



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

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Title	Agenda Item Type
Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt forms GC-360, GC-361, and GC-362; revise form GC-310	January 1, 2016
Recommended by	Date of Report
Probate and Mental Health Advisory Committee	August 12, 2015
Hon. John H. Sugiyama, Chair	Contact
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### Executive Summary

Legislation enacted in 2014 added the California Conservatorship Jurisdiction Act (CCJA) to the Probate Code. This legislation requires the Judicial Council to revise an existing form and adopt new forms to implement the act. To comply with this mandate, the Probate and Mental Health Advisory Committee proposes revision of the existing form and adoption of three new forms.

### Recommendation

The Probate and Mental Health Advisory Committee recommends that, effective January 1, 2016, the Judicial Council:

1. Adopt three new forms required by the CCJA to implement the foreign conservatorship registration provisions of the law, the *Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California* (form GC-360); the *Notice of*

*Intent to Register Conservatorship* (form GC-361), and the *Conservatorship Registrant's Acknowledgment of Receipt of Handbook For Conservators* (form GC-362); and

2. Revise the *Petition for Appointment of Probate Conservator* (form GC-310) to add an inquiry, required by the CCJA, about the proposed conservatee's possible connections to a federally-recognized Indian tribe and also to inquire about the petitioner's state of knowledge about conservatorship or similar proceedings filed concerning the proposed conservatee in jurisdictions other than California.

The new and revised forms are attached at pages 7–22.

### **Previous Council Action**

The CCJA<sup>1</sup> is California's version of a uniform law, the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. This law was recommended to the Legislature for adoption in California by the California Law Revision Commission. During the progress of development of the commission's final recommendations to the Legislature in 2013, the Judicial Council, through its Policy Coordination and Liaison Committee, authorized the Probate and Mental Health Advisory Committee and the State Court and Tribal Court Forum to make recommendations to the Commission for modification of portions of the proposed law affecting California Indian tribal courts, tribal-member conservatees, and their relations with California state courts. A significant portion of these recommendations were accepted by the Law Revision Commission and became part of the CCJA.

The Judicial Council adopted the *Petition for Appointment of Probate Conservator* (form GC-310), effective July 1, 1979; which was also the effective date of the entire Guardianship-Conservatorship Law, commencing at Probate Code section 1400. The form has been revised seven times since then, the last revision effective on July 1, 2009.

### **Rationale for Recommendation**

The CCJA addresses, among many other things, jurisdictional disputes between states and between states and tribal courts of federally-recognized Indian tribes, concerning what in California are conservatorship proceedings under the Probate Code. The law authorizes a conservator appointed in one jurisdiction to transfer the case to another jurisdiction and the latter jurisdiction to accept the transfer, without requiring the conservator to close the original case and seek appointment as conservator in the receiving jurisdiction. The law also permits a conservator appointed in another jurisdiction to register with a California state court if the conservatee is not

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<sup>1</sup> Unless otherwise stated, all code references are to the Probate Code.

The CCJA was enacted by Senate Bill 940 (Stats. 2014, ch. 553). It is located in a new chapter 8 of part 3 of division 4 of the Probate Code, commencing with section 1980. The entire law was effective on January 1, 2015, but it will not become operative until January 1, 2016, except Probate Code section 2023, which became operative this year (see Sen. Bill 940, §§ 20 and 23). A link to the legislation is provided at the end of this report.

a resident of California<sup>2</sup> and thereafter to act in California, for example, handling a real property transaction involving the conservatee's California property or making placement or medical decisions for a conservatee temporarily here, without court appointment in California.

### **Registration of foreign conservatorships**

The three new forms recommended in this report are required with considerable specificity by the CCJA.<sup>3</sup> They are to be used by foreign conservators to register their conservatorships in this state. Form GC-360 is the basic registration document, referred to as a cover sheet because it must be filed together with documents required by the law.<sup>4</sup>

Notice of intent to register must be given at least 15 days before registration to the foreign appointing court and to the persons entitled to notice of an appointment petition under the laws of that state and of California. Proposed form GC-361 is the form of the notice required by sections 2014 and 2023(b)(3). The contents of the notice in item two on page one of the form is required by section 2014(b). Perhaps the most significant portion of that notice is items 2a and 2b, which advise that a registrant may not act in ways not authorized for domestic conservators in this state and California law applies to all actions taken by a registrant here, including the same court approval of the action and notice of the application for that approval that would be required for the action in a domestic conservatorship. Pages 3 and 4 of form GC-361 contain instructions for delivery of the notice and a proof of delivery by mailing that is modeled after similar proofs of mailing commonly used in probate proceedings.<sup>5</sup>

Form GC-362 is the registrant's acknowledgment of receipt of the information about the duties and responsibilities of conservators that section 1834 requires of domestic conservators. Delivery of that information to the registrant and the registrant's receipt of it are required by sections 2015 and 2023(b)(4).

### **Revision of form GC-310**

The proposal also recommends revision of the *Petition for Appointment of Probate Conservator* (form GC-310) to include an inquiry, also required by the CCJA, about the proposed conservatee's relationship with an "Indian tribe with jurisdiction."<sup>6</sup> Finally, in response to a

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<sup>2</sup> Excepting a conservator appointed by a court of a California Indian tribe, who may register the conservatorship with a California state court despite the conservatee's residence in the state. See sections 2023(b)(1) and (c), and 2019.

<sup>3</sup> See sections 2011–2013, concerning, respectively, registration of conservatorships of the person, the estate, and the person and estate; and section 2023. A copy of the latter section follows this report as Attachment A.

<sup>4</sup> The documents are required by sections 2011–2013 and are listed on page two of the new form. They are (1) certified copies of the foreign court's appointment order and Letters of Conservatorship or other letters of office and of any bond, and (2) proof of the notice required by section 2014.

<sup>5</sup> See *Attachment to Notice of Hearing Proof of Service by Mail* (form GC-020(MA)).

