



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No. 23-168

For business meeting on September 19, 2023

Title

Probate Conservatorship: Less Restrictive Alternatives

Agenda Item Type

Action Required

Effective Date

January 1, 2024

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 7.1103, 10.468, and 10.478; revise form GC-312

Date of Report

July 17, 2023

Recommended by

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Contact

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Executive Summary

The Probate and Mental Health Advisory Committee recommends amending three rules of court and revising one form in response to recent legislative changes to conservatorship law. The rule amendments implement legislation that requires education on alternatives to conservatorship for judicial officers assigned to probate, probate staff attorneys, probate examiners, court investigators, and counsel appointed in probate conservatorship proceedings. Revisions to the form implement legislation that requires supplemental information provided to the court by the petitioner or proposed conservator to specify clearly and discuss in detail the less restrictive alternatives to a conservatorship that were considered or tried before the filing of the petition. Additional revisions to the form would identify the person completing the form, divide the information to be provided about the reasons for conservatorship into more specific categories, and solicit information about the proposed conservatee's knowledge and opinion of the conservatorship.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 7.1103, 10.468, and 10.478, to add the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3 to the subject matter of the education required under these rules; and
2. Revise *Confidential Supplemental Information* (form GC-312) to incorporate the changes required by amendments to Probate Code section 1821(a) and to provide more clarity and structure to the information provided on that form.

The proposed amended rules and revised form are attached at pages 6–14.

Relevant Previous Council Action

The Judicial Council adopted rules of court establishing comprehensive educational requirements for judicial officers assigned to hear proceedings under the Probate Code; probate court staff attorneys, examiners, and investigators; and counsel appointed in conservatorships and guardianships effective January 1, 2008, in response to the addition of section 1456 to the Probate Code¹ by Assembly Bill 1363 (Stats. 2006, ch. 493, § 3). The council has amended rules 10.468 and 10.478 several times, most recently effective January 1, 2023. These recent amendments were not related to this proposal. In further in response to the mandate in section 1456, the council adopted rule 7.1101, effective January 1, 2008, which provides education requirements for counsel appointed under section 1470 or 1471 in conservatorship proceedings. Rule 7.1101 was divided and renumbered as rules 7.1101–7.1105, effective January 1, 2020.

Confidential Supplemental Information (form GC-312) was adopted for mandatory use, effective July 1, 1990, by circulating order. The form was last revised effective January 1, 2001.

Analysis/Rationale

Assembly Bill 1663 (Stats. 2022, ch. 894) amended multiple provisions in the Probate Code related to conservatorship proceedings. The bill focused on two principal themes: less restrictive alternatives to conservatorship and the rights retained by a person under conservatorship, also known as the *conservatee*. This report addresses the first of these themes.

Rules requiring education on less restrictive alternatives

Section 1456 requires the Judicial Council to develop a rule of court to address the qualifications and education of judicial officers regularly assigned to hear probate matters; court-employed probate staff attorneys, probate examiners, and court investigators; and counsel appointed under section 1470 or 1471 in guardianship and conservatorship proceedings. Rule 7.1103 provides education requirements for counsel appointed under section 1470 or 1471 in conservatorship proceedings. Rule 10.468 provides education requirements for judges and subordinate judicial officers regularly assigned to probate matters. And rule 10.478 provides education requirements for court-employed probate staff attorneys, probate examiners, and court investigators.

¹ All subsequent statutory references are to the Probate Code unless otherwise specified.

AB 1663 amended section 1456(a)(4) to require that the mandatory subject matter of annual education specified in the rules of court must include, at a minimum, “the less restrictive alternatives to conservatorship set forth in [s]ection 1800.3.” The committee therefore proposes amendments to add those less restrictive alternatives to the applicable provisions of rules 7.1103, 10.468, and 10.478.²

Less restrictive alternatives in the supplemental information form

Section 1821(a) requires the petitioner or the proposed conservator to file, in addition to the petition, supplemental information explaining why appointment of a conservator is necessary. The supplemental information must be filed on a form separate from the petition form, treated as confidential, and made available only to parties, persons given notice of the petition who have requested the supplemental information or have appeared in the proceedings, their attorneys, and the court. As required by the statute, the Judicial Council adopted a mandatory form, *Confidential Supplemental Information* (form GC-312), to implement these requirements.

