.

15  
16 **§ 1215.**

17 Unless otherwise expressly provided: ~~(a) If a notice or other paper is required or permitted to be~~  
18 ~~mailed to a person, the notice or other paper shall be mailed as provided in this section or~~  
19 ~~personally delivered as provided in Section 1216., a notice or other paper that is required or~~  
20 permitted to be delivered to a person shall be delivered by mail as provided in subdivision (a),  
21 personally delivered as provided in subdivision (b), or delivered electronically as provided in  
22 subdivision (c) of this section.

23 (a) Mail delivery

24 ~~(b1)~~ The notice or other paper shall be ~~sent~~ delivered by mail as follows:

25 ~~(1A)~~ By first-class mail if the person's address is within the United States. First-class mail  
26 includes certified, registered, and express mail.

27 ~~(2B)~~ Airmail By international mail if the person's address is not within the United States.

28 International mail includes first-class mail international, priority mail international, priority mail  
29 express international, and global express guaranteed.

30 ~~(e2)~~ \* \* \*

31 ~~(d3)~~ \* \* \*

32 ~~(e4)~~ When the notice or other paper is deposited in the mail, mailing delivery is complete and the  
33 period of notice is not extended.

34 ~~§ 1216(b).~~ Personal delivery

35 ~~(a1)~~ If a notice or other paper is required or permitted to be mailed to a person, it may be  
36 delivered personally to that a person. Personal delivery as provided in this section satisfies a  
37 provision that requires or permits a notice or other paper to be mailed.

38 ~~(b2)~~ Personal delivery pursuant to this section is complete when the notice or other paper is  
39 delivered personally to the person who is to receive it.

40 (c) Electronic delivery

41 (1) A notice or other paper may be delivered by electronic means if the person to receive notice  
42 has consented to receive electronic delivery in the proceeding before the court and has provided  
43 an electronic address.

1 (2) Electronic delivery is complete when the notice or other paper is sent and the period of notice  
2 is not extended.

3 (3) If notice is required to be sent by certified or registered mail, electronic delivery is complete  
4 when the person to receive notice sends an electronic receipt if the receipt is later received by the  
5 sender.

6  
7 **§ 1216.**

8 ~~(a) If a notice or other paper is required or permitted to be mailed to a person, it may be delivered~~  
9 ~~personally to that person. Personal delivery as provided in this section satisfies a provision that~~  
10 ~~requires or permits a notice or other paper to be mailed.~~

11 ~~(b) Personal delivery pursuant to this section is complete when the notice or other paper is~~  
12 ~~delivered personally to the person who is to receive it.~~

13  
14 **§ 1217.**

15 If a notice or other paper is required to be served or otherwise given and no other manner of  
16 giving the notice or other paper is specified by statute, the notice or other paper shall be ~~mailed~~  
17 ~~or personally delivered pursuant to Section 1215 as provided in this chapter.~~

18  
19 **§ 1220.**

20 (a) When notice of hearing is required to be ~~given~~ delivered as provided in this section:

21 (1) At least 15 days before the time set for the hearing, the petitioner or the person filing the  
22 report, account, or other paper shall cause notice of the time and place of the hearing to be  
23 ~~mailed~~ delivered pursuant to Section 1215 to the persons required to be given notice.

24 (2) Unless the statute requiring notice specifies the persons to be given notice, notice shall be  
25 ~~mailed~~ delivered pursuant to Section 1215 to all of the following:

26 (A)–(B) \* \* \*

27 (3) Subject to Section 1212, the notice shall be ~~addressed~~ delivered pursuant to Section 1215 to  
28 the person required to be given notice at the person's place of business, ~~or~~ place of residence, or  
29 electronic address.

30 (b)–(c) \* \* \*

31  
32 **§ 1250.**

33 (a) At any time after the issuance of letters in a proceeding under this code for the administration  
34 of a decedent's estate, any person interested in the estate, whether as devisee, heir, creditor,  
35 beneficiary under a trust, or as otherwise interested, may in person or by attorney, file with the  
36 court clerk a written request for special notice.

37 (b) The request for special notice shall be so entitled and shall set forth the name of the person  
38 and the address to which notices shall be ~~sent~~ delivered pursuant to Section 1215.

39 (c)–(d) \* \* \*

40 (e) A copy of the request shall be ~~personally~~ delivered pursuant to Section 1215 ~~or mailed~~ to the  
41 personal representative or to the attorney for the personal representative. If personally delivered,  
42 the request is effective when it is delivered. If mailed or electronically delivered, the request is  
43 effective when it is received.

1 (f) \* \* \*

2  
3 **§ 1252.**

4 (a) Unless the court makes an order dispensing with the notice, if a request has been made  
5 pursuant to Section 1250 for special notice of a hearing, the person filing the petition, report,  
6 account, or other paper shall give written notice of the filing, together with a copy of the petition,  
7 report, account, or other paper, and the time and place set for the hearing, by ~~mail~~ delivering it  
8 pursuant to Section 1215 to the person named in the request at the address set forth in the  
9 request, at least 15 days before the time set for the hearing.

10 (b) If a request has been made pursuant to Section 1250 for special notice of the filing of an  
11 inventory and appraisal of the estate or of the filing of any other paper that does not require a  
12 hearing, the inventory and appraisal or other paper shall be ~~mailed~~ delivered pursuant to Section  
13 1215 not later than 15 days after the inventory and appraisal or other paper is filed with the court.  
14

15 **§ 1265.**

16 ~~Proof of notice, however given, may be made by evidence presented at the hearing. Proof of~~  
17 ~~electronic delivery may be made by any of the methods provided in Section 1013a of the Code of~~  
18 ~~Civil Procedure and rule 2,251(i) of the California Rules of Court.~~

19  
20 **§ 1266.**

21 Proof of notice, however given, may be made by evidence presented at the hearing.  
22

23 **§ 1460.**

24 (a) \* \* \*

25 (b) Subject to subdivision (e), the petitioner, who includes for the purposes of this section a  
26 person filing a petition, report, or account, shall cause the notice of hearing to be ~~mailed~~  
27 delivered pursuant to Section 1215 to each of the following persons:

28 (1)–(6) \* \* \*

29 (c)–(e) \* \* \*

30  
31 **§ 1461.**

32 (a) \* \* \*

33 (b) Notice of the time and place of hearing on the petition, report, or account, and a copy of the  
34 petition, report, or account, shall be ~~mailed~~ delivered pursuant to Section 1215 to the director at  
35 the director's office in Sacramento, or to the electronic address designated by the director for  
36 receipt of notice pursuant to this code, at least 15 days before the hearing if both of the following  
37 conditions exist:

38 (1)–(2) \* \* \*

39 (c)–(d) \* \* \*

40  
41 **§ 1461.4.**

42 (a) The petitioner shall ~~mail or personally serve~~ deliver pursuant to Section 1215 a notice of the  
43 hearing and a copy of the petition to the director of the regional center for the developmentally

1 disabled at least 30 days before the day of the hearing on a petition for appointment in any case  
2 in which all of the following conditions exist:

3 (1)–(4) \* \* \*

4 (b) \* \* \*

5  
6 **§ 1461.5.**

7 Notice of the time and place of hearing on a petition, report, or account, and a notice of the filing  
8 of an inventory, together with a copy of the petition, report, inventory, or account, shall be  
9 ~~mailed~~ delivered pursuant to Section 1215 to the office of the ~~Veterans Administration~~  
10 Department of Veterans Affairs having jurisdiction over the area in which the court is located at  
11 least 15 days before the hearing, or within 15 days after the inventory is filed, if both of the  
12 following conditions exist:

13 (a) The guardianship or conservatorship estate consists or will consist wholly or in part of any of  
14 the following:

15 (1) Money received from the ~~Veterans Administration~~ Department of Veterans Affairs.

16 (2) Revenue or profit from such money or from property acquired wholly or in part from such  
17 money.

18 (3) Property acquired wholly or in part with such money or from such property.

19 (b) \* \* \*

20  
21 **§ 1511.**

22 (a)–(b) \* \* \*

23 (c) Notice shall be ~~given by mail sent~~ delivered pursuant to Section 1215 to their addresses stated  
24 in the petition, or in any manner authorized by the court, to all of the following:

25 (1)–(3) \* \* \*

26 (d) If notice is required by Section 1461 or Section 1542 to be given to the Director of State  
27 Hospitals or the Director of Developmental Services or the Director of Social Services, notice  
28 shall be ~~mailed-delivered~~ delivered pursuant to Section 1215 as so required.