<sup>6</sup> An "Indian tribe with jurisdiction" is defined in section 2031(b) as a federally-recognized Indian tribe with a court system that exercises jurisdiction over proceedings that are substantially equivalent to conservatorships.

comment of the Judicial Council’s State Court-Tribal Court Forum, the proposal includes a revision of form GC-310 to ask the petitioner if he or she has knowledge of the filing of a conservatorship or equivalent proceeding concerning the proposed conservatee in another jurisdiction, including a court of an Indian tribe with jurisdiction. Disclosure of a potential competing petition for appointment of a conservator in another jurisdiction before a California appointment is made should serve to identify potential jurisdictional disputes addressed by the CCJA at the earliest possible time.

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

### **External comments**

This proposal was circulated for public comment in the regular spring 2015 comment cycle. Possibly because of the very specific and detailed requirements for the new and revised forms enacted in the CCJA, only six comments were received. All commentators approved the proposal, three without specific comments. One commentator, the Superior Court of Los Angeles County, responded only to the questions in the Invitation to Comment directed to courts concerning the effect of the proposal on court operations and expenses.

Two commentators, the State Court-Tribal Court Forum, and the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees recommended changes.

The Forum requested that the conservatorship petition, form GC-310, be revised to inquire of the petitioner whether there is a conservatorship proceeding pending for the proposed conservatee in a tribal court. The advisory committee accepted this recommendation in a modified form. The committee added a new item 3g at the top of page four of the form, part of the section that addresses jurisdictional issues. The item would provide:

So far as known to petitioner, a conservatorship or equivalent proceeding concerning the proposed conservatee [ ] has not [ ] has been filed in another jurisdiction, including a court of an Indian tribe with jurisdiction (see Prob. Code 2031(b)).

*(If you answered “has,” identify the jurisdiction and state the date the case was filed):*

The reference to an “equivalent proceeding” reflects the fact that in many jurisdictions, the matters that would be probate conservatorships in this state are identified by other names, such as guardianships or protective proceedings.

The Joint Rules Subcommittee requested that the contents of one of the forms recommended in this report, the *Conservatorship Registrant’s Acknowledgment of Receipt of Handbook for Conservators* (form GC-362) be folded into one of the other two new forms, to reduce the number of new forms. The committee regretfully concluded that this could not be done for the following reasons:

1. Combination of the contents of form GC-362 with the *Notice of Intent to Register Conservatorship* (form GC-361) is not appropriate because the latter form is not filed, except perhaps as an exhibit, and it must be prepared and delivered to the persons entitled to notice before the basic registration form, form GC-360, is filed with the registering court (see § 2014(a)).
2. The CCJA expressly permits combination of the *Conservator's Attestation of Conservatee's Non-Residence in California* with the basic registration form, form GC-360, an invitation that was accepted by the committee (see page 3 of form GC-360 and §§ 2017(a)(3) and 2023(b)(2)). No such permission was given for the required acknowledgment of receipt proposed here as form GC-362.
3. Probate Code section 2015 requires the court, upon registration, to provide the foreign conservator with the information about a conservator's rights, duties, limitations, and responsibilities in California identified in section 1835. The *Handbook for Conservators*, published by the Judicial Council, is that information. This would mean, if the contents of form GC-362 were placed in form GC-360, a foreign conservator would apply for registration by presenting a form to the court that includes a signed receipt for material the court is not to deliver to him until after completion of registration.

The advisory committee will, however, consider making a recommendation for council sponsorship of legislation to amend section 2015 to permit moving the contents of form GC-362 to form GC-360 in the future.

#### **Internal comments**

The advisory committee reviewed the proposed new and revised forms upon their return from public circulation. In addition to the changes noted above in response to comments received, the committee unanimously made the following additional revisions of the forms circulated for comment:

1. The committee added a list of the attachments required by section 2013 to be filed with the *Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California* (form 360), on page 2 of the form.

This change should inform registrants what documents are to be attached to and filed with the cover sheet and reduce inadvertent failures to attach them.

2. The committee changed the attestation of receipt required by sections 2015 and 2023(b)(4) to read: "I acknowledge that I have received or accessed electronically the *Handbook for Conservators* adopted by the California Judicial Council."

The revised acknowledgment accurately reflects the current situation in California, in which newly appointed conservators either access the *Handbook* electronically from the judicial branch public Website at no cost to them or pay to the appointing court the sum authorized by section 1835(f) for a printed copy reproduced by the court from the electronic copy.

### **Alternatives**

The CCJA is very specific about the forms it requires the council to develop, and very thorough and precise in prescribing the contents of those forms. Therefore, no alternatives to their development and few alternatives to the contents of the forms were considered. The committee was unanimous in its approval of the forms for public circulation, the changes to the forms proposed in this report, and its recommendation for adoption or revision of the forms.

### **Implementation Requirements, Costs, and Operational Impacts**

The Superior Court of Los Angeles County advised that the new forms recommended in this proposal would add to the court's workload. The court was unable to determine that the forms would reduce any existing costs, but advised that management as well as clerical staff would require training, and possible changes in procedures and modification and addition of codes in the court's case management system would be necessary.

The committee's view is that the additional workload and costs for the courts stem from implementation of the registration process by the CCJA rather than from the adoption of the forms required by that act for that process. This increase will be offset to some extent by the new registration fee of \$30, authorized by Government Code section 70663, added by section 2 of the CCJA.

### **Attachments and Links**

1. Judicial Council forms GC-360, GC-361, GC-362, and GC-310, at pages 7–22
2. Chart of comments, at pages 23–26
3. Attachment A: Probate Code section 2023, at page 27
4. The California Conservatorship Jurisdiction Act, Senate Bill 940 (Stats. 2014, ch. 553), at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB940&search\\_keywords](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB940&search_keywords)

CALIFORNIA ATTORNEY OR REGISTRANT WITHOUT CALIFORNIA ATTORNEY (*Name, address, and State Bar number*):

TEL NO.:

FAX NO.:

E-MAIL ADDRESS:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

CONSERVATORSHIP OF THE  
(*Name*):

PERSON

ESTATE OF

CONSERVATEE

CALIFORNIA REGISTRATION NUMBER

FOR COURT USE ONLY

**CONSERVATORSHIP REGISTRATION COVER SHEET AND  
ATTESTATION OF CONSERVATEE'S NON-RESIDENCE IN CALIFORNIA  
(California Conservatorship Jurisdiction Act)**