Section 1821 specifies five categories of information to be provided in the supplemental information form. AB 1663 amended the provisions addressing each of those categories. Of the four provisions that were amended substantively, three require revisions to form GC-312.³ First, section 1821(a)(1)(B) requires the information on the form to include, in addition to the location of the proposed conservatee’s residence, the nature of that residence. The committee proposes revising renumbered item 5 to add a description of the nature of the proposed conservatee’s residence.

Second, section 1821(a)(1)(D) requires supplemental information about the health and social services provided to the proposed conservatee to cover the year *immediately* preceding the filing of the petition when the petitioner or proposed conservator has that information. The committee proposes inserting the word *immediately* into renumbered item 7 to reflect this amendment.

Third, and most significant, section 1821(a)(1)(C) requires the supplemental information form to include more detailed and specific information about the alternatives to conservatorship that the petitioner or proposed conservator considered; reasons those alternatives were not suitable; alternatives tried, if any; and reasons the alternatives do not meet the proposed conservatee’s needs. The statute requires that the alternatives considered include at least a supported decisionmaking agreement, as defined in Welfare and Institutions Code section 21001; the designation of a health care surrogate as described in section 4711; an advance health care directive under section 4670 et seq.; and a power of attorney under section 4000 et seq. (§ 1821(a)(1)(C).) The committee therefore proposes revising renumbered item 6 to solicit additional, specific information about the consideration or attempt, if any, of the statutorily

² In addition to the substantive amendments, the committee also proposes amending the cross-references to title 7 in rules 10.468 and 10.478 to reflect the anticipated division of title 7, effective September 1, 2023, into two separate divisions, the first for the probate rules and the second for the mental health rules.

³ The proposed revisions are not highlighted on the attached form because they are extensive and the form has been reorganized, as described below.

specified alternatives and any other alternatives, along with the reasons that each alternative is unsuitable or does not meet the proposed conservatee's needs.

In addition to the statutorily mandated revisions, the committee proposes adding item 2 to specify whether the person completing the form is the petitioner or the proposed conservator; revising items 3 and 4 to provide clearer structure to the presentation, required by section 1821(a)(1)(A) and (E), of the facts and circumstances showing the need for a conservatorship; and adding item 8 to request information, if known, about the proposed conservatee's knowledge and preferences regarding the conservatorship. These revisions are intended to present more relevant information to the court and organize that information in a format that will help the court process it more efficiently.

Policy implications

The recommended action is needed to conform to changes in the law. In addition, the rule amendments and form revisions will improve the quality of justice and service to the public and promote education for branchwide professional excellence.

Comments

The recommended amendments and revisions circulated for public comment in the spring 2023 invitation-to-comment cycle. The committee received four comments. Two commenters agreed with the recommendation as circulated. Two commenters agreed if modified, and one of those commenters suggested additional modifications to form GC-312. The committee has revised the form consistent with this commenter's suggestions and made further revisions in the spirit of those suggestions and the statutory amendments enacted by AB 1663.

A chart of comments is attached at pages 15–17.

Alternatives considered

The committee did not consider taking no action. Sections 1456 and 1821 expressly require implementation through, respectively, rules and a form. The existing rules and form no longer conform to the law and must be updated to satisfy the statutory mandates.

The committee considered implementing other statutory amendments that were enacted by AB 1663 but did not immediately require revisions to existing rules or forms. Unfortunately, the committee lacks the resources to undertake these additional projects at this time. The committee will consider additional action regarding probate conservatorships in the future.

Fiscal and Operational Impacts

The fiscal and operational impacts of the proposal, including updating curricula for judicial branch education, are almost entirely attributable to statute. Petitioners and their attorneys, if they have them, or proposed conservators are now required to specify in more depth the reasons that a conservatorship is needed. In that respect, the proposed form will assist them to do so more completely by reminding them of the issues that they must address. An increased rate of

complete supplemental information forms would, at least in theory, lead to fewer continued hearings or other delays in conservatorship proceedings.