29 (e) If the petition states that the proposed ward is receiving or is entitled to receive benefits from  
30 the ~~Veterans Administration~~ Department of Veterans Affairs, notice shall be ~~mailed~~ delivered  
31 pursuant to Section 1215 to the office of the Department of Veterans Affairs referred to in  
32 Section 1461.5.

33 (f)–(i) \* \* \*

34  
35 **§ 1513.2.**

36 (a) To the extent resources are available, the court shall implement procedures, as described in  
37 this section, to ensure that every guardian annually completes and returns to the court a status  
38 report, including the statement described in subdivision (b). A guardian who willfully submits  
39 any material information required by the form which he or she knows to be false shall be guilty  
40 of a misdemeanor. Not later than one month prior to the date the status report is required to be  
41 returned, the clerk of the court shall ~~mail~~ deliver pursuant to Section 1215 a notice to the  
42 guardian ~~by first-class mail a notice~~ informing the guardian that he or she is required to complete  
43 and return the status report to the court. The clerk shall enclose with the letter a blank status

1 report form for the guardian to complete and return by mail. If the status report is not completed  
2 and returned as required, or if the court finds, after a status report has been completed and  
3 returned, that further information is needed, the court shall attempt to obtain the information  
4 required in the report from the guardian or other sources. If the court is unable to obtain this  
5 information within 30 days after the date the status report is due, the court shall either order the  
6 guardian to make himself or herself available to the investigator for purposes of investigation of  
7 the guardianship, or to show cause why the guardian should not be removed.

8 (b) The Judicial Council shall develop a form for the status report. The form shall include the  
9 following statement: "A guardian who willfully submits any material information required by  
10 this form which he or she knows to be false is guilty of a misdemeanor." The form shall request  
11 information the Judicial Council deems necessary to determine the status of the guardianship,  
12 including, but not limited to, the following:

13 (1) The guardian's present address and electronic address.

14 (2) The name and birth date of the child under guardianship.

15 (3) The name of the school in which the child is enrolled, if any.

16 (4) If the child is not in the guardian's home, the name, relationship, address, electronic address,  
17 and telephone number of the person or persons with whom the child resides.

18 (5) If the child is not in the guardian's home, why the child was moved.

19 (c)-(d) \* \* \*

20  
21 **§ 1516.**

22 (a) In each case involving a petition for guardianship of the person, the petitioner shall ~~mail~~  
23 deliver pursuant to Section 1215 a notice of the hearing and a copy of the petition, at least 15  
24 days prior to the hearing, to the local agency designated by the board of supervisors to  
25 investigate guardianships for the court. The local social services agency providing child  
26 protection services shall screen the name of the guardian for prior referrals of neglect or abuse of  
27 minors. The results of this screening shall be provided to the court.

28 (b) \* \* \*

29  
30 **§ 1542.**

31 In each case involving a petition for guardianship of the person, the petitioner shall ~~mail~~ deliver  
32 pursuant to Section 1215 a notice of the hearing and a copy of the petition, at least 15 days prior  
33 to the hearing, to the Director of Social Services at the director's office in Sacramento and to the  
34 local agency designated by the board of supervisors to investigate guardianships for the court.

35  
36 **§ 1822.**

37 (a) \* \* \*

38 (b) Notice shall be ~~mailed~~ delivered pursuant to Section 1215 to the following persons:

39 (1)-(2) \* \* \*

40 (c) If notice is required by Section 1461 to be given to the Director of State Hospitals or the  
41 Director of Developmental Services, notice shall be ~~mailed~~ delivered pursuant to Section 1215 as  
42 so required.

1 (d) If the petition states that the proposed conservatee is receiving or is entitled to receive  
2 benefits from the Veterans Administration, notice shall be mailed to the ~~Office of the Veterans~~  
3 ~~Administration~~ Department of Veterans Affairs referred to in Section 1461.5.

4 (e) If the proposed conservatee is a person with developmental disabilities, at least 30 days  
5 before the day of the hearing on the petition, the petitioner shall ~~mail~~ deliver pursuant to Section  
6 1215 a notice of the hearing and a copy of the petition to the regional center identified in Section  
7 1827.5.

8 (f) If the petition states that the petitioner and the proposed conservator have no prior  
9 relationship with the proposed conservatee and are not nominated by a family member, friend, or  
10 other person with a relationship to the proposed conservatee, notice shall be ~~mailed~~ delivered  
11 pursuant to Section 1215 to the public guardian of the county in which the petition is filed.

12  
13 **§ 1826.**

14 (a) Regardless of whether the proposed conservatee attends the hearing, the court investigator  
15 shall do all of the following:

16 (1)–(11) \* \* \*

17 (12) ~~Mail~~ Deliver pursuant to Section 1215, at least five days before the hearing, a copy of the  
18 report referred to in paragraph (11) to all of the following:

19 (A) The attorney, if any, for the petitioner.

20 (B) The attorney, if any, for the proposed conservatee.

21 (C) The proposed conservatee.

22 (D) The spouse, registered domestic partner, and relatives within the first degree of the proposed  
23 conservatee who are required to be named in the petition for appointment of the conservator,  
24 unless the court determines that the ~~mailing~~ delivery will harm the conservatee.

25 (E) Any other persons as the court orders.

26 (b)–(h) \* \* \*

27  
28 **§ 1827.5.**

29 (a)–(c) \* \* \*

30 (d) At least five days before the hearing on the petition, the regional center shall ~~mail~~ deliver  
31 pursuant to Section 1215 a copy of the report referred to in subdivision (a) to all of the following:

32 (1)–(4) \* \* \*

33 (e) \* \* \*

34  
35 **§ 1830.**

36 (a)–(b) \* \* \*

37 (c) An information notice of the rights of conservatees shall be attached to the order. The  
38 conservator shall ~~mail~~ deliver pursuant to Section 1215 the order and the attached information  
39 notice to the conservatee and the conservatee's relatives, as set forth in subdivision (b) of Section  
40 1821, within 30 days of the issuance of the order. By January 1, 2008, the Judicial Council shall  
41 develop the notice required by this subdivision.



1  
2 **§ 1842.**

3 In addition to the persons and entities to whom notice of hearing is required under Section 1822  
4 or 2002, if the proposed conservatee is an absentee, a copy of the petition and notice of the time  
5 and place of the hearing shall be ~~mailed~~ delivered pursuant to Section 1215 at least 15 days  
6 before the hearing to the secretary concerned or to the head of the United States department or  
7 agency concerned, as the case may be. In such case, notice shall also be published pursuant to  
8 Section 6061 of the Government Code in a newspaper of general circulation in the county in  
9 which the hearing will be held.

10  
11 **§ 1847.**

12 In addition to the persons and entities to whom notice of hearing is required under Section 1822  
13 or 2002, if the proposed conservatee is a person who is missing and whose whereabouts is  
14 unknown:

15 (a) A copy of the petition for appointment of a conservator and notice of the time and place of  
16 the hearing on the petition shall be ~~mailed~~ delivered pursuant to Section 1215 at least 15 days  
17 before the hearing to the proposed conservatee at the last known address of the proposed  
18 conservatee.

19 (b)–(c) \* \* \*

20  
21 **§ 1851.**

22 (a) \* \* \*

23 (b)(1) The findings of the court investigator, including the facts upon which the findings are  
24 based, shall be certified in writing to the court not less than 15 days before the date of review. A  
25 copy of the report shall be ~~mailed~~ delivered pursuant to Section 1215 to the conservator and to  
26 the attorneys of record for the conservator and conservatee at the same time it is certified to the  
27 court. A copy of the report, modified as set forth in paragraph (2), also shall be ~~mailed~~ delivered  
28 pursuant to Section 1215 to the conservatee’s spouse or registered domestic partner, the  
29 conservatee’s relatives in the first degree, and if there are no such relatives, to the next closest  
30 relative, unless the court determines that the ~~mailing~~ delivery will harm the conservatee.

31 (2) Confidential medical information and confidential information from the California Law  
32 Enforcement Telecommunications System shall be in a separate attachment to the report and  
33 shall not be provided in copies sent to the conservatee’s spouse or registered domestic partner,  
34 the conservatee’s relatives in the first degree, and if there are no such relatives, to the next  
35 closest relative.

