



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-130

For business meeting on October 24, 2025

Title

Probate Conservatorship: Acceptance of Transfers Under the California Conservatorship Jurisdiction Act

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Amend rule 7.1050; revise forms GC-366 and GC-368

Date of Report

September 29, 2025

Recommended by

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

Contact

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Executive Summary

Under recent statutory changes enacted by Assembly Bill 2841 (Stats. 2022, ch. 807), the courts are required to provide specific information to the Secretary of State when a person has been disqualified from voting. In addition, a member of the Probate and Mental Health Advisory Committee noted difficulty in obtaining necessary information when reviewing a request to accept transfer of a conservatorship from another jurisdiction. The Probate and Mental Health Advisory Committee recommends amending one rule of court and revising two optional forms to provide the court with information it needs for the transfer of conservatorships into California and the reporting duties imposed by the Elections Code. These changes will make proceedings more efficient and conform to the statutory changes.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2026:

1. Amend California Rules of Court, rule 7.1050 to require the information provided with a petition for appointment of a conservator to be provided with a petition to accept transfer of a conservatorship from another jurisdiction;
2. Revise *Petition for Orders Accepting Transfer* (form GC-366) to add a definition and instructions and to require attachment of the proposed order; and
3. Revise *Final Order Accepting Transfer* (form GC-368) to improve clarity and promote compliance with the content requirements for a court order.

The proposed amended rule and revised forms are attached at pages 5–9.

Relevant Previous Council Action

Rule 7.1050 was adopted effective January 1, 2001. Prior amendments are not relevant to the recommendations in this report. Forms GC-366 and GC-368 were adopted effective January 1, 2019. A 2020 revision to form GC-366 also has no bearing on these recommendations.

Analysis/Rationale

The Legislature enacted the California Conservatorship Jurisdiction Act (CCJA) in 2014.¹ The act provides, among other things, a mechanism for a conservator to use to transfer a conservatorship established in another state to California.² Before issuing a final order accepting transfer of an out-of-state conservatorship to California under the CCJA, the court must make specific findings, including the eligibility of the proposed conservator to serve and the appropriateness of the powers requested.³ To make these determinations and issue narrowly tailored orders that protect a conservatee’s interests, the court needs detailed information about the proposed conservator to conduct appropriate background investigations as well as information on the powers previously granted to compare to those allowed under California law.

Separately, Elections Code section 2211.5 requires the clerk of the superior court to notify the Secretary of State of each judicial determination affecting a person’s competency to vote.⁴ This notification must include personal identification information including all known names, date of birth, and the last four digits of the person’s Social Security number.

The current transfer procedure does not provide the court with all the information it needs to evaluate a request to transfer a conservatorship or to notify the Secretary of State regarding voting competency. The optional *Petition for Orders Accepting Transfer* (form GC-366) provides only the most basic information regarding the proposed conservator and factors relevant

¹ Prob. Code, §§ 1980–2033, added by Sen. Bill 940 (Stats. 2014, ch. 553). See Link A.

² Prob. Code, §§ 2002–2003. Under the CCJA, “state” includes a federally recognized Indian tribe and a district, territory, or possession described in Probate Code section 1982(m).

³ Prob. Code, § 2002(f), (h).

⁴ Section 2211.5 was added to the Elections Code by AB 2841 (Stats. 2022, ch. 807). See Link B.

to determining jurisdiction for the transfer, but very little information regarding the sufficiency of the out-of-state orders as compared to those required by California law. Instead, it allows the petitioner to merely allege that the out-of-state orders do not conflict with California law. The optional *Final Order Confirming Transfer* (form GC-368) also contains only limited findings and permits for the attachment of the original conservatorship order from the previous location to be used as the order for conservatorship in California, with no assurances that the original out-of-state order contains the findings and orders necessary for a valid conservatorship in California.