Attachments and Links

1. Cal. Rules of Court, rules 7.1103, 10.468, and 10.478, at pages 6–10
2. Form GC-312, at pages 11–14
3. Chart of comments, at pages 15–17
4. Link A: Assem. Bill 1663 (Stats. 2022, ch. 894),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1663

Rules 7.1103, 10.468, and 10.478 of the California Rules of Court are amended, effective January 1, 2024, to read:

Rule 7.1103. Qualifications and annual education required for counsel appointed to represent a conservatee, proposed conservatee, or person alleged to lack legal capacity (Prob. Code, §§ 1456, 1470(a), 1471)

Except as provided in rule 7.1104(b), an attorney appointed to represent the interests of a conservatee, proposed conservatee, or person alleged to lack legal capacity must have met the qualifications in (a) or (b) and, in every calendar year after first availability for appointment, must meet the annual education requirements in (c).

(a)–(b) * * *

(c) Annual education

(1) Each calendar year after first availability for appointment, an attorney appointed by the court to represent a conservatee, proposed conservatee, or person alleged to lack legal capacity must complete at least three hours of professional education approved by the State Bar for MCLE credit in the subjects listed in (d).

(2) The annual education in (1) must include at least one hour of instruction on less restrictive alternatives to conservatorship, as specified in (d)(4).

(d) Subject matter and delivery of education

Education in the following subjects—delivered in person or by any State Bar–approved method of distance learning—may be used to satisfy this rule’s education requirements:

(1)–(2) * * *

(3) Special considerations for representing an older adult or a person with a disability, including:

(A) * * *

(B) Vulnerability of older adults and persons with disabilities to undue influence, physical and financial abuse, and neglect; and

(C) Effects of aging, major neurocognitive disorders (including dementia), and intellectual and developmental disabilities on a person's ability to perform the activities of daily living; ~~and~~.

Rules 7.1103, 10.468, and 10.478 of the California Rules of Court are amended, effective January 1, 2024, to read:

~~(D) Less restrictive alternatives to conservatorship, including supported decisionmaking.~~

(4) The less restrictive alternatives to conservatorship, including supported decisionmaking, stated in Probate Code section 1800.3.

Rule 10.468. Content-based and hours-based education for superior court judges and subordinate judicial officers regularly assigned to hear probate proceedings

(a) Definitions

As used in this rule, the following terms have the meanings stated below:

(1) “Probate proceedings” are decedents’ estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by provisions of that code and by the rules in division 1 of title 7 of the California Rules of Court.

(2) * * *

(b) Content-based requirements

(1) Judicial officers beginning a regular assignment to hear probate proceedings after the effective date of this rule, ~~—~~unless they are returning to this assignment after less than two years in another assignment, ~~—~~must complete six hours of education on probate guardianships and conservatorships, including court-supervised fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3, within one year of starting the assignment.

(2)–(4) * * *

(c) Hours-based continuing education

(1) In a court with five or more authorized judges, judicial officers regularly assigned to hear probate proceedings must complete 12 hours of continuing education every three-year education cycle on probate guardianships and conservatorships, including court-supervised fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3.

Rules 7.1103, 10.468, and 10.478 of the California Rules of Court are amended, effective January 1, 2024, to read:

- (2) In a court with four or fewer authorized judges, judicial officers regularly assigned to hear probate proceedings must complete nine hours of continuing education every three-year education cycle on probate guardianships and conservatorships, including court-supervised fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3.

(3)–(7) * * *

(d)–(e) * * *

Rule 10.478. Content-based and hours-based education for court investigators, probate attorneys, and probate examiners

(a) Definitions

As used in this rule, the following terms have the meanings specified below, unless the context or subject matter otherwise require:

(1)–(2) * * *

- (3) A “probate examiner” is a person employed by a court to review filings in probate proceedings in order to assist the court and the parties to get the filed matters properly ready for consideration by the court in accordance with the requirements of the Probate Code, the rules in division 1 of title 7 of the California Rules of Court, and the court’s local rules; and

- (4) “Probate proceedings” are decedents’ estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by provisions of that code and by the rules in division 1 of title 7 of the California Rules of Court; and

(b) Content-based requirements for court investigators

- (1) Court investigators must complete 12 hours of education within one year of their start date after January 1, 2008. The education must include the following general topics:

(A)–(D) * * *

Rules 7.1103, 10.468, and 10.478 of the California Rules of Court are amended, effective January 1, 2024, to read:

(E) Accessing and evaluating community resources for children and mentally impaired elderly or developmentally disabled adults; ~~and~~

(F) Interviewing children and persons with mental function or communication deficits; and

(G) The less restrictive alternatives to conservatorship stated in Probate Code section 1800.3.