**Draft  
Not Approved by the  
Judicial Council**

JURISDICTION WHERE CONSERVATORSHIP OR ADULT GUARDIANSHIP CASE FILED:

COURT:

DEPT.:

CASE NUMBER:

TITLE OF PROCEEDING:

**INFORMATION AND INSTRUCTIONS FOR REGISTRANTS**

The California Conservatorship Jurisdiction Act (Prob. Code §§1980–2300) is California's modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Terms and phrases used in this Cover Sheet that are defined in California Probate Code sections 1982 or 2031 are in italics and have the meanings provided in those sections; all further statutory references are to that code. A *conservator of the person* in California is a fiduciary that is referred to in many other states or jurisdictions as the guardian of the person of an adult; a *conservator of the estate* in California is a person who is referred to in many other states or jurisdictions as the guardian of the estate of an adult or a person authorized by law to preserve and manage the property and finances of a protected person, who is a person for whom a court has issued a protective order; a *conservator of the person and estate* in California is a person who has the combined powers and authority of a *conservator of the person* and a *conservator of the estate* of an adult person, who is referred to in California as the *conservatee*. A *conservator* may be a conservator of the person, of the estate, or of the person and estate of a *conservatee*.

A *conservator* appointed by a court of a state other than California; or by a court of the District of Columbia, Puerto Rico, United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States; or by a court of an *Indian tribe with jurisdiction*, including a *California tribe*, may register the *conservatorship order* with a California superior court in accordance with sections 2011 (*conservatorship of the person*), 2012 (*conservatorship of the estate*), or 2013 (*conservatorship of the person and estate*). Registration is accomplished, after giving notice as required by section 2014, by **filing a signed and initialed copy of this Cover Sheet together with proof of notice and certified copies of (1) the appointing court's conservatorship order, (2) Letters of Conservatorship or other letters of office, and (3) any surety bond** with an appropriate California superior court identified in sections 2011, 2012, or 2013.

Upon registration and receipt of the written information concerning a *conservator's* rights, duties, limitations, and responsibilities in California described in sections 1835 and 2015, and the filing of the *conservator's* written acknowledgement of receipt of that information, the *conservator* may, while the *conservatee* resides outside of California or if the *conservatorship order* was made by the court of a *California tribe*, exercise in any county of this state all of the powers authorized in the *conservatorship order*, except as prohibited by the law of California, including maintaining actions and proceedings in this state (subject to any conditions imposed on nonresident parties if the *conservator* is not a resident of California). See section 2016.

\* Court where registration is made (*prepare separate cover sheet for each court where registration is to be made*).

Page 1 of 3

CONSERVATORSHIP OF <i>(name)</i> :     <p style="text-align: right;">CONSERVATEE</p>	CALIFORNIA REGISTRATION NUMBER:
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Registration may be available if **all** of the following facts are true:

1. The *conservatee* is over the age of 18 years (*place your initials here*): \_\_\_\_\_ ;
2. Under the law under which his or her *conservator* was appointed, the *conservatee* may not be involuntarily committed to a mental health facility or subjected to other involuntary mental health care that is similar to the California mental health proceedings listed in section 1981(b) (*place your initials here*): \_\_\_\_\_ ; and
3. There is no petition pending in a California state court for the appointment of a *conservator* for the *conservatee*.

**EFFECT OF CALIFORNIA LAW AND CONSERVATEE'S RESIDENCE IN CALIFORNIA**

A *conservator* acting under the authority of a registration under sections 2011, 2012, or 2013 is subject to the law of California governing the action, including all applicable court procedures, and is not authorized to take any action prohibited by that law. If a California law, including sections 2356.5, 2540, 2543, 2545, or 2591.5, or article 2 (commencing with section 1880) of chapter 4 of part 3 of division 4 of the code, mandates compliance with special requirements to exercise a particular power or take a particular step, a *conservator* registered under sections 2011, 2012, or 2013 may not exercise that power or take that step without first complying with those requirements. If the requirement is to obtain court approval or take other action in court, the *conservator* must seek that approval or otherwise proceed as needed in an appropriate California state court. California law also includes limitations on the authority of fiduciaries who are not authorized to practice law in California, including *conservators*, to appear in California state courts without attorneys so authorized.

**Except in the case of the registration of a *conservatorship order of a California tribe*, registration is effective only while the *conservatee* resides outside California and does not authorize the *conservator* to take any action while the *conservatee* resides in California.**

**ATTACHMENTS TO REGISTRATION COVER SHEET  
(Probate Code section 2013)**

Attached to this cover sheet, presented for filing with it, are:

1. A certified copy of the order appointing the fiduciary in the court of the jurisdiction identified on page 1;
2. A certified copy of the Letters of Guardianship or Conservatorship or other letters of office issued by the court of the jurisdiction identified on page 1;
3.  A certified copy of the bond required by the court of the jurisdiction identified on page 1.  No bond was required.
4. Proof that notice of intent to register conservatorship (California Judicial Council form GC-361) was given in the manner and to the persons as required by California Probate Code section 2014.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)



\_\_\_\_\_

(SIGNATURE OF REGISTRANT)



CONSERVATORSHIP OF <i>(name)</i> :     <p style="text-align: right;">CONSERVATEE</p>	CALIFORNIA REGISTRATION NUMBER:    
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**CONSERVATOR'S ATTESTATION OF CONSERVATEE'S NON-RESIDENCE IN CALIFORNIA  
(Probate Code section 2017)**

I am the registrant named below and the conservator of the conservatee named above.

- The conservatee does not reside in the State of California as of the date shown below.
- The conservatee resides in California as of the date shown below. My appointment as conservator was made by a court of a *California tribe*, which is an *Indian tribe with jurisdiction* under the California Conservatorship Jurisdiction Act (chapter 8 of part 3 of division 4 of the Probate Code, commencing with section 1980). (See section 1982.)

I promise to notify promptly any person to whom I have delivered a copy of this Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California if the conservatee becomes a resident of the State of California. This promise does not apply to a conservatee who resides in California if his or her conservator was appointed by a court of a *California tribe* that is an *Indian tribe with jurisdiction* under the California Conservatorship Jurisdiction Act.