36 (c)–(f) \* \* \*

37  
38 **§ 2214.**

39 Notice of the hearing shall be given for the period and in the manner provided in Chapter 3  
40 (commencing with Section 1460) of Part 1. In addition, the petitioner shall ~~mail~~ deliver pursuant  
41 to Section 1215 a notice of the time and place of the hearing and a copy of the petition to all  
42 persons required to be listed in the petition at least 15 days before the date set for the hearing.

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**§ 2250.**

(a)–(d) \* \* \*

(e) Unless the court for good cause otherwise orders, at least five court days before the hearing on the petition, notice of the hearing shall be given as follows:

(1) \* \* \*

(2) Notice of the hearing shall be personally delivered to the proposed conservatee, and notice of the hearing shall be ~~serve~~ delivered pursuant to Section 1215 on the persons required to be named in the petition for appointment of conservator. If the petition states that the petitioner and the proposed conservator have no prior relationship with the proposed conservatee and the proposed conservator has not been nominated by a family member, friend, or other person with a relationship to the proposed conservatee, notice of hearing shall be ~~serve~~ delivered pursuant to Section 1215 on the public guardian of the county in which the petition is filed.

(3) A copy of the petition for temporary appointment shall be ~~serve~~ delivered pursuant to Section 1215 with the notice of hearing.

(f)–(l) \* \* \*

**§ 2352.**

(a)–(d) \* \* \*

(e)(1) The guardian or conservator shall file a notice of change of residence with the court within 30 days of the date of the change. The guardian or conservator shall include in the notice of change of residence a declaration stating that the ward’s or conservatee’s change of residence is consistent with the standard described in subdivision (b).

(2) The guardian or conservator shall ~~mail~~ deliver pursuant to Section 1215 a copy of the notice to all persons entitled to notice under subdivision (b) of Section 1511 or subdivision (b) of Section 1822 and shall file proof of service of the notice with the court. The court may, for good cause, waive the ~~mailing~~ delivery requirement pursuant to this paragraph in order to prevent harm to the conservatee or ward.

(3) If the guardian or conservator proposes to remove the ward or conservatee from his or her personal residence, except as provided by subdivision (c), the guardian or conservator shall ~~mail~~ deliver pursuant to Section 1215 a notice of his or her intention to change the residence of the ward or conservatee to all persons entitled to notice under subdivision (b) of Section 1511 and subdivision (b) of Section 1822. In the absence of an emergency, that notice shall be ~~mailed~~ delivered at least 15 days before the proposed removal of the ward or conservatee from his or her personal residence. If the notice is ~~serve~~ delivered less than 15 days prior to the proposed removal of the ward or conservatee, the guardian or conservator shall set forth the basis for the emergency in the notice. The guardian or conservator shall file proof of ~~service~~ delivery of that notice with the court.

(f)–(h) \* \* \*

1  
2 **§ 2357.**

3 (a)–(d) \* \* \*

4 (e) Notice of the petition shall be given as follows:

5 (1) Not less than 15 days before the hearing, notice of the time and place of the hearing, and a  
6 copy of the petition shall be personally served on the ward, if 12 years of age or older, or the  
7 conservatee, and on the attorney for the ward or conservatee.

8 (2) Not less than 15 days before the hearing, notice of the time and place of the hearing and a  
9 copy of the petition shall be ~~mailed~~ delivered pursuant to Section 1215 to the following persons:

10 (A) The spouse or domestic partner, if any, of the proposed conservatee at the address stated in  
11 the petition.

12 (B) The relatives named in the petition at their addresses stated in the petition.

13 (f)–(i) \* \* \*

14  
15 **§ 2361.**

16 A conservator shall provide notice of a conservatee’s death by ~~mailing~~ delivering a copy of the  
17 notice pursuant to Section 1215 to all persons entitled to notice under Section 1460 and by filing  
18 a proof of ~~service~~ delivery with the court, unless otherwise ordered by the court.

19  
20 **§ 2610.**

21 (a) Within 90 days after appointment, or within any further time as the court for reasonable cause  
22 upon ex parte petition of the guardian or conservator may allow, the guardian or conservator  
23 shall file with the clerk of the court and ~~mail~~ deliver pursuant to Section 1215 to the conservatee  
24 and to the attorneys of record for the ward or conservatee, along with notice of how to file an  
25 objection, an inventory and appraisal of the estate, made as of the date of the appointment of the  
26 guardian or conservator. A copy of this inventory and appraisal, along with notice of how to file  
27 an objection, also shall be ~~mailed~~ delivered to the conservatee’s spouse or registered domestic  
28 partner, the conservatee’s relatives in the first degree, and, if there are no such relatives, to the  
29 next closest relative, unless the court determines that the mailing will result in harm to the  
30 conservatee.

31 (b)–(e) \* \* \*

32  
33 **§ 2611.**

34 If the ward or conservatee is or has been during the guardianship or conservatorship a patient in a  
35 state hospital under the jurisdiction of the State Department of State Hospitals or the State  
36 Department of Developmental Services, the guardian or conservator shall ~~mail~~ deliver pursuant  
37 to Section 1215 a copy of the inventory and appraisal filed under Section 2610 to the director of  
38 the appropriate department at the director’s office in Sacramento not later than 15 days after the  
39 inventory and appraisal is filed with the court. Compliance with this section is not required if an  
40 unrevoked certificate described in subdivision (c) of Section 1461 is on file with the court with  
41 respect to the ward or conservatee.

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**§ 2612.**

If a timely request is made, the clerk of court shall ~~mail~~ deliver pursuant to Section 1215 a copy of the inventory and appraisal filed under Section 2610 to the county assessor.

**§ 2614.**

(a) \* \* \*

(b) Notice of the hearing, together with a copy of the objections, shall be given for the period and in the manner provided in Chapter 3 (commencing with Section 1460) of Part 1. If the appraisal was made by a probate referee, the person objecting shall also ~~mail~~ deliver, pursuant to Section 1215, notice of the hearing and a copy of the objection to the probate referee at least 15 days before the time set for the hearing.

(c) \* \* \*

**§ 2683.**

(a) \* \* \*

(b) Notice shall be ~~mailed~~ delivered pursuant to Section 1215 to the persons designated in Section 1460 and to the relatives named in the petition.

(c) If notice is required by Section 1461 to be given to the Director of State Hospitals or the Director of Developmental Services, notice shall be ~~mailed~~ delivered pursuant to Section 1215 as so required.

(d) If notice is required by Section 1461.5 to be given to the ~~Veterans Administration~~ Department of Veterans Affairs, notice shall be ~~mailed~~ delivered pursuant to Section 1215 as so required.

**§ 2684.**

Unless the petition states that the conservatee will be present at the hearing, the court investigator shall do all of the following:

(a)-(f) \* \* \*

(g) ~~Mail~~ Deliver pursuant to Section 1215, at least five days before the hearing, a copy of the report referred to in subdivision (f) to all of the following:

- (1) The attorney, if any, for the petitioner.
- (2) The attorney, if any, for the conservatee.
- (3) Such other persons as the court orders.

**§ 2700.**

(a) \* \* \*

(b) The request for special notice shall be so entitled and shall set forth the name of the person and the address to which notices shall be ~~sent~~ delivered pursuant to Section 1215.

(c)-(d) \* \* \*

(e) A copy of the request shall be ~~personally~~ delivered pursuant to Section 1215 ~~or mailed~~ to the guardian or conservator or to the attorney for the guardian or conservator. If personally

1 delivered, the request is effective when it is delivered. If mailed or electronically delivered, the  
2 request is effective when it is received.

3 (f) \* \* \*

4  
5 **§ 2702.**

6 (a) Unless the court makes an order dispensing with the notice, if a request has been made  
7 pursuant to this chapter for special notice of a hearing, the person filing the petition, account, or  
8 other paper shall ~~give~~ deliver, pursuant to Section 1215, written notice of the filing, together with  
9 a copy of the petition, account, or other paper, and the time and place set for the hearing, ~~by mail~~  
10 to the person named in the request at the address set forth in the request, at least 15 days before  
11 the time set for the hearing.

12 (b) If a request has been made pursuant to this chapter for special notice of the filing of an  
13 inventory and appraisal of the estate or of the filing of any other paper that does not require a  
14 hearing, the inventory and appraisal or other paper shall be ~~mailed~~ delivered pursuant to Section  
15 1215 not later than 15 days after the inventory and appraisal or other paper is filed with the court.