(2)–(4) * * *

(c) Content-based education for probate attorneys

(1) Probate attorneys must complete 12 hours of education within six months of their start date after January 1, 2008, in probate-related topics, including guardianships, conservatorships, ~~and~~ court-supervised fiduciary accounting, and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3.

(2)–(4) * * *

(d) Content-based education for probate examiners

(1) Probate examiners must complete 20 hours of education within one year of their start date after January 1, 2008, in probate-related topics, of which 12 hours must be in guardianships and conservatorships, including court-appointed fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3.

(2)–(4) * * *

(e) * * *

(f) Hours-based education for probate attorneys

(1) Probate attorneys must complete 12 hours of continuing education each two-year education cycle in probate-related subjects, of which six hours per year must be in guardianships and conservatorships, including court-supervised fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3. The education cycle is determined in the same manner as in rule 10.474(c)(3).

(2)–(4) * * *

Rules 7.1103, 10.468, and 10.478 of the California Rules of Court are amended, effective January 1, 2024, to read:

(g) Hours-based education for probate examiners

- (1) Probate examiners must complete 12 hours of continuing education each two-year education cycle in probate-related subjects, of which six hours per year must be in guardianships and conservatorships, including court-appointed fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3. The education cycle is determined in the same manner as in rule 10.474(c)(3).

(2)–(4) * * *

(h)–(i) * * *

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-312

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CONSERVATORSHIP OF (name): PROPOSED CONSERVATEE		
CONFIDENTIAL SUPPLEMENTAL INFORMATION <input type="checkbox"/> Limited Conservatorship of the <input type="checkbox"/> Person <input type="checkbox"/> Estate		CASE NUMBER:

1. a. Proposed conservatee (name):

b. Date of birth:

c. Age:

d. Social security number:

HEARING DATE:

DEPT.:

TIME:

2. I, the person completing this form, am the (check each that applies) ☐ petitioner ☐ proposed conservator in this proceeding.3. ☐ **ABILITY TO PROVIDE PROPERLY FOR PERSONAL NEEDS*** The following facts and circumstances supplement and support the petition's assertions that the proposed conservatee is unable to provide properly for personal needs for physical health, food, clothing, or shelter (specify in detail, expanding on the reasons in the petition; give specific examples from the proposed conservatee's daily life showing significant, ongoing behavior patterns):

a. Physical health (give examples showing the proposed conservatee's inability to move and exercise, maintain personal hygiene, make and attend routine medical appointments, take medication as prescribed, etc.):

☐ Continued in Attachment 3a.

b. Food (give examples showing the proposed conservatee's inability to eat or drink, prepare food, shop for food, etc.):

☐ Continued in Attachment 3b.

c. Clothing (give examples showing the proposed conservatee's inability to get dressed, do laundry, shop for clothing, etc.):

☐ Continued in Attachment 3c.

d. Shelter (give examples showing the proposed conservatee's inability to pay rent or mortgage, pay utility bills, keep house, etc.):

☐ Continued in Attachment 3d.

* If any part of item 3 does not apply to the proposed conservatorship, skip it, check box 3 in item 10, and explain why it does not apply.

Page 1 of 4

CONSERVATORSHIP OF (name):	CASE NUMBER:
PROPOSED CONSERVATEE	

4. ☐ **ABILITY TO MANAGE OWN FINANCIAL RESOURCES*** The following facts and circumstances supplement and support the petition's assertions that the proposed conservatee is substantially unable to manage that person's own financial resources or to resist fraud or undue influence *(specify in detail, expanding on the reasons in the petition; give specific examples from the proposed conservatee's daily life showing significant, ongoing behavior patterns):*

a. Financial resources *(give examples of the proposed conservatee's substantial inability to manage money or property):*

☐ Continued in Attachment 4a.

b. Fraud or undue influence *(give examples of the proposed conservatee's substantial inability to resist fraud or undue influence):*

☐ Continued in Attachment 4b.

* If any part of item 4 does not apply to the proposed conservatorship, skip it, check box 4 in item 10, and explain why it does not apply.