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

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)

▶

\_\_\_\_\_

(SIGNATURE OF REGISTRANT)

CALIFORNIA ATTORNEY OR INTENDED REGISTRANT WITHOUT CALIFORNIA ATTORNEY:		STATE BAR NUMBER:	
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:		STATE:	ZIP:
TELEPHONE NO.:		FAX NO. :	
E-MAIL ADDRESS:			
ATTORNEY FOR (Name):			
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE    OF (Name):			
CONSERVATEE			
<b>NOTICE OF INTENT TO REGISTER CONSERVATORSHIP*</b> <b>(California Conservatorship Jurisdiction Act)</b>			
JURISDICTION WHERE CONSERVATORSHIP OR ADULT GUARDIANSHIP CASE FILED:			
COURT:		DEPT.:	CASE NUMBER:
TITLE OF PROCEEDING:			

1. NOTICE is given that (name):  
 (specify fiduciary or representative capacity):  
 intends to register the conservatorship proceeding identified above with the following California superior court:  
 Superior Court, County of \_\_\_\_\_, on or after (specify date\*\*): \_\_\_\_\_.
  
2. NOTICE is further given that:
  - a. A conservator in a conservatorship registered in California under the California Conservatorship Jurisdiction Act (chapter 8 of part 3 of division 4 of the Probate Code, commencing with section 1980) taking an action under the Act is fully subject to the law of California governing the action, including all applicable court procedures concerning the action, and is not authorized to take any action prohibited by that law.
  - b. If a conservator in a conservatorship registered in California under the Act proposes to take a specific action that requires court approval or other action in court under California law, the conservator will be required to notify any person entitled to receive a copy of this Notice of the request for court approval or other court action. The person notified will have an opportunity to object or otherwise participate in the court proceeding at that time, in the same manner as other persons are entitled to object or otherwise participate under the law of California.
  - c. Information about a conservator's rights, duties, limitations, and responsibilities under California law may be found in a publication titled *Handbook for Conservators*, which is posted on the Judicial Council of California's website at: [www.courts.ca.gov/documents/handbook.pdf](http://www.courts.ca.gov/documents/handbook.pdf).
  - d. Except in the case of a conservatorship filed in and supervised by the court of a California Indian tribe with jurisdiction, registration of a conservatorship in California is effective only while the conservatee resides outside California and does not authorize the conservator to take any action while the conservatee resides in California.

\* Prepare and serve (deliver) a separate *Notice of Intent to Register Conservatorship* for each court in which you intend to register this conservatorship.

\*\* The date of registration must be 15 or more days after this notice is mailed or personally delivered (Prob. Code, § 2014(a)).

CONSERVATORSHIP OF THE  PERSON  ESTATE OF

(Name):

CONSERVATEE

**INSTRUCTIONS FOR DELIVERY OR SERVICE OF NOTICE OF INTENT TO REGISTER**

A copy of this *Notice of Intent to Register Conservatorship* must be delivered, at least 15 days before registration of the conservatorship in California, to (1) the court that is supervising the conservatorship or guardianship proceeding in the state or other jurisdiction other than California shown on the first page of this form; (2) each person who has the right under the law of that jurisdiction to notice of the date, time, and place of a court hearing on a petition for the appointment of a guardian of an adult or a conservator; and (3) each person who would be entitled to notice of the date, time, and place of a court hearing on a petition for the appointment of a conservator in California (see Prob. Code §§ 1821–1824). These copies may be delivered by mail. However, copies of this Notice may be personally delivered instead of mailed. The registrant (the person who intends to register the conservatorship in California) must show the court that copies of this Notice have been delivered in compliance with applicable law. The registrant does this by performing the delivery and completing and signing a proof of delivery. The Notice is then combined with certified copies of the conservatorship appointment order, Letters of Conservatorship or other letters of office, any surety bond, and the original signed *Conservatorship Registration Cover Sheet and Attestation of Conservatee's Nonresidence in California* (form GC-360) for filing in the California court selected for registration (see Prob. Code §§ 2011–2013).

Pages 2–4 of this form contain a proof of delivery that may be used only to show delivery by mail. To show personal delivery, each person who performs the delivery must complete and sign a proof of personal delivery or service, and each signed copy of that proof must be attached to this Notice when it is delivered to the court to complete registration. You may use form number POS-020(P) to show personal delivery of this Notice. A fillable copy of that form (and all other forms, listed by their form numbers) may be found on the Judicial Council's Internet website, at [www.courts.ca.gov/formnumber.htm](http://www.courts.ca.gov/formnumber.htm).

**PROOF OF DELIVERY BY MAIL**

1. I am over the age of 18 years. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (*specify*):
3. I delivered the foregoing *Notice of Intent to Register Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a.  depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
  - b.  placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. a. Date mailed: \_\_\_\_\_ b. Place mailed (*city, state*): \_\_\_\_\_

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 OF PERSON COMPLETING THIS FORM)

\_\_\_\_\_  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

Name and Relationship to Conservatee

Address (number, street, city, state, and zip code)

1. Appointing or Supervising Court

2. Conservatee or Ward

CONSERVATORSHIP OF THE  PERSON  ESTATE OF  
(Name):  
  
CONSERVATEE

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

Name and Relationship to Conservatee

Address (number, street, city, state, and zip code)

**3. Persons Entitled to Notice of Hearing of Petition for Appointment of Conservator or Guardian in Appointing Court**


Additional persons listed on Attachment 3 (you may use form POS-30(P) for this purpose).

CONSERVATORSHIP OF THE  PERSON  ESTATE OF

(Name):

CONSERVATEE

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

Name and Relationship to Conservatee

Address (number, street, city, state, and zip code)

4. Persons Entitled to Notice of Hearing of Petition for Appointment of Conservator in California (Prob. Code, §§ 1821–1824)\*


Additional persons listed on Attachment 4 (you may use form POS-30(P) for this purpose).

\* You do not need to repeat names, relationships to Conservatee, and addresses of persons listed in item 3.