Unlike the transfer process, when a person files a petition for appointment of a conservator in California, the petitioner must submit *Confidential Supplemental Information* form (form GC-312) and *Confidential Conservator Screening Form* (form GC-314) to the court with the petition. (Cal Rules of Court, rule 7.1050(a).) These forms provide detailed information regarding the proposed conservatee and the conservator, respectively, including their Social Security numbers, which are necessary for background checks. Form GC-312 includes detailed information regarding the condition of the conservatee and any alternatives to the conservatorship that were considered. Form GC-314 provides information regarding the appropriateness of the proposed conservator to be appointed, including the relationship between the proposed conservatee and proposed conservator, any financial obligations that may exist, and the criminal history of the proposed conservator. In addition, the mandatory *Order Appointing Probate Conservator* (form GC-340) used for all conservatorships originating in California provides the information required by California law, including the determinations regarding voting restrictions, medical authority or other powers granted, and whether a bond must be posted.

The Probate and Mental Health Advisory Committee therefore recommends amending rule 7.1050 to require a conservator appointed in another jurisdiction to include form GC-312 and form GC-314 with their petition for orders accepting the transfer of the conservatorship to California.

The committee also recommends revising item 6c on *Petition for Orders Accepting Transfer* (form GC-366) and items 5 and 13 on *Final Order Accepting Transfer* (form GC-368) to require that a proposed *Order Appointing Probate Conservator* (form GC-340) must be attached to form GC-366 and an executed form GC-340 must be attached to form GC-368. Requiring a proposed form GC-340 to be attached to the petition will provide the court with all findings and orders that are being requested. Requiring a completed form GC-340 to be attached to the final order confirming transfer ensures appointment of a conservator in California in compliance with all statutory requirements and the specific determinations regarding competency to vote that must be reported. In short, the inclusion of these forms in the transfer process will provide the court the necessary information to make all statutorily required determinations and issue orders in compliance with California law. The committee also recommends several nonsubstantive modifications to the forms to increase clarity, such as adding the CCJA's definition of "state" to the first page of both forms.

Policy implications

This recommendation is required to implement changes to the law. Additionally, the committee anticipates a likely result in a reduction of continuances by providing the courts with the information necessary to obtain background checks prior to the hearing dates.

Comments

This proposal was circulated for public comment from April 14, 2025, to May 23, 2025, as part of the spring 2025 rules and forms comment cycle. Two organizations and three superior courts submitted comments on this proposal. All commenters agreed with the proposal as drafted or indicated that the proposal appropriately addressed the stated purpose. Commenters noted that the changes will address the current problem that courts have in obtaining personal information necessary for the required background checks. The noted costs were minimal, mostly training on new procedures, but a few commenters noted these costs may be offset by greater efficiency in investigations and in the issuance of orders and letters. A chart with the full text of the comments received and the committee's responses is attached at pages 10–13.

Alternatives considered

The committee considered not changing the rule or forms, but that would have left the courts with insufficient information to act in conformity with the law.

Fiscal and Operational Impacts

The proposed changes impose no specific implementation costs on the court. Commenters noted possible costs for training court staff to advise them of the rule and forms change and updating case management systems. One commenter expressed the view that the proposed changes will save time and resources due to fewer continuances and greater efficiency in court investigations.

Attachments and Links

1. Cal. Rules of Court, rule 7.1050, at page 5
2. Forms GC-366 and GC-368, at pages 6–9
3. Chart of comments, at pages 10–13
4. Link A: Sen. Bill 940 (Stats. 2014, ch. 553),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB940
5. Link B: Assem. Bill 2841 (Stats. 2022, ch. 807),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2841

Rule 7.1050 of the California Rules of Court is amended, effective January 1, 2026, to read:

1 **Rule 7.1050. Conservator forms**

2

3 **(a) Forms to be submitted with petition**

4

5 Each petitioner, unless the petitioner is a bank or other entity entitled to conduct the
6 business of a trust company, must submit to the court with the petition for
7 appointment of conservator or the petition for orders accepting transfer a completed
8 *Confidential Supplemental Information* statement (form GC-312). In addition, each
9 proposed conservator, except a bank or other entity entitled to conduct the business
10 of a trust company, or a public guardian, must submit a completed *Confidential*
11 *Conservator Screening Form* (form GC-314).

12

13 **(b)–(c) * * ***

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 <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CONSERVATORSHIP OF (name):	CASE NUMBER:	
PETITION FOR ORDERS ACCEPTING TRANSFER (California Conservatorship Jurisdiction Act)		HEARING DATE AND TIME: DEPT.:

1. Protected person's (the conservatee's or ward's) personal information:

Name:

Residence address:

Telephone number:

Email address:

2. I, (name):

was appointed the conservator or guardian for the person named in 1 by a court of record of the state* of

(specify): (the transferring state) on (date): . My appointment remains in effect.

3. The California Conservatorship Jurisdiction Act (CCJA) (Prob. Code, §§ 1981–2033) applies to this proceeding because the protected person:

- Is 18 years of age or older;
- Is **not** involuntarily committed to a mental health facility or receiving any other involuntary mental health care or treatment; and
- Has **not** been diagnosed or assessed with a developmental disability.

4. A certified copy of the provisional order of transfer issued by a court of record in the transferring state is attached to this form.

The existing protective proceeding is best described under California law as (check all that apply):

- a. A conservatorship of the person (The court order gives me powers and duties to manage the protected person's needs for food, clothing, shelter, or health care.)
- b. A conservatorship of the estate (The court order gives me powers and duties to manage the protected person's finances and property.)

*Under the California Conservatorship Jurisdiction Act, "state" includes a federally recognized Indian tribe and a district, territory, or possession described in Probate Code section 1982(m).



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

5. Factors relevant to determining the jurisdiction of the California court:

a. The conservatee has been physically present in California since *(date):* _____ and remains present in California.

b. The conservatee was physically present in California from *(date):* _____ to *(date):* _____, ending within six months of the date this petition is filed.

c. The conservatee has the following connections to California *(list all that apply):*

(1) The following relatives and other persons required to receive notice of the proceeding reside in California:

Continued on Attachment 5c(1). *(Use a blank sheet of paper or form MC-025.)*

(2) The conservatee was physically present in California during the following periods:

From *(date):* _____ to *(date):* _____

Continued on Attachment 5c(2). *(Use a blank sheet of paper or form MC-025.)*

(3) The conservatee will move permanently to California and reside at the following address *(provide if known):*

(4) The conservatee holds a legal or beneficial interest in the following property located in California *(describe each piece of property; give the street address of real property or the location of personal property):*

Additional property is described on Attachment 5c(4). *(Use a blank sheet of paper or form MC-025.)*

(a) Estimated value of real property in California: \$

(b) Estimated value of personal property in California: \$

(c) Annual gross income from

(i) Real property: \$

(ii) Personal property: \$

(iii) Pensions: \$

(iv) Wages: \$

(v) Public assistance benefits: \$

(vi) Other: \$

Subtotal of (c): \$

(d) Total of (a), (b), and (c): \$

(5) The conservatee has the following other ties to California *(for example, voter registration, driver's license, tax filing):*

Continued on Attachment 5c(5). *(Use a blank sheet of paper or form MC-025.)*



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

6. I request that the court:

a. Accept transfer of this proceeding and recognize the transferring state's conservatorship order.

b. (1) Appoint me as conservator of the person estate under California law for the person named in 1, or

(2) Appoint *(name):*
(mailing address):

(telephone number):

(email):

(relationship to conservatee):

, who is eligible for appointment under California law,

as conservator of the person estate for the person named in 1.

c. Issue the attached *Order Appointing Probate Conservator* (form GC-340).

(1) The attached order does not modify the powers granted to the conservator or any other material terms in the transferring state's conservatorship order.

(2) The attached order modifies the powers granted to the conservator or other material terms in the transferring state's conservatorship order to conform to California law as follows:

(a) Powers modified:

(b) Duties modified:

(c) Bond modified:

(d) Other information needed:

Additional modifications are included on Attachment 6c(2). *(Attach a blank sheet of paper or form MC-025.)*

d. Issue *Letters of Conservatorship* (form GC-350) upon the appointee's qualification.

7. A *Petition for Appointment of Temporary Conservator* (form GC-111) is filed with this petition.

8. The conservatee has has not been diagnosed with a major neurocognitive disorder (major NCD) such as dementia.

a. A completed *Petition for Exclusive Authority to Give Consent for Medical Treatment* (form GC-380), with *Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder* (form GC-313), is filed with this petition.

b. I intend to petition the court for major NCD/dementia powers under section 2356.5 of the Probate Code as soon as the court issues a final order accepting transfer of this conservatorship.

I declare under penalty of perjury under the laws of the State of California that the information stated on this form and any attachments is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

SPR25-23

Probate Conservatorship: Acceptance of Transfers Under the California Conservatorship Jurisdiction Act (Amend Cal. Rules of Court, rule 7.1050, revise forms GC-366 and GC-368)

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

	Commenter	Position	Comment	Committee Response
1.	Joint Rules Subcommittee (JRS), on behalf of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	A	<p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> • Impact on existing automated systems. <ul style="list-style-type: none"> ○ Possible costs to revise local rules and forms, and update CMS. • Results in additional training, which requires the commitment of staff time and court resources. <ul style="list-style-type: none"> ○ Possible costs to train employees. <p>Presently, Probate has difficulty obtaining APS referral screenings and CLETS results for probate investigators for CCJA transfer-in petitions because the petitioner is not required to provide the date of birth for the conservatee and conservator through the confidential supplemental information and the confidential screening form. Probate is also unable to issue letters when parties do not submit a proposed GC-340 order appointing conservator with the transfer petition. This proposal should address these problems.</p>	The committee appreciates these comments. No further response is required.
2.	Orange County Bar Association by Mei Tsang, President	A	The Orange County Bar Association agrees with this proposal and believes that it appropriately addresses the stated purpose.	The committee appreciates this comment. No further response is required.
3.	Superior Court of Los Angeles County by Stephanie Kuo, Legislative Analyst	A	In response to the Judicial Council of California’s ITC, “Probate Conservatorship: Acceptance of Transfers Under the California Conservatorship Jurisdiction Act,” the Court agrees with the proposal and that it appropriately addresses the stated purposes.	The committee appreciates this comment. No further response is required.

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

SPR25-23

Probate Conservatorship: Acceptance of Transfers Under the California Conservatorship Jurisdiction Act (Amend Cal. Rules of Court, rule 7.1050, revise forms GC-366 and GC-368)

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	Commenter	Position	Comment	Committee Response
			The proposal will not provide costs savings. To implement, the Court will need to train its judicial officers and staff on the amendment to rule 7.1050 and new requirements or mandatory forms for it. The Court will also need to modify its staff manual with the updated requirements. Three months from Judicial Council approval should be sufficient time for implementation. The proposal will work well in courts of different sizes.	No further response is required.
4.	Superior Court of San Bernardino County Staff Probate Committee	NI	<p>Does the proposal appropriately address the stated purpose? A: Yes, the proposal addresses the stated purpose.</p> <p>Would the proposal provide costs savings? If so, please quantify. A: Yes, the cost savings would come from the reduction of continuances caused by the inability to complete investigations. Cost savings would also come from investigators being able to conduct their investigation more efficiently and timely.</p> <p>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 management systems, or modifying case management systems? A: Training staff. Updating procedures to include requiring the proposed required forms. Form packets revisions.</p>	<p>The committee appreciates these comments. No further response is required.</p> <p>No further response is required.</p> <p>No further response is required.</p>

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

SPR25-23

Probate Conservatorship: Acceptance of Transfers Under the California Conservatorship Jurisdiction Act (Amend Cal. Rules of Court, rule 7.1050, revise forms GC-366 and GC-368)

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	Commenter	Position	Comment	Committee Response
			Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	No further response is required.
			How well would this proposal work in courts of different sizes? A: Unknown.	No further response is required.
			Q: Does the proposal appropriately address the stated purpose? A: Yes.	No further response is required.
5.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	Q: Would the proposal provide costs savings? If so, please quantify. A: No.	The committee appreciates these comments. No further response is required.
			Q: 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 management systems, or modifying case management systems? A: Clerical staff, courtroom clerks, Judicial Officers and Examiners will require training. Training should be minimal, no more than 30-minutes. No changes to the case management system will be required since the form names are not changing.	No further response is required.
			Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.	No further response is required.

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

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	Commenter	Position	Comment	Committee Response
			<p>Q: How well would this proposal work in courts of different sizes?</p> <p>A: It appears the proposal would work for courts of all sizes.</p> <p>General Comment: This change was much needed and will help courts confirm the conservators are only retaining powers and authority that is authorized under the California Probate Code.</p>	<p>No further response is required.</p> <hr/> <p>No further response is required.</p>

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