5. **RESIDENCE** (A "residence" is the place a person would tend to describe as "home," for example, an owned or rented single-family house or an apartment in a multiunit building, or an assisted-living, board-and-care, skilled-nursing, or other long-term care facility.)

a. The proposed conservatee's **residence** is a *(nature of residence; see above for examples):*

b. The proposed conservatee's **residence** is located at *(street address, city, state):*

c. The proposed conservatee is **currently located** at ☐ the residence in item 5b ☐ other *(street address, city, state):*

d. The proposed conservatee's **current location** is a *(nature of current location; see above for examples):*

e. **Ability to live in residence** The proposed conservatee is

(1) ☐ **living** in the residence, and

(a) ☐ is able to continue living there unless circumstances change.

(b) ☐ will need to be moved after a conservator is appointed *(give specific reasons in item 5f)*.

(c) ☐ other *(specify and give reasons in item 5f)*.

(2) ☐ **not living** in the residence, and

(a) ☐ will be able to return home by *(date):* *(explain in item 5f)*.

(b) ☐ will not return to live there *(give specific reasons in item 5f)*.

(c) ☐ other *(specify and give reasons in item 5f)*.

f. Specific reasons supporting the determination in item 5e about the proposed conservatee's ability to live in the residence:

☐ Continued in Attachment 5f.

CONSERVATORSHIP OF (name):	CASE NUMBER:
PROPOSED CONSERVATEE	

6. **ALTERNATIVES TO CONSERVATORSHIP** I have considered the following alternatives to conservatorship. For each alternative below, either (1) I have attempted that alternative for the length of time and in the manner described and have determined for the reasons explained below that it is unsuitable or does not meet the proposed conservatee's needs; or (2) I have not attempted that alternative and have determined for the reasons explained below that it is unsuitable or does not meet the proposed conservatee's needs and therefore should not be attempted.

a. A supported decisionmaking agreement, as defined in Welfare and Institutions Code section 21001

☐ Continued in Attachment 6a.

b. Designation of a health care surrogate under Probate Code section 4711

☐ Continued in Attachment 6b.

c. An advance health care directive under Probate Code section 4600 et seq.

☐ Continued in Attachment 6c.

d. A power of attorney (general or limited, durable or nondurable) under Probate Code section 4000 et seq.

☐ Continued in Attachment 6d.

e. A trust, as defined in Probate Code section 82

☐ Continued in Attachment 6e.

f. Other alternatives considered or attempted

☐ Continued in Attachment 6f.

CONSERVATORSHIP OF (name):	CASE NUMBER:
PROPOSED CONSERVATEE	

7. HEALTH OR SOCIAL SERVICES PROVIDED *(complete all that apply):*

- a. ☐ In the year immediately before the petition was filed, the proposed conservatee received the following **health services**, for example, doctor's visits, medical testing, hospitalizations, surgeries, administration of medication, wound care, or therapy. *(describe the services and the circumstances in which they were provided; if none were provided, state "none"):*

☐ Continued in Attachment 7a.

- b. ☐ In the year immediately before the petition was filed, the proposed conservatee received the following **social services**, for example, companionship, assistance with personal hygiene, housekeeping, shopping, cooking, or assistance managing finances. *(describe the services and the circumstances in which they were provided; if none were provided, state "none"):*

☐ Continued in Attachment 7b.

- c. ☐ I do not know, and cannot reasonably find out, what, if any, ☐ health services ☐ social services were provided to the proposed conservatee in the year immediately before the petition was filed.

8. KNOWLEDGE AND PREFERENCES The proposed conservatee *(check all that apply)*

- a. ☐ knows about ☐ does not know about the proposed conservatorship. ☐ I don't know.
 b. ☐ agrees with ☐ does not agree with the proposed conservatorship. ☐ I don't know. ☐ Not applicable.

9. SOURCE OF INFORMATION The facts, circumstances, and conclusions stated on this form are based, *(check all that apply)*

- a. in item 3, on ☐ my own personal knowledge ☐ an affidavit (declaration) by another person, attached as Attachment 3.
 b. in item 4, on ☐ my own personal knowledge ☐ an affidavit (declaration) by another person, attached as Attachment 4.
 c. in item 5, on ☐ my own personal knowledge ☐ an affidavit (declaration) by another person, attached as Attachment 5.
 d. in item 6, on ☐ my own personal knowledge ☐ an affidavit (declaration) by another person, attached as Attachment 6.
 e. in item 7, on ☐ my own personal knowledge ☐ an affidavit (declaration) by another person, attached as Attachment 7.
 f. in item 8, on ☐ my own personal knowledge ☐ an affidavit (declaration) by another person, attached as Attachment 8.