CALIFORNIA ATTORNEY OR REGISTRANT WITHOUT CALIFORNIA ATTORNEY STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	<b>FOR COURT USE ONLY</b>  <b>Draft Not Approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF *</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: <i>* Court where registration is filed.</i>	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):  <div style="text-align: right;">CONSERVATEE</div>	
<b>CONSERVATORSHIP REGISTRANT'S ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK FOR CONSERVATORS * (California Conservatorship Jurisdiction Act)</b>	CALIFORNIA REGISTRATION NUMBER:
JURISDICTION WHERE CONSERVATORSHIP OR ADULT GUARDIANSHIP CASE FILED:	
COURT:	DEPT.:
TITLE OF PROCEEDING:	
CASE NUMBER:	

I acknowledge that I have received or accessed electronically the *Handbook for Conservators* adopted by the California Judicial Council.

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 OF CONSERVATORSHIP REGISTRANT)
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\* File this form with each California superior court where you registered the conservatorship proceeding identified above.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>Draft</b>  <b>Not Approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name):  <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	
<b>PETITION FOR APPOINTMENT OF</b> <input type="checkbox"/> <b>SUCCESSOR</b> <b>PROBATE CONSERVATOR OF THE</b> <input type="checkbox"/> <b>PERSON</b> <input type="checkbox"/> <b>ESTATE</b>  <input type="checkbox"/> <b>Limited Conservatorship</b>	CASE NUMBER:  HEARING DATE AND TIME: DEPT.:

1. **Petitioner (name):**

**requests that**

a. (Name):  
(Address):

(Telephone):

**be appointed**  successor  conservator  limited conservator  
of the PERSON of the (proposed) conservatee and Letters issue upon qualification.

b. (Name):  
(Address):

(Telephone):

**be appointed**  successor  conservator  limited conservator  
of the ESTATE of the (proposed) conservatee and Letters issue upon qualification.

- c. (1)  bond not be required  because the proposed  successor conservator is a corporate fiduciary or an exempt government agency.  for the reasons stated in Attachment 1c.
- (2)  bond be fixed at: \$ \_\_\_\_\_ to be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Probate Code section 2320.)
- (3)  \$ \_\_\_\_\_ in deposits in a blocked account be allowed. Receipts will be filed.  
(Specify institution and location):

- d.  orders authorizing independent exercise of powers under Probate Code section 2590 be granted. Granting the proposed  successor conservator of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the conservatorship estate. (Specify orders, powers, and reasons in Attachment 1d.)
- e.  orders relating to the capacity of the (proposed) conservatee under Probate Code section 1873 or 1901 be granted. (Specify orders, facts, and reasons in Attachment 1e.)
- f.  orders relating to the powers and duties of the proposed  successor conservator of the person under Probate Code sections 2351–2358 be granted. (Specify orders, facts, and reasons in Attachment 1f.)
- g.  the (proposed) conservatee be adjudged to lack the capacity to give informed consent for medical treatment or healing by prayer and that the proposed  successor conservator of the person be granted the powers specified in Probate Code section 2355. (Complete item 9 on page 6.)

**Do NOT use this form for a temporary conservatorship.**

CONSERVATORSHIP OF <i>(name)</i> :	CASE NUMBER:
CONSERVATEE	

1. h.  (for limited conservatorship only) orders relating to the powers and duties of the proposed limited  successor \* conservator of the person under Probate Code section 2351.5 be granted. (Specify orders, powers, and duties in Attachment 1h and complete item 1j.)
- i.  (for limited conservatorship only) orders relating to the powers and duties of the proposed limited  successor \* conservator of the estate under Probate Code section 1830(b) be granted. (Specify orders, powers, and duties in Attachment 1i and complete item 1j.)
- j.  (for limited conservatorship only) orders limiting the civil and legal rights of the (proposed) limited conservatee be granted. (Specify limitations in Attachment 1j.)
- k.  orders related to dementia placement or treatment as specified in the Attachment Requesting Special Orders Regarding Dementia (form GC-313) under Probate Code section 2356.5 be granted. A Capacity Declaration—Conservatorship (form GC-335) and Dementia Attachment to Capacity Declaration—Conservatorship (form GC-335A), executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure with at least two years experience diagnosing dementia,  are filed herewith.  will be filed before the hearing.
- (appointment of successor conservator only) will not be filed because an order relating to dementia placement or treatment was filed on (date): . That order has neither expired by its terms nor been revoked.
- l.  other orders be granted. (Specify in Attachment 1l.)

2. (Proposed) conservatee is (name): (Telephone):  
 (Present address):

3. a.  **Jurisdictional facts** (initial appointment only) The proposed conservatee has no conservator in California and is a
- (1)  resident of California and
- (a)  a resident of this county.
- (b)  not a resident of this county, but commencement of the conservatorship in this county is in the best interests of the proposed conservatee for the reasons specified in Attachment 3a.
- (2)  nonresident of California but
- (a)  is temporarily living in this county, or
- (b)  has property in this county, or
- (c)  commencement of the conservatorship in this county is in the best interest of the proposed conservatee for the reasons specified in Attachment 3a.
- b. **Petitioner** (answer items (1) and (2) and check all other items that apply)
- (1)  is  is not a **creditor** or an agent of a creditor of the (proposed) conservatee.
- (2)  is  is not a **debtor** or an agent of a debtor of the (proposed) conservatee.
- (3)  is the proposed  successor conservator.
- (4)  is the (proposed) conservatee. (If this item is **not** checked, you must also complete item 3f.)
- (5)  is the spouse of the (proposed) conservatee. (You must also complete item 6.)
- (6)  is the domestic partner or former domestic partner of the (proposed) conservatee. (You must also complete item 7.)
- (7)  is a relative of the (proposed) conservatee as (specify relationship):
- (8)  is an interested person or friend of the (proposed) conservatee.
- (9)  is a state or local public entity, officer, or employee.
- (10)  is the guardian of the proposed conservatee.
- (11)  is a bank  is other entity authorized to conduct the business of a trust company.
- (12)  is a professional fiduciary within the meaning of Business and Professions Code section 6501(f) who is licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. Petitioner's license number is provided in item 1 on page 1 of the attached Professional Fiduciary Attachment. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment. You must also complete item 2 on page 2 of that form and item 3d below.)

\* See item 5b on page 4.



CONSERVATORSHIP OF <i>(name)</i> :	CASE NUMBER:
CONSERVATEE	

3. c. **Proposed**  **successor conservator** is *(check all that apply)*

- (1)  a nominee. *(Affix nomination as Attachment 3c(1).)*
- (2)  the spouse of the (proposed) conservatee. *(You must also complete item 6.)*
- (3)  the domestic partner or former domestic partner of the (proposed) conservatee. *(You must also complete item 7.)*
- (4)  a relative of the (proposed) conservatee as *(specify relationship)*:
- (5)  a bank.  other entity authorized to conduct the business of a trust company.
- (6)  a nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
- (7)  a professional fiduciary, as defined in Business and Professions Code section 6501(f). His or her statement concerning licensure or exemption is provided in item 1 on page 1 of the attached *Professional Fiduciary Attachment*. *(Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)*
- (8)  other *(specify)*:

d.  Engagement and prior relationship with petitioning professional fiduciary *(complete this item if petitioner is licensed by the Professional Fiduciaries Bureau.)*

- (1)  Statements of who engaged petitioner, or how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) conservatee or his or her family or friends, are provided in item 2 on page 2 of the attached *Professional Fiduciary Attachment*. *(Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)*
- (2)  A petition for appointment of a temporary conservator is filed with this petition. That petition contains statements of who engaged petitioner, how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) conservatee or his or her family and friends.

e. **Character and estimated value of the property of the estate** *(complete items (1) or (2) and (3), (4), and (5))*:

- (1)  (For appointment of successor conservator only, if complete Inventory and Appraisal filed by predecessor):  
 Personal property: \$ \_\_\_\_\_, per Inventory and Appraisal filed in this proceeding on  
*(specify dates of filing of all inventories and appraisals)*:

- (2)  Estimated value of personal property: \$ \_\_\_\_\_
- (3) Annual gross income from
  - (a) real property: \$ \_\_\_\_\_
  - (b) personal property: \$ \_\_\_\_\_
  - (c) pensions: \$ \_\_\_\_\_
  - (d) wages: \$ \_\_\_\_\_
  - (e) public assistance benefits: \$ \_\_\_\_\_
  - (f) other: \$ \_\_\_\_\_
- (4) **Total** of (1) or (2) and (3): \$ \_\_\_\_\_
- (5) Real property: \$ \_\_\_\_\_

- (a)  per Inventory and Appraisal identified in item (1).
- (b)  estimated value.

f.  Due diligence *(complete this item if the (proposed) conservatee is not a petitioner)*:

- (1) Efforts to find the (proposed) conservatee's relatives or reasons why it is not feasible to contact any of them are described on Attachment 3f(1).
- (2) Statements of the (proposed) conservatee's preferences concerning the appointment of any (successor) conservator and the appointment of the proposed (successor) conservator or reasons why it is not feasible to ascertain those preferences are contained on Attachment 3f(2).

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

3. g. So far as known to Petitioner, a conservatorship or equivalent proceeding concerning the proposed conservatee  has not  has been filed in another jurisdiction concerning the proposed conservatee, including a court of an Indian tribe with jurisdiction (see Prob. Code, § 2031(b)).

(If you answered "has," identify the jurisdiction and state the date the case was filed):

4. (Proposed) conservatee

- a.  is  is not a patient in or on leave of absence from a state institution under the jurisdiction of the California Department of Mental Health or the California Department of Developmental Services (specify state institution):

- b.  is receiving or entitled to receive  is neither receiving nor entitled to receive benefits from the U.S. Department of Veterans Affairs (estimate amount of monthly benefit payable):

- c.  is  is not able to complete an affidavit of voter registration.

- d.  is  is not, so far as is known to petitioner, a member of a federally recognized Indian tribe.

(If you answered "is," complete items (1)–(4)):

(1) Name of tribe:

(2) Location of tribe (if the tribe is located in more than one state, the state that is the tribe's principal location):

(3) The proposed conservatee  does  does not reside on tribal land.\*

(4) So far as known to petitioner, the proposed conservatee  owns  does not own property on tribal land.

5. a.  Proposed conservatee (initial appointment of conservator only)

- (1)  is an adult.  
 (2)  will be an adult on the effective date of the order (date):  
 (3)  is a married minor.  
 (4)  is a minor whose marriage has been dissolved.

- b.  Vacancy in office of conservator (appointment of successor conservator only. A petition for appointment of a limited conservator after the death of a predecessor is a petition for initial appointment. (Prob. Code, § 1860.5(a)(1).)

There is a vacancy in the office of conservator of the  person  estate for the reasons  specified in Attachment 5b.  specified below.

\*"Tribal land" is land that is, with respect to a specific Indian tribe and the members of that tribe, "Indian country," as defined in 18 U.S.C. § 1151.

CONSERVATORSHIP OF <i>(name)</i> :   <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:
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5.c. **(Proposed) conservatee** requires a conservator and is

- (1)  unable to properly provide for his or her personal needs for physical health, food, clothing, or shelter.  
 Supporting facts are  specified in Attachment 5c(1)  as follows:

- (2)  substantially unable to manage his or her financial resources or to resist fraud or undue influence.  
 Supporting facts are  specified in Attachment 5c(2)  as follows:

CONSERVATORSHIP OF <i>(name)</i> :	CASE NUMBER:
CONSERVATEE	

5. d.  (Proposed) conservatee voluntarily requests the appointment of a  successor conservator.  
*(Specify facts showing good cause in Attachment 5(d).)*
- e.  Confidential Supplemental Information (form GC-312) is filed with this petition. *(Initial appointment of conservator only. All petitioners must file this form except banks and other entities authorized to do business as a trust company.)*
- f. **(Proposed) conservatee**  is  is not developmentally disabled as defined in Probate Code section 1420. Petitioner is aware of the requirements of Probate Code section 1827.5. *(Specify the nature and degree of the alleged disability in Attachment 5f).*
6.  **Petitioner or proposed**  **successor conservator is the spouse of the (proposed) conservatee.**  
*(If this statement is true, you must answer a or b.)*
- a.  The (proposed) conservatee's spouse is not a party to any action or proceeding against the (proposed) conservatee for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.
- b.  Although the (proposed) conservatee's spouse is a party to an action or proceeding against the (proposed) conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage, or has obtained a judgment in one of these proceedings, it is in the best interest of the (proposed) conservatee that:
- (1)  a  successor conservator be appointed.
- (2)  the spouse be appointed as the  successor conservator.  
*(If you checked item 6b(1) or (2) or both, specify the facts and reasons in Attachment 6b.)*
7.  **Petitioner or proposed**  **successor conservator is the domestic partner or former domestic partner of the (proposed) conservatee.** *(If this statement is true, you must answer a or b.)*
- a.  The domestic partner of the (proposed) conservatee has not terminated and does not intend to terminate the domestic partnership.
- b.  Although the domestic partner or former domestic partner of the (proposed) conservatee intends to terminate or has terminated the domestic partnership, it is in the best interest of the (proposed) conservatee that
- (1)  a  successor conservator be appointed.
- (2)  the domestic partner or former domestic partner be appointed as the  successor conservator.  
*(If you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)*
8. **(Proposed) conservatee** *(check all that apply)*
- a.  will attend the hearing AND  is the petitioner  is not the petitioner AND  has  has not nominated the proposed  successor conservator.
- b.  *(initial appointment of conservator only)* is able but unwilling to attend the hearing AND  does  does not wish to contest the establishment of a conservatorship,  does  does not object to the proposed conservator, AND  does  does not prefer that another person act as conservator.
- c.  *(initial appointment of conservator only)*: is unable to attend the hearing because of medical inability. A *Capacity Declaration—Conservatorship* (form GC-335), executed by a licensed medical practitioner or an accredited religious practitioner  is filed with this petition.  will be filed before the hearing.
- d.  *(initial appointment of conservator only)* is not the petitioner, is out of state, and will not attend the hearing.
- e.  *(appointment of successor conservator only)* will not attend the hearing.
9.  **Medical treatment of (proposed) conservatee**
- a. There is no form of medical treatment for which the (proposed) conservatee has the capacity to give an informed consent.
- b. A *Capacity Declaration—Conservatorship* (form GC-335) executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure, stating that the (proposed) conservatee lacks the capacity to give informed consent for any form of medical treatment and giving reasons and the factual basis for this conclusion,  
 is filed with this petition.  will be filed before the hearing.  will not be filed for the reason stated in c.
- c.  *(appointment of successor conservator only)* The conservatee's incapacity to consent to any form of medical treatment was determined by order filed in this matter on *(date)*:  
 That order has neither expired by its terms nor been revoked.
- d. (Proposed) conservatee  is  is not an adherent of a religion that relies on prayer alone for healing, as defined in Probate Code section 2355(b).

CONSERVATORSHIP OF <i>(name)</i> :  <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER:  
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10.  **Temporary conservatorship**

Filed with this petition is a *Petition for Appointment of Temporary Conservator* (form GC-111).

11. **(Proposed) conservatee's relatives**

The names, residence addresses, and relationships of the spouse or registered domestic partner and the second-degree relatives of the (proposed) conservatee (his or her parents, grandparents, children, grandchildren, and brothers and sisters), so far as known to petitioner, are

- a.  listed below.
- b.  not known, or no longer living, so the (proposed) conservatee's deemed relatives under Probate Code section 1821(b) (1)–(4) are listed below.

	<u>Name and relationship to conservatee</u>	<u>Residence address</u>
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
(13)		
(14)		
(15)		
(16)		

Continued on Attachment 11.

CONSERVATORSHIP OF <i>(name)</i> :	CASE NUMBER:
CONSERVATEE	

12.  **Confidential conservator screening form**

Submitted with this petition is a *Confidential Conservator Screening Form* (form GC-314) completed and signed by the proposed  successor conservator. *(Required for all proposed conservators except banks and trust companies.)*

13.  **Court investigator**

Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

14. Number of pages attached:

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

▶ \_\_\_\_\_  
(SIGNATURE OF ATTORNEY FOR PETITIONER)

*(All petitioners must also sign (Prob. Code, § 1020; Cal. Rules of Court, rule 7.103).)*

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 OF PETITIONER)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PETITIONER)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

**SPR15-29**

**Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act (revise form GC-310; adopt forms GC-360, GC-361, and GC-362)**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Tribal Court–State Court Forum by Jennifer Walter, Attorney San Francisco	AM	<p>We submit these comments on RUPRO Proposal SPR15-29 on behalf of the California Tribal Court–State Court Forum.</p> <p>The subject proposal revises one form and adopts three new forms to implement the California Conservatorship Jurisdiction Act (CCJA) (SB 940 Jackson, Stats. 2014 Ch. 553), which is the California version of the Uniform Adult Guardianship and Protective Proceedings Act.</p> <p>In recognition of the concurrent jurisdiction that California state courts and California tribal courts may exercise over tribal members in conservatorship proceedings, the CCJA contains unique jurisdictional provisions for federally recognized tribes exercising jurisdiction over conservatorship matters. These provisions are contained in Article 6 (sections 2031 – 2033).</p> <p>The CCJA specifically requires the Judicial Council to revise the Petition for Appointment of Conservator (form GC-310) (see Probate Code § 1821(k)). Section 2023 of the Act also requires the Judicial Council to develop court rules and forms, as necessary, for the implementation of this chapter (Chapter 8. Interstate Jurisdiction, Transfer and Recognition: California Conservatorship Jurisdiction Act) “including but not limited to ...” a variety of matters.</p>	Please see below.

**SPR15-29**

**Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act (revise form GC-310; adopt forms GC-360, GC-361, and GC-362)**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			In reviewing the proposed revisions to the GC-310, we note that the proposed amendments are limited to the specific language required by section 1821(k). In order to avoid potential conflicts between tribal and state courts over jurisdiction, we recommend including a question under section 3a or 4d (or both) of the revised GC-310 form asking for information about conservatorship proceedings pending in a tribal court. Although this language is not explicitly required by section 1821(k) of the Probate Code, without it, there is a substantial risk that a proceeding could be filed in both courts. We believe inclusion of this information on the GC-310 form would assist state courts in more efficiently dealing with cases in which a state court and tribal court may share concurrent jurisdiction over a case. Accordingly inclusion of this language falls within the general goal of efficient implementation encompassed by section 2023 of the Act.	The advisory committee has revised form GC-310 to add, at the top of page four, a new item 3g. This item asks the petitioner to respond to the following:  “So far as known to petitioner, a conservatorship or equivalent proceeding concerning the proposed conservatee [ ] has not [ ] has been filed in another jurisdiction, including a court of a federally recognized Indian tribe. <i>(If you answered "has," identify the jurisdiction and state the date the case was filed):”</i>
2.	Orange County Bar Association by Ashleigh Aitken, President Newport Beach	A	No specific comment.	No response necessary.
3.	Superior Court of Los Angeles County by Janet Garcia, Court Operations Manager Los Angeles	A	<b>Does the proposal appropriately address the stated purpose?</b> Yes  <b>Would the forms proposal, as opposed to the entire foreign conservatorship registration</b>	The committee thanks the court for this comment.



**SPR15-29**

**Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act (revise form GC-310; adopt forms GC-360, GC-361, and GC-362)**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p><b>process required by the CCJA, provide cost savings? If so quantify.</b>            Unable to determined cost savings, if any. The new forms created appear to add to the workload.</p> <p><b>What would the implementation requirements be for courts?</b>            This would require training of clerical staff and management, possible revising of procedures and/or adding/modifying/codes in CMS.</p> <p><b>How well would this proposal work in courts of different sizes?</b>            The proposal will work the same regardless of size.</p>	
4.	Superior Court of Riverside County by Marita Ford Riverside	A	No specific comment.	No response necessary
5.	Superior Court of San Diego County by Michael M. Roddy, Executive Officer San Diego	A	No specific comment.	No response necessary.
6.	Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Joint Rules Subcommittee San Francisco	A	The JRS supports this proposal. However, the JRS recommends that the content of proposed form GC-362 ( <i>Conservatorship Registrant’s Acknowledgment of Receipt of Handbook For Conservators</i> ) be merged with the other proposed forms, if possible, to reduce the number of forms that the courts will need to process.	<p>The advisory committee thanks the JRS for its comments. However, its recommendation to fold the contents of form GC-362 into one of the other forms would present difficulties for the following reasons:</p> <p>1. Combination with the <i>Notice of Intent to Register Conservatorship</i> (form GC-361) could</p>

**SPR15-29**

**Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act (revise form GC-310; adopt forms GC-360, GC-361, and GC-362)**

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

	Commentator	Position	Comment	Committee Response
			<p>Additionally, the JRS concluded that some courts may need to update their case management systems and conduct minimal training.</p>	<p>not be done because that form is not filed, except perhaps as an exhibit, and it is prepared and served before the basic registration form, form GC360, is filed with the registering court.</p> <p>2. The CCJA expressly permits combination of the <i>Conservator's Attestation of Conservatee's Nonresidence in California</i> with the basic registration form, form GC-360, an invitation that was accepted by the committee (see page 3 of the revised form GC-360 (page 2 of the draft of the form circulated for comment) and Probate Code sections 2017(a)(3) and 2023(b)(2)). No such permission was given for the required acknowledgment of receipt that became form GC-362.</p> <p>3. Probate Code section 2015 requires the court, <i>upon registration</i>, to provide the foreign conservator with the information about a conservator's rights, duties, limitations, and responsibilities in California identified in section 1835. The <i>Handbook for Conservators</i> is that information. This would mean, if the contents of form GC-362 were placed in form GC-360, a foreign conservator would apply for registration by presenting a form to the court that would include a signed receipt for material the court is not to deliver to him until after completion of registration.</p>

**State of California**  
**PROBATE CODE**  
**DIVISION 4. GUARDIANSHIP, CONSERVATORSHIP, AND OTHER PROTECTIVE**  
**PROCEEDINGS**  
**PART 3. CONSERVATORSHIP**

Chapter 8. Interstate Jurisdiction, Transfer, and Recognition: California Conservatorship Jurisdiction Act

**Article 5. Miscellaneous Provisions**

**§ 2023**

2023. (a) On or before January 1, 2016, the Judicial Council shall develop court rules and forms as necessary for the implementation of this chapter.

(b) The materials developed pursuant to this section shall include, but not be limited to, all of the following:

(1) A cover sheet for registration of a conservatorship under Section 2011, 2012, or 2013. The cover sheet shall explain that a proceeding may not be registered under Section 2011, 2012, or 2013 if the proceeding relates to a minor. The cover sheet shall further explain that a proceeding in which a person is subjected to involuntary mental health care may not be registered under Section 2011, 2012, or 2013. The cover sheet shall require the conservator to initial each of these explanations. The cover sheet shall also prominently state that when a conservator acts pursuant to registration, the conservator is subject to the law of this state governing the action, including, but not limited to, all applicable procedures, and is not authorized to take any action prohibited by the law of this state. Except as provided in subdivision (c), the cover sheet shall also prominently state that the registration is effective only while the conservatee resides in another jurisdiction and does not authorize the conservator to take any action while the conservatee is residing in this state. Directly beneath these statements, the cover sheet shall include a signature box in which the conservator attests to these matters.

(2) The form required by paragraph (3) of subdivision (a) of Section 2017. If the Judicial Council deems it advisable, this form may be included in the civil cover sheet developed under paragraph (1).

(3) A form for providing notice of intent to register a proceeding under Section 2011, 2012, or 2013.

(4) A form for a conservator to acknowledge receipt of the written information required by Section 2015.

(c) The materials prepared pursuant to this section shall be consistent with Section 2019.

(Added by Stats. 2014, Ch. 553, Sec. 20. (SB 940) Effective January 1, 2015. Operative January 1, 2015, by Stats. 2014, Ch. 553, Sec. 29.)