16  
17 **§ 2804.**

18 At least 30 days before the hearing, the petitioner shall ~~mail~~ deliver pursuant to Section 1215 a  
19 notice of the time and place of the hearing and a copy of the petition to each person required to  
20 be listed in the petition at the address stated in the petition.

21  
22 **§ 2808.**

23 (a) \* \* \*

24 (b) Unless notice is waived, a copy of the final account of the guardian or conservator and of the  
25 petition for discharge, together with a notice of the hearing thereon, shall be ~~mailed~~ delivered  
26 pursuant to Section 1215 at least 30 days before the date of the hearing to all persons required to  
27 be listed in the petition for transfer, including the foreign guardian or conservator.

28  
29 **§ 3088.**

30 (a)–(e) \* \* \*

31 (f) The court retains jurisdiction to modify or to vacate an order made under this section where  
32 justice requires, except as to any amount that may have accrued prior to the date of the filing of  
33 the petition to modify or revoke the order. At the request of any interested person, the order of  
34 modification or revocation shall include findings of fact and may be made retroactive to the date  
35 of the filing of the petition to revoke or modify, or to any date subsequent thereto. At least 15  
36 days before the hearing on the petition to modify or vacate the order, the petitioner shall ~~mail~~  
37 deliver pursuant to Section 1215 a notice of the time and place of the hearing on the petition,  
38 accompanied by a copy of the petition, to the spouse who has the management or control of the  
39 community property. Notice shall be given for the period and in the manner provided in Chapter  
40 3 (commencing with Section 1460) of Part 1 to any other persons entitled to notice of the hearing  
41 under that chapter.

42 (g) \* \* \*

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**§ 3131.**

(a)-(b) \* \* \*

(c) At least 15 days before the hearing on the petition, the petitioner shall ~~mail~~ deliver pursuant to Section 1215 a notice of the time and place of the hearing on the petition to those persons required to be named in the petition at the addresses set forth in the petition.

**§ 3206.**

(a) \* \* \*

(b) Not less than 15 days before the hearing, notice of the time and place of the hearing and a copy of the petition shall be ~~mailed~~ delivered pursuant to Section 1215 to the following persons:

- (1) The patient’s spouse, if any, at the address stated in the petition.
- (2) The patient’s relatives named in the petition at their addresses stated in the petition.

(c) \* \* \*

**§ 3602.**

(a)-(e) \* \* \*

(f) Notice of the time and place of hearing on a petition under subdivision (d), and a copy of the petition, shall be ~~mailed~~ delivered pursuant to Section 1215 to the State Director of Health Care Services, the Director of State Hospitals, and the Director of Developmental Services at the office of each director in Sacramento at least 15 days before the hearing.

**§ 3704.**

(a) Notice of the nature of the proceedings and the time and place of the hearing shall be given by the petitioner at least 15 days before the hearing date by all of the following means:

(1) By ~~mail~~ delivery pursuant to Section 1215, together with a copy of the petition, to all persons comprising the family of the absentee.

(2)-(3) \* \* \*

(b) \* \* \*

**§ 3801.**

(a) The petition shall be made upon 15 days’ notice, by ~~mail or personal~~ delivery pursuant to Section 1215, to all of the following persons:

- (1) The personal representative or other person in whose possession the property may be.
- (2) Persons in this state, known to the petitioner, who are obligated to pay a debt, perform an obligation, or issue a security to the nonresident or the estate of the nonresident.

(b) The petition shall be made upon such additional notice, if any, as the court may order.

**§ 3918.**

(a)-(f) \* \* \*

(g) At least 15 days before the hearing on a petition under subdivision (d) or (f), the petitioner shall ~~serve~~ deliver notice by mail or personal delivery pursuant to Section 1215 ~~on~~ to each of the following persons:

- 1 (1) The minor.
- 2 (2) The parent or parents of the minor.
- 3 (3) The transferor.
- 4 (h) \* \* \*

5

6 **§ 8100.**

7 The notice of hearing of a petition for administration of a decedent’s estate, whether ~~served~~  
8 delivered under Article 2 (commencing with Section 8110) or published under Article 3  
9 (commencing with Section 8120), shall state substantially as follows:

10

11 \* \* \*

12

13 IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your  
14 objections or file written objections with the court before the hearing. Your appearance may be  
15 in person or by your attorney.

16

17 IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim  
18 with the court and mail a copy to the personal representative appointed by the court within the  
19 later of either (1) four months from the date of first issuance of letters to a general personal  
20 representative, as defined in subdivision (b) of Section 58 of the California Probate Code, or  
21 (2) 60 days from the date of ~~mailing or personal~~ delivery of the notice to you under Section 9052  
22 of the California Probate Code.

23

24 YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may  
25 request special notice of the filing of an inventory and appraisal of estate assets or of any petition  
26 or account as provided in Section 1250 of the California Probate Code.

27

28

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29 (Name and address of petitioner or petitioner’s attorney)

30

31 **§ 8110.**

32 At least 15 days before the hearing of a petition for administration of a decedent’s estate, the  
33 petitioner shall ~~serve~~ deliver notice of the hearing ~~by mail or personal delivery~~ pursuant to  
34 Section 1215 on all of the following persons:

35 (a)–(b) \* \* \*

36

37 **§ 8111.**

38 If the decedent’s will involves or may involve a testamentary trust of property for charitable  
39 purposes other than a charitable trust with a designated trustee resident in this state, or involves  
40 or may involve a devise for charitable purposes without an identified devisee, notice of hearing  
41 accompanied by a copy of the petition and of the will shall be ~~served on~~ delivered pursuant to  
42 Section 1215 to the Attorney General as provided in Section 1209.

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**§ 8200.**

(a) Unless a petition for probate of the will is earlier filed, the custodian of a will shall, within 30 days after having knowledge of the death of the testator, do both of the following:

(1) Deliver the will to the clerk of the superior court of the county in which the estate of the decedent may be administered.

(2) ~~Mail a copy~~ Deliver a copy of the will pursuant to Section 1215 of the will to the person named in the will as executor, if the person's whereabouts is known to the custodian, or if not, to a person named in the will as a beneficiary, if the person's whereabouts is known to the custodian.

(b)-(d) \* \* \*

**§ 8203.**

If a will has been delivered to the clerk of the superior court in a county in which no proceeding is pending to administer the testator's estate, that court may order the will transferred to the clerk of the superior court in a county in which such a proceeding is pending. A petition for the transfer may be presented and heard without notice, but shall not be granted without proof that a copy of the petition has been ~~mailed~~ delivered pursuant to Section 1215 to the petitioner and any persons who have requested special notice in the proceeding in the court to which the will is to be transferred. The petition and order shall include the case number of the proceeding in the court to which transfer is prayed. Certified copies of the petition, any supporting documents, and the order shall be transmitted by the clerk along with the original will, and these copies shall be filed in the proceeding by the clerk of the recipient court.

**§ 8469.**

(a) \* \* \*

(b) If the petition for appointment as administrator requests the court to allow the priority permitted by subdivision (a), the petitioner shall, in addition to the notice otherwise required by statute, ~~serve~~ deliver notice of the hearing pursuant to Section 1215 ~~by mail or personal delivery~~ on ~~to~~ the public administrator.

**§ 8522.**

(a) \* \* \*

(b) Appointment of a successor personal representative shall be made on petition and ~~service~~ delivery of notice ~~on~~ to interested persons in the manner provided in Article 2 (commencing with Section 8110) of Chapter 2, and shall be subject to the same priority as for an original appointment of a personal representative. The personal representative of a deceased personal representative is not, as such, entitled to appointment as successor personal representative.

**§ 8803.**

On the filing of an inventory and appraisal or a supplemental inventory and appraisal, the personal representative shall, pursuant to Section 1252, ~~mail~~ deliver a copy to each person who has requested special notice.



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**§ 8903.**

(a)-(b) \* \* \*

(c) The hearing on the waiver shall be not sooner than 15 days after the petition is filed. Notice of the hearing on the petition, together with a copy of the petition and a copy of the proposed inventory and appraisal, shall be given as provided in Sections 1215 and 1220 to all of the following persons:

(1)-(5) \* \* \*

(d)-(e) \* \* \*

**§ 8906.**

(a)-(b) \* \* \*

(c) The person objecting shall ~~give~~ deliver notice of the hearing, together with a copy of the objection, as provided in Section 1220. If the appraisal was made by a probate referee, the person objecting shall also ~~mail~~ deliver notice of the hearing and a copy of the objection to the probate referee at least 15 days before the date set for the hearing.

(d)-(e) \* \* \*

**§ 8924.**

(a) The court shall remove the designated probate referee in any of the following circumstances:

(1) The personal representative shows cause, including incompetence or undue delay in making the appraisal, that in the opinion of the court warrants removal of the probate referee. The showing shall be made at a hearing on petition of the personal representative. The personal representative shall ~~mail~~ deliver, pursuant to Section 1215, notice of the hearing on the petition to the probate referee at least 15 days before the date set for the hearing.

(2) The personal representative has the right to remove the first probate referee who is designated by the court. No cause need be shown for removal under this paragraph. The personal representative may exercise the right at any time before the personal representative delivers the inventory to the probate referee. The personal representative shall exercise the right by filing an affidavit or declaration under penalty of perjury with the court and ~~mailing~~ delivering a copy to the probate referee. Thereupon, the court shall remove the probate referee without any further act or proof.

(3) Any other cause provided by statute.

(b) \* \* \*

**§ 9052.**

The notice shall be in substantially the following form:

NOTICE OF ADMINISTRATION OF  
ESTATE OF \_\_\_\_\_, DECEDENT  
Notice to creditors:  
  
Administration of the estate of \_\_\_\_\_ (deceased) has been commenced by \_\_\_\_\_

1 (personal representative) in Estate No. \_\_\_\_\_ in the Superior Court of California, County of  
2 \_\_\_\_\_. You must file your claim with the court and ~~mail~~ deliver a copy pursuant to Section  
3 1215 of the California Probate Code ~~a copy~~ to the personal representative within the last to occur  
4 of four months after \_\_\_\_\_ (the date letters were first issued to a general personal  
5 representative, as defined in subdivision (b) of Section 58 of the California Probate Code), or 60  
6 days after the date this notice was mailed to you or, in the case of personal delivery, 60 days after  
7 the date this notice was delivered to you, or you must petition to file a late claim as provided in  
8 Section 9103 of the California Probate Code. Failure to file a claim with the court and serve a  
9 copy of the claim on the personal representative will, in most instances, invalidate your claim. A  
10 claim form may be obtained from the court clerk. For your protection, you are encouraged to file  
11 your claim by certified mail, with return receipt requested.

12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 (Date of mailing this notice) (Name and address of personal representative or attorney)  
15

16  
17 **§ 9153.**

18 A claim form adopted by the Judicial Council shall inform the creditor that the claim must be  
19 filed with the court and a copy ~~mailed or~~ delivered pursuant to Section 1215 to the personal  
20 representative. The claim form shall include a proof of ~~mailing or~~ delivery of a copy of the claim  
21 to the personal representative, which may be completed by the creditor.

22  
23 **§ 9732.**

24 (a)-(b) \* \* \*

25 (c) Notice of the hearing on the petition shall be ~~given~~ delivered as provided in Section 1220. In  
26 addition, the petitioner shall cause notice of the hearing and a copy of the petition to be ~~mailed~~  
27 delivered pursuant to Section 1215 to all known devisees of property which is proposed to be  
28 invested. Where the property proposed to be invested is devised to a trust or trustee, notice of the  
29 hearing and a copy of the petition shall be ~~mailed~~ delivered pursuant to Section 1215 to the  
30 trustee or, if the trustee has not yet accepted the trust, to the person named in the will as trustee.  
31 Mailing Delivery pursuant to this subdivision shall be to the person's last known address as  
32 provided in Section 1220.

33 (d) \* \* \*

34  
35 **§ 9762.**

36 (a)-(c) \* \* \*

37 (d) To obtain an order under this section, the personal representative or any interested person  
38 shall file a petition showing that the order requested would be to the advantage of the estate and  
39 in the best interest of the interested persons. Notice of the hearing on the petition shall be given  
40 as provided in Section 1220. In addition, unless the court otherwise orders, the petitioner, not  
41 less than 15 days before the hearing, shall cause notice of hearing and a copy of the petition to be  
42 ~~mailed~~ delivered pursuant to Section 1215 to each of the surviving general partners at his or her  
43 last known address.

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**§ 9783.**

A person described in Section 9782 may personally deliver or mail a written objection to the disposition or abandonment to the personal representative on or before the date specified in the notice as the date on or after which the property will be disposed of or abandoned. Subject to Section 9788, after receipt of the written objection, the personal representative shall not dispose of or abandon the property without authorization by order of the court obtained under Section 9611.

**§ 9787.**

(a) Except as provided in subdivision (b), a person described in Section 9782 who receives notice of the proposed disposition or abandonment as provided in Section 9782, waives the right to have the court later review the disposition or abandonment of the property unless the person does one of the following:

- (1) Personally delivers or mails a written objection as provided in Section 9783.
- (2) \* \* \*
- (b) \* \* \*

**§ 10585.**

- (a) The notice of proposed action shall state all of the following:
- (1) The name, ~~and~~ mailing address, and electronic address of the personal representative.
  - (2) The person, ~~and~~ telephone number, and electronic address, to ~~call~~ contact to get additional information.
  - (3)-(4) \* \* \*
  - (b)-(c) \* \* \*

**§ 10586.**

The notice of proposed action shall be ~~mailed or personally delivered to~~ pursuant to Section 1215 to each person required to be given notice of proposed action not less than 15 days before the date specified in the notice of proposed action on or after which the proposed action is to be taken. If mailed, the notice of proposed action shall be addressed to the person at the person's last known address. ~~Sections 1215 and 1216 apply to the mailing or delivery of the notice of proposed action.~~

**§ 10587.**

- (a) \* \* \*
- (b) The objection to the proposed action is made by delivering pursuant to Section 1215 ~~or mailing~~ a written objection to the proposed action to the personal representative at the address stated in the notice of proposed action. The person objecting to the proposed action either may use the Judicial Council form or may make the objection in any other writing that identifies the proposed action with reasonable certainty and indicates that the person objects to the taking of the proposed action.
- (c) \* \* \*

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**§ 11601.**

Notice of the hearing on the petition shall be ~~given~~ delivered as provided in Section 1220 to all of the following persons:

(a)–(d) \* \* \*

(e) The Controller, if property is to be distributed to the state because there is no known beneficiary or if property is to be distributed to a beneficiary whose whereabouts is unknown. A copy of the latest account filed with the court shall be ~~served on~~ delivered to the Controller with the notice.

**§ 13200.**

(a)–(e) \* \* \*

(f) The affiant shall ~~mail~~ deliver, pursuant to Section 1215, a copy of the affidavit and attachments to any person identified in paragraph (4) of subdivision (a).

**§ 13655.**

(a) If proceedings for the administration of the estate of the deceased spouse are pending at the time a petition is filed under this chapter, or if the proceedings are not pending and if the petition filed under this chapter is not filed with a petition for probate of the deceased spouse’s will or for administration of the estate of the deceased spouse, notice of the hearing on the petition filed under this chapter shall be ~~given~~ delivered as provided in Section 1220 to all of the following persons:

(1)–(2) \* \* \*

(b) The notice specified in subdivision (a) shall also be ~~mailed~~ delivered as provided in subdivision (a) to the Attorney General, addressed to the office of the Attorney General at Sacramento, if the petitioner bases the allegation that all or part of the estate of the deceased spouse is property passing to the surviving spouse upon the will of the deceased spouse and the will involves or may involve either of the following:

- (1) A testamentary trust of property for charitable purposes other than a charitable trust with a designated trustee, resident in this state.
- (2) A devise for a charitable purpose without an identified devisee or beneficiary.

**§ 15686.**

(a) \* \* \*

(b) A trustee may not charge an increased trustee’s fee for administration of a particular trust unless the trustee first gives at least 60 days’ written notice of that increased fee to all of the following persons:

- (1) Each beneficiary who is entitled to an account under Section 16062.
- (2) Each beneficiary who was given the last preceding account.
- (3) Each beneficiary who has made a written request to the trustee for notice of an increased trustee’s fee and has given an address for receiving notice ~~by mail~~.

(c) \* \* \*

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**§ 16061.7.**

(a)-(d) \* \* \*

(e) The notification by trustee shall be served delivered by mail to the last known address, pursuant to Section 1215, ~~or by personal delivery.~~

(f) \* \* \*

(g) The notification by trustee shall contain the following information:

(1) \* \* \*

(2) The name, ~~mailing~~ address, and telephone number of each trustee of the trust.

(3)-(5) \* \* \*

(h) If the notification by the trustee is served because a revocable trust or any portion of it has become irrevocable because of the death of one or more settlors of the trust, or because, by the express terms of the trust, the trust becomes irrevocable within one year of the death of a settlor because of a contingency related to the death of one or more of the settlors of the trust, the notification by the trustee shall also include a warning, set out in a separate paragraph in not less than 10-point boldface type, or a reasonable equivalent thereof, that states as follows:  
“You may not bring an action to contest the trust more than 120 days from the date this notification by the trustee is served upon you or 60 days from the date on which a copy of the terms of the trust is ~~mailed or personally~~ delivered to you during that 120-day period, whichever is later.”

(i)-(j) \* \* \*

**§ 16061.8.**

No person upon whom the notification by the trustee is served pursuant to this chapter, whether the notice is served on him or her within or after the time period set forth in subdivision (f) of Section 16061.7, may bring an action to contest the trust more than 120 days from the date the notification by the trustee is served upon him or her, or 60 days from the day on which a copy of the terms of the trust is ~~mailed or personally~~ delivered pursuant to Section 1215 to him or her during that 120-day period, whichever is later.

**§ 16061.9.**

(a) \* \* \*

(b) A trustee who fails to serve the notification by trustee as required by Section 16061.7 on an heir who is not a beneficiary and whose identity is known to the trustee shall be responsible for all damages caused to the heir by the failure unless the trustee shows that the trustee made a reasonably diligent effort to comply with that section. For purposes of this subdivision, “reasonably diligent effort” means that the trustee has ~~sent~~ delivered notice pursuant to Section 1215 ~~by first-class mail~~ to the heir at the heir’s last ~~mailing~~ address actually known to the trustee.

**§ 16336.6.**

Unless expressly prohibited by the governing instrument, a trustee may reconvert the trust from a unitrust or change the payout percentage of a unitrust.

(a) The trustee may make the reconversion or change in payout percentage without a court order

1 if all of the following conditions are satisfied:

2 (1) At least three years have elapsed since the most recent conversion to a unitrust.

3 (2) The trustee determines that reconversion or change in payout percentage would enable the  
4 trustee to better comply with the provisions of subdivision (b) of Section 16335.

5 (3) One of the following notice requirements is satisfied:

6 (A) In the case of a proposed reconversion, the trustee gives written notice of the trustee's  
7 intention to convert that complies with the requirements of Chapter 5 (commencing with Section  
8 16500) and no beneficiary objects to the proposed action in a writing delivered pursuant to  
9 Section 1215 to the trustee within the period prescribed by subdivision (d) of Section 16502. The  
10 trustee's notice shall include the information described in subdivision (3) and (4) of subdivision  
11 (c) of Section 16336.4.

12 (B) In the case of a proposed change in payout percentage, the trustee gives written notice stating  
13 the new payout percentage that the trustee proposes to adopt, which notice shall comply with the  
14 requirements of Chapter 5 (commencing with Section 16500), and no beneficiary objects to the  
15 proposed action in a writing delivered pursuant to Section 1215 to the trustee within the period  
16 prescribed by subdivision (d) of Section 16502.

17 (b) \* \* \*

18

19 **§ 16501.**

20 (a) The trustee who elects to provide notice pursuant to this chapter shall ~~mail~~ deliver notice  
21 pursuant to Section 1215 of the proposed action to each of the following:

22 (1)-(10) \* \* \*

23

24 **§ 16502.**

25 The notice of proposed action shall state that it is given pursuant to this section and shall include  
26 all of the following:

27 (a) The name, mailing address, and ~~mailing~~ electronic address of the trustee.

28 (b) The name, ~~and~~ telephone number, and electronic address of a person who may be contacted  
29 for additional information.

30 (c) A description of the action proposed to be taken and an explanation of the reasons for the  
31 action.

32 (d) The time within which objections to the proposed action can be made, which shall be at least  
33 45 days from ~~the mailing~~ delivery or receipt of the notice of proposed action.

34 (e) The date on or after which the proposed action may be taken or is effective.

35

36 **§ 16503.**

37 (a) A beneficiary may object to the proposed action by ~~mailing~~ delivering pursuant to Section  
38 1215 a written objection to the trustee at the address stated in the notice of proposed action  
39 within the time period specified in the notice of proposed action.

40 (b)-(d) \* \* \*

41

42 **§ 17203.**

1 (a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause  
2 notice of hearing to be ~~mailed~~ delivered pursuant to Section 1215 to all of the following persons:

3 (1)–(3) \* \* \*

4 (b)–(c) \* \* \*

5  
6 **§ 17204.**

7 (a) If proceedings involving a trust are pending, a beneficiary of the trust may, in person or by  
8 attorney, file with the court clerk where the proceedings are pending a written request stating that  
9 the beneficiary desires special notice of the filing of petitions in the proceeding relating to any or  
10 all of the purposes described in Section 17200 and giving an address for receiving notice by  
11 mail. A copy of the request shall be ~~personally~~ delivered pursuant to Section 1215 ~~or mailed~~ to  
12 the trustee or the trustee’s attorney. If personally delivered, the request is effective when it is  
13 delivered. If mailed or electronically delivered, the request is effective when it is received. When  
14 the original of the request is filed with the court clerk, it shall be accompanied by a written  
15 admission or proof of service. A request for special notice may be modified or withdrawn in the  
16 same manner as provided for the making of the initial request.

17 (b)–(d) \* \* \*

18  
19 **§ 17205.**

20 If a trustee or beneficiary has served and filed either a notice of appearance, in person or by  
21 counsel, directed to the petitioner or the petitioner’s counsel in connection with a particular  
22 petition and proceeding or a written request for a copy of the petition, and has given an address  
23 to which notice or a copy of the petition may be ~~mailed or~~ delivered pursuant to Section 1215,  
24 the petitioner shall cause a copy of the petition to be ~~mailed~~ delivered to that person within five  
25 days after service of the notice of appearance or receipt of the request.

26  
27 **§ 17403.**

28 (a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause  
29 notice of the time and place of the hearing to be ~~mailed~~ delivered pursuant to Section 1215 to  
30 each of the persons named in the petition at their respective addresses as stated in the petition.

31 (b) Any person interested in the trust, as trustee, beneficiary, or otherwise, may appear and file  
32 written grounds in opposition to the petition.

33  
34 **§ 17454.**

35 (a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause  
36 notice of the time and place of the hearing to be ~~mailed~~ delivered pursuant to Section 1215 to  
37 each of the persons named in the petition at their respective addresses as stated in the petition.

38 (b) Any person interested in the trust, as trustee, beneficiary, or otherwise, may appear and file  
39 written grounds in opposition to the petition.

40  
41 **§ 19011.**

42 (a) \* \* \*

43 (b) Any claim form adopted by the Judicial Council shall inform the creditor that the claim must

1 be filed with the court and a copy ~~mailed or~~ delivered pursuant to Section 1215 to the trustee.  
2 The claim form shall include a proof of ~~mailing or~~ delivery of a copy of the claim to the trustee,  
3 which may be completed by the claimant.  
4

5 **§ 19024.**

6 At least 30 days before the time set for the hearing on the petition, the petitioner shall cause  
7 notice of the time and place of the hearing, together with a copy of the petition, to be ~~mailed~~  
8 delivered pursuant to Section 1215 to each of the following persons who is not a petitioner:

9 (a)-(d) \* \* \*

11 **§ 19040.**

12 (a) \* \* \*

13 (b) The caption of the notice, the deceased settlor's name, and the name of the trustee shall be in  
14 at least 8-point type, the text of the notice shall be in at least 7-point type, and the notice shall  
15 state substantially as follows:

16 NOTICE TO CREDITORS

17 OF \_\_\_\_\_

18 # \_\_\_\_\_

19 SUPERIOR COURT OF CALIFORNIA

20 COUNTY OF \_\_\_\_\_

21  
22 Notice is hereby given to the creditors and contingent creditors of the above-named decedent,  
23 that all persons having claims against the decedent are required to file them with the Superior  
24 Court, at \_\_\_\_\_, and ~~mail~~ deliver a copy pursuant to Section 1215 of the California Probate  
25 Code to \_\_\_\_\_, as trustee of the trust dated \_\_\_\_ wherein the decedent was the settlor, at \_\_\_\_\_,  
26 within the later of four months after \_\_\_\_ (the date of the first publication of notice to creditors)  
27 or, if notice is mailed or personally delivered to you, 60 days after the date this notice is mailed  
28 or personally delivered to you. A claim form may be obtained from the court clerk. For your  
29 protection, you are encouraged to file your claim by certified mail, with return receipt requested.  
30

31  
32 (name and address of trustee or attorney)  
33

34 (c) \* \* \*

36 **§ 19052.**

37 The notice shall be in substantially the following form:

39 NOTICE TO CREDITORS

40 OF \_\_\_\_\_

41 # \_\_\_\_\_

42 SUPERIOR COURT OF CALIFORNIA

43 COUNTY OF \_\_\_\_\_



1 Notice is hereby given to the creditors and contingent creditors of the above-named decedent,  
2 that all persons having claims against the decedent are required to file them with the Superior  
3 Court, at \_\_\_\_\_, and ~~mail or~~ deliver a copy pursuant to Section 1215 of the California Probate  
4 Code to \_\_\_\_\_, as trustee of the trust dated \_\_\_\_\_ wherein the decedent was the settlor, at  
5 \_\_\_\_\_, within the later of four months after \_\_\_\_\_ (the date of the first publication of notice to  
6 creditors) or, if notice is mailed or personally delivered to you, 60 days after the date this notice  
7 is mailed or personally delivered to you, or you must petition to file a late claim as provided in  
8 Section 19103 of the Probate Code. A claim form may be obtained from the court clerk. For your  
9 protection, you are encouraged to file your claim by certified mail, with return receipt requested.

10 \_\_\_\_\_  
11 (Date of mailing this notice if  
12 applicable)

\_\_\_\_\_ (name and address of trustee or attorney)

13  
14  
15  
16 **Probate Code section 19150.**

17 (a) A claim may be filed by the creditor or a person acting on behalf of the claimant.

18 (b) A claim shall be filed with the court and a copy shall be ~~mailed~~ delivered pursuant to Section  
19 1215 to the trustee. Failure to ~~mail~~ deliver a copy to the trustee does not invalidate a properly  
20 filed claim, but any loss that results from the failure shall be borne by the creditor.

21  
22 **§ 19153.**

23 The Judicial Council may adopt a claim form which inform the creditor that the claim must be  
24 filed with the court and a copy ~~mailed or~~ delivered pursuant to Section 1215 to the trustee. Any  
25 such claim form shall include a proof of ~~mailing or~~ delivery of a copy of the claim to the trustee  
26 which may be completed by the creditor.

27  
28 **§ 19323.**

29 (a) \* \* \*

30 (b) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause  
31 notice of the time and place of hearing, together with a copy of the petition, to be ~~mailed~~  
32 delivered pursuant to Section 1215 to each of the following persons who are not petitioners:

33 (1)–(4) \* \* \*

34  
35 **§ 20122.**

36 Not less than 30 days before the hearing, the petitioner shall do both of the following:

37 (a) Cause notice of the hearing and a copy of the petition to be ~~mailed~~ delivered pursuant to  
38 Section 1215 to the personal representative and to each person interested in the estate against  
39 whom prorated amounts may be charged pursuant to paragraph (1) of subdivision (a) of Section  
40 20123.

41 (b) \* \* \*

42  
43 **§ 20222.**

1 Not less than 30 days before the hearing the petitioner shall do both of the following:  
2 (a) Cause notice of the hearing and a copy of the petition to be ~~mailed~~ delivered pursuant to  
3 Section 1215 to the trustee and each transferee against whom prorated amounts may be charged  
4 pursuant to paragraph (1) of subdivision (a) of Section 20223.

5 (b) \* \* \*

6  
7 **Welfare and Institutions Code section 728**

8 (a) \* \* \*

9 (b) If the juvenile court decides to terminate or modify a guardianship previously established  
10 under the Probate Code pursuant to subdivision (a), the juvenile court shall provide notice of that  
11 decision to the court in which the guardianship was originally established. The clerk of the  
12 superior court, upon receipt of the notice, shall file the notice with other documents and records  
13 of the pending proceeding and send by first-class mail or electronic service pursuant to Section  
14 1215 of the Probate Code a copy of the notice to all parties of record in the superior court.

15 (c)-(g) \* \* \*

16  
17 **§ 5362**

18 (a) The clerk of the superior court shall notify each conservator, his or her conservatee and the  
19 person in charge of the facility in which the person resides, and the conservatee's attorney, at  
20 least 60 days before the termination of the one-year period. If the conservator is a private party,  
21 the clerk of the superior court shall also notify the mental health director and the county officer  
22 providing conservatorship investigation pursuant to Section 5355, at least 60 days before the  
23 termination of the one-year period. Notification shall be ~~given in person or by first-class mail~~  
24 delivered pursuant to Section 1215 of the Probate Code. The notification shall be in substantially  
25 the following form:

26  
27 [Form text] \* \* \*

28  
29 (b) Subject to a request for a court hearing or jury trial, the judge may, on his or her own motion,  
30 accept or reject the conservator's petition.

31  
32 If the conservator does not petition to reestablish conservatorship at or before the termination of  
33 the one-year period, the court shall issue a decree terminating conservatorship. The decree shall  
34 be ~~sent~~ delivered to the conservator and his or her conservatee ~~by first-class mail~~ pursuant to  
35 Section 1215 of the Probate Code and shall be accompanied by a statement of California law as  
36 set forth in Section 5368.

**LEG16-09**

**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

(Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Hon. Julia Keley Judge of the Superior Court, County of San Diego, San Diego	AM	<p>My bottom line is that I think the proposal is good, but as I discuss below, there is some additional work to do, including modifying current forms; and fixing CRC 2.500 et seq., which governs access to the court’s electronic records, before the changes can be implemented.</p> <p>The best part about this proposal is that it cleans up the entire Probate Code by replacing the notice requirements sprinkled throughout the code with a universal reference to a new section 1215.</p> <p>However, there are several areas that need additional consideration.</p> <p>First, as you can see in the new 1215, electronic service is only available on those who have “filed written consent to receive electronic service and provided an electronic service address.” The language may need to be tightened up to ensure that the consent is filed in the instant matter, not elsewhere, and that the written consent include the electronic service address. It will be very hard for Probate</p>	<p>Clarification that the consent to e-service must be filed in the particular matter in which service is involved is an excellent suggestion that the committee supports. Proposed section 1215(c)(1) does require the person to be served electronically</p>

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**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	Commentator	Position	Comment	Committee Response
			<p>Examiners and the court to know whether service is correct if there is any ambiguity in the court file. It may be necessary to have a form that the party files in the probate matter which contains the necessary consent language as well as the service address.</p> <p>Second, the existing “Proof of Service” forms will have to be changed to incorporate the provisions of the new 1215. For example, the current notice of hearing doesn’t track the proposed rule:  <a href="http://www.courts.ca.gov/documents/de120.pdf">http://www.courts.ca.gov/documents/de120.pdf</a></p> <p>Finally, Rule of Court 2.503 will need to be re-done before the new rule can be implemented. That Rule of Court deals with electronic access to court records. It provides that in conservatorships and guardianships, the court may not give non-parties remote access to electronic records, other than ROA matters, which are defined in the government code as title of the case, date of commencement, and memo of subsequent proceedings and their dates.</p>	<p>to provide an electronic address. The committee will revise the <i>Request for Special Notice</i> (form DE-154/GC-035) to provide a consent to e-service and an electronic address, and will consider development of a separate form for these purposes not tied to a <i>Request for Special Notice</i>.</p> <p>The committee will review in 2017 all probate-connected proof-of-service forms to see what changes are necessary. The forms revised in that year would become effective on January 1, 2018, the same date the legislation would become effective if it is passed by the Legislature and signed by the Governor in 2017.</p> <p>The committee does not agree that the proposed statutory provisions authorizing electronic service of notice in probate proceedings are inconsistent with the rules on remote access to court records, or that the rules on remote access need to be changed to implement the new provisions. The provision of electronic notice by the court to persons entitled to such notice is not the same as providing remote access to court records by the public. Further, to the extent that electronic notice is authorized by statute, the rules governing</p>

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	Commentator	Position	Comment	Committee Response
			<p>As I read the CRC, If we agree that a court-generated notice constitutes a court <b>[record?]</b>, then the clerk could not send it electronically to a non-party (e.g. a surety or the Attorney General) because the notice goes beyond the ROA limits. CRC 2.501 excepts parties from its prohibition on access to electronic records, but in probate, notice is often required to others beyond the immediate parties. Thus, 2.503 will have to be addressed and fixed as part of this process.</p> <p>(And lastly, there is a typo in [Welfare &amp; Institutions Code] section 728, which now erroneously refers to “215” instead of “1215”.)</p> <p>Thank you for the opportunity to comment on this proposal.</p>	<p>remote access to the public would not apply. (See Cal. Rules of Court, rule 2.501(b): “[t]he rules in the chapter on remote access apply only to access to court records by the public and do not limit access to court records by a party in an action or proceeding, by the attorney of a party, or <i>by other persons or entities that are entitled to access by statute or rule.</i>”) (Italics added.) Thus, because the proposed legislation would provide by statute that non-parties entitled to notice may receive such notice electronically, rule 2.501(b) makes it clear that the rules on remote access to court records would not apply to these non-parties respecting electronic notices to them from the court.</p> <p>The committee has revised the proposal to correct this error, and thanks Judge Keley for spotting it and notifying us.</p>

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### Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings

(Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
2.	Orange County Bar Association, by Todd G. Friedland, President, Newport Beach	A	No specific comments received.	No response necessary.
3.	Cheryl Siler Aderant Holdings, Inc. Culver City	AM	<p>I am writing to comments on the proposed amendments to the California Probate Code as set forth in Leg 16-09.</p> <p>As you know, Leg 16-09 contains proposed amendments relating to the “Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings.” As part of this proposal, Probate Code 1215 is being revised to include provisions for service of notices and other papers by personal delivery, mail and electronic means.</p> <p>Generally, I have no problem with the proposed amendments. However, one issue does concern me and that is whether or not the provisions of California Code of Civil Procedure (CCP) 1016.6 are applied to extend the notice period if a notice is served by electronic means prior to a</p>	

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**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

(Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	Commentator	Position	Comment	Committee Response
			<p>hearing. If so, this would be inconsistent with the treatment of notices served by mail under Probate Code 1215.</p> <p>Currently, Probate Code 1215(e) states:</p> <p>When the notice or other paper is deposited in the mail, mailing is complete and the period of notice is not extended.</p> <p>Generally, this section is understood to mean that if a notice must be served a certain number of days prior to a hearing, for instance 15 days, the notice may be served by mail 15 days before the hearing and the provisions of CCP 1013(a) extending the notice period by 5 days are not applicable.</p> <p>In the proposed amendments, Probate Code 1215(e) is renumbered 1215(a)(4), however, the language remains the same.</p> <p>Proposed Probate Code 1215(c) is being added to permit service via electronic means and states:</p>	

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Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	Commentator	Position	Comment	Committee Response
			<p>(1) A notice or other paper may be electronically served on a person under subdivision (a) of Section 1010.6 of the Code of Civil Procedure if the person has filed written consent to receive electronic service and provided an electronic service address.</p> <p>(2) Electronic service is complete when the notice or other paper is sent.</p> <p>The proposed language of Section 1215(c) is problematic in light of the language used in proposed Section 1215(a)(4). The new language in Section 1215(c) suggests that the provisions of CCP 1010.6(a) apply to service of a notice by electronic means in a probate matter. CCP 1010.6(a)(4) extends the period of notice by two court days if service of the notice is made by electronic means.</p> <p>Thus, under the rules as proposed, the time to serve a notice by mail before the hearing would not be extended under CCP 1013(a), but the time to serve the notice by electronic means before the hearing would be extended under CCP 1010.6.</p>	



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**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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			<p>This creates odd and confusing results. For example, where a notice must be served 15 days before the hearing, under the rules as proposed, the notice would be required to be served 15 days before the hearing if served by mail. In contrast, the same notice would be required to be served 15 days and 2 court days before the hearing if served by electronic means. It seems this would result in parties avoiding electronic service as it requires them to act sooner than if serving by mail.</p> <p>To avoid such problems, I suggest the language of proposed Probate Code section 1215(c)(2) be revised to mimic 1215(a)(4). This could be done as follows:</p> <p>(2) Electronic service is complete when the notice or other paper is sent <u>and the period of notice is not extended</u>.</p> <p>Thank you for your time and please let me know if you have any questions or comments.</p>	<p>The committee agrees with this comment, and will recommend that Probate Code section 1215(c)(2) be revised to read as follows:</p> <p>“(2) Electronic service is complete when the notice or other paper is sent and the period of notice is not extended.”</p>

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### Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective

Proceedings (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
4.	Standing Committee on the Delivery of Legal Services, State Bar of California, by Phong S. Wong, Chair, San Francisco	A	<b>Does the proposal appropriately address the stated purpose?</b>  Yes. The amendments that will be made to the probate code to authorize electronic service of notices and other papers on a person only apply to those who have filed consent to receive electronic service and have provided an electronic service address. Individuals, including self-represented litigants and low-income parties, without access to email will not be impacted, as they simply do not have to consent to electronic service.	No response necessary.
5.	Superior Court, County of Los Angeles, Los Angeles	A	This proposal appropriately addresses the stated purpose.  This proposed legislation does not mandate any new requirements for the Court.  Under WIC 5362 the Court is required to give notice to the parties [and to the person in charge of the facility where the conservatee resides] 60 days in advance of termination of the conservatorship. It would be of great benefit if this notice may one day be mandated to occur electronically to certain parties that	Section 5362 applies to mental health conservatorships under the Lanterman-Petris-Short (LPS) Act, not to probate conservatorships, but the procedural provisions of the Probate Code applicable to the latter matters also apply to LPS conservatorships, except as provided in Welfare and Institutions Code section 5350. Section 5362

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**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			file written consent to electronic service.	<p>would be amended by the proposed legislation to provide for notification “pursuant to section 1215,” which would include electronic service.</p> <p>The Los Angeles County Public Guardian is the conservator in most LPS conservatorships in that county, and most LPS conservatees there are represented by county public defenders. The committee therefore anticipates that electronic notice would be feasible in such cases for notice to the conservator, the facility where the conservatee resides, to the county public defender’s office—and to the other county officers required if the conservator is a private party. Electronic service of this notice to a private conservator would also be reasonably feasible, subject to the need to get prior consent to electronic service.</p> <p>However, electronic service of this notice to the LPS conservatee does not appear to be feasible.</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
6.	Superior Court, County of San Diego by Michael M. Roddy, Court Executive Officer, San Diego	AM	<p>Judicial Council and local forms with proof or service or a clerk’s certificate of service by mail will need to be revised to accommodate electronic service.</p> <p>Additionally, it would be helpful if the Judicial Council developed a mandatory form for individuals to file, when consenting to electronic service. It needs to be very clear to the Probate Examiners and Judicial Officers whether the electronic service has been consented to and is therefore valid; a mandatory form could accomplish this.</p> <p>CRC 2.503 will need to be reviewed and modified before court staff can fully take advantage of this new rule in Guardianship and Conservatorship cases. CRC 2.503 deals with electronic access to court records and provides that in conservatorships and guardianships, the court may not give non-parties remote access to electronic records, other than ROA matters, which are defined in the government code as title of the case, date of commencement, and memo of subsequent proceedings and their</p>	<p>The committee will propose any new forms or revisions of existing forms made necessary or desirable by this proposed legislation in 2017, to match the effective date of the proposed legislation.</p> <p>See the committee’s response to Hon. Julia Kelety, Judge of the Superior Court, County of San Diego, above.</p>

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**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings**

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	Commentator	Position	Comment	Committee Response
			<p>dates. Court-generated notice constitutes a court record, meaning the clerk could not send it electronically to a non-party (e.g. a surety; the Attorney General; 1st and 2nd degree relatives) because the notice goes beyond the ROA limits. CRC 2.501 excepts parties from its prohibition on access to electronic records, but in probate, notice is often required to others beyond the immediate parties.</p> <p><b>Q: Does the proposal appropriately address the stated purpose?</b></p> <p>A: Yes, although further action is necessary to fully accomplish the goal.</p>	