10. ITEMS THAT DO NOT APPLY The following items on this form, or parts of those items, do not apply to the proposed conservatorship. *(for each item checked, explain why that item or part of an item does not apply):* ☐ 3 ☐ 4

☐ Continued on Attachment 10.

11. Number of pages attached: _____

DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)	 (SIGNATURE)
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SPR23-23

Probate Conservatorship: Less Restrictive Alternatives (amend Cal. Rules of Court, rules 7.1103, 10.468, and 10.478; revise form GC-312)

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

	Commenter	Position	Comment	Committee Response
1.	Peter S. Stern, Attorney Palo Alto	AM	<p>Form GC-312 as proposed to be modified should be changed in the following areas:</p> <p>Page 2 of 4, item 5a. Should be rewritten: “a. The proposed conservatee’s residence is (for example, owned or rented, single-family or apartment in multiunit building, assisted-living, board and care, or skilled nursing facility):”</p> <p>Rationale for change: Section 1821(a)(1)(B) now asks for the “nature” of the proposed conservatee’s residence. The form should prompt a response that identifies whether or not the conservatee is in an institutional setting, which is a distinctly different “nature” than a home or apartment setting.</p> <p>Page 3 of 4, item 6 should be rewritten: “ALTERNATIVES TO CONSERVATORSHIP: I have considered the following alternatives to conservatorship and for each alternative described below: (1) I have attempted to implement it for the duration shown and have explained why it was unsuitable or did not meet the proposed conservatee’s needs; or (2) I have determined for the reasons described why it was unsuitable or did not meet the proposed conservatee’s needs.”</p> <p>Rationale for change: Section 1821(a)(1)(C) to my reading requires a more involved and forceful effort by petitioner/proposed conservator to seek out and try alternatives. My</p>	<p>The committee appreciates these comments.</p> <p>The committee agrees that the circulated language was unduly narrow and has revised item 5 on the recommended form to provide additional examples of possible residences.</p> <p>The committee agrees that the heading to item 6 on the circulated form does not fully convey the duties of the petitioner or proposed conservator. The committee has rewritten that heading in the spirit of this suggestion and Probate Code section 1821(a)(1)(C), as amended by AB 1663.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR23-23

Probate Conservatorship: Less Restrictive Alternatives (amend Cal. Rules of Court, rules 7.1103, 10.468, and 10.478; revise form GC-312)

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

	Commenter	Position	Comment	Committee Response
			suggested version also does away with the clumsy asterisk and required fill ins at item 10 by requiring the person completing the form to address each alternative in the space provided. I should note that even though the statute refers to the “conservatee,” GC 312 is to be submitted prior to the appointment hearing and thus applies to a “proposed conservatee.”	The committee has also eliminated the cross-references to item 10 in items 5, 6, and 7. As revised, those items apply to every conservatorship, and the petitioner or proposed conservator is expected to complete them.
2.	Orange County Bar Association by Michael A. Gregg, President	A	No specific comment.	The committee appreciates this comment. No further response required.
3.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	AM	Three months is not enough time for implementation, as this type of training is not yet available and will need to be developed. In addition to judicial officer and internal staff, court-appointed counsel will also need the new training, which may take time for the California State Bar to coordinate.	The committee appreciates this comment but does not recommend a change to the proposal in response because the proposed educational requirements and form changes are mandated by legislation.
4.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Does the proposal appropriately address the stated purpose? Yes. Would the proposal provide cost savings? If so, please quantify. No. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case	The committee appreciates these comments. No further response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR23-23

Probate Conservatorship: Less Restrictive Alternatives (amend Cal. Rules of Court, rules 7.1103, 10.468, and 10.478; revise form GC-312)

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

	Commenter	Position	Comment	Committee Response
			<p>management systems, or modifying case management systems?</p> <p>Other than the specific education requirements for certain court staff, minimal training for Clerks, Probate Examiners, Court Investigators and Judicial Officers would be required.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>It appears the proposal would work for courts of various sizes.</p> <p>No additional Comments.</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated