



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-074

For business meeting on April 25, 2025

Title

Probate Conservatorship and Guardianship:
Notice of Change of Residence and Notice of
Death

Rules, Forms, Standards, or Statutes Affected

Amend rules 7.1013 and 7.1063; revise
forms DE-154/GC-035, GC-079,
GC-079(MA), GC-080, GC-080(MA),
and GC-399

Recommended by

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

Report Type

Action Required

Effective Date

July 1, 2025

Date of Report

April 8, 2025

Contact

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Executive Summary

Amendments to Probate Code sections 2352, 2361, and 2700 by Senate Bill 1106 (Stats. 2024, ch. 455) expanded the duty of a conservator or guardian of the person to give notice before the change of residence of a conservatee or ward and required a conservator to give notice, electronically if possible, of any arrangements they have made for a deceased conservatee's funeral, burial, or memorial. The Probate and Mental Health Advisory Committee recommends amending two rules and revising six forms to apply the new statutory requirements and update the rules and forms to conform to other amendments to the law, including the statutory authorization of electronic delivery of notices and other papers, subject to consent.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2025:

1. Amend California Rules of Court, rule 7.1013 to eliminate the separate treatment of the ward's personal residence, restructure the rule to group concurrent actions together, update the rule to conform to new and existing law, and make technical and conforming changes;
2. Amend rule 7.1063 to eliminate the separate treatment of the ward's personal residence, restructure the rule to group concurrent actions together, update the rule to conform to new and existing law, and make technical and conforming changes;
3. Revise *Request for Special Notice* (form DE-154/GC-035) to provide for electronic delivery, clarify the requirements for delivery, and make technical and conforming changes;
4. Revise *Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward* (form GC-079) to retitle it *Notice Before Proposed Change of Residence of Conservatee or Ward*, update the instructions and item 4 to conform to new and existing law, and make technical and conforming changes;
5. Revise *Attachment to Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward* (form GC-079(MA)) by retitling it to reflect the new title of form GC-079 and making technical and conforming changes;
6. Revise *Post-Move Notice of Change of Residence of Conservatee or Ward* (form GC-080) to retitle it *Notice After Change of Residence of Conservatee or Ward*, update the instructions and item 3 to conform to new and existing law, and make technical and conforming changes;
7. Revise *Attachment to Post-Move Change of Residence of Conservatee or Ward* (form GC-080(MA)) by retitling it to reflect the new title of form GC-080 and making technical and conforming changes; and
8. Revise *Notice of the Conservatee's Death* (form GC-399) to allow for notice of funeral arrangements, provide for electronic delivery, and make technical and conforming changes.

The proposed amended rules and revised forms are attached at pages 7–23.

Relevant Previous Council Action

Effective January 1, 2000, the Judicial Council adopted all existing optional probate forms, including form DE-154/GC-035, for mandatory use and directed that, as each form was revised, the first-page footer be updated to indicate that the form had been adopted for mandatory use.¹

Effective January 1, 2008, the council adopted rules 7.1013 and 7.1063 and form GC-079, revised form GC-080, and approved forms GC-079(MA) and GC-080(MA) to implement

¹ See Judicial Council of Cal., Probate and Mental Health Task Force Rep., *Legal Forms—Adopting All Probate Forms as Mandatory Forms* (Sept. 15, 1999).

expanded requirements in Probate Code section 2352 for notice of a change of a conservatee’s or ward’s residence.²

Effective January 1, 2017, the council adopted form GC-399 for a conservator to use to give notice of the conservatee’s death as required by Probate Code section 2361.³

Analysis/Rationale

A conservator or guardian of the person may establish the residence of the conservatee or ward at any place within California without permission of the court, subject to the duty to select the least restrictive appropriate residence that is available and necessary to meet the needs of the conservatee or ward and is in the conservatee’s or ward’s best interests.⁴ Every time the conservator or guardian changes the residence of the conservatee or ward, they must file notice of the change with the court “within 30 days of the change” and deliver copies of the notice to specified persons.”⁵ The notice must include a declaration by the conservator or guardian that the change is the least restrictive appropriate residence and in the best interests of the conservatee or ward.⁶

A conservator or guardian must also file a petition and obtain the court’s permission before establishing the conservatee’s or ward’s residence outside of California.⁷ And until January 1, 2025, a conservator or guardian was required to deliver notice to specific persons at least 15 days before a proposed move of a conservatee or ward from their “personal residence” to a new residence in California and file proof of service of that notice with the court.⁸

Effective January 1, 2025, SB 1106 amended section 2352 to expand the notice requirements. First, the bill amended section 2352(e)(2) to require a conservator to give notice after a conservatee’s change of residence to any person who has requested special notice of the matter

² Judicial Council of Cal., Advisory Com. Rep., *Probate: Notice of Changes of Residence of Conservatees or Wards* (Oct. 12, 2007). Most of the expanded requirements in section 2352 were enacted by Senate Bill 1116 (Stats. 2006, ch. 490), which was part of the Omnibus Conservatorship and Guardianship Reform Act of 2006. See Assem. Bill § 1363 (Stats. 2006, ch. 493, § 1).

³ Judicial Council of Cal., Advisory Com. Rep., *Probate Conservatorship: Notice of the Conservatee’s Death* (Aug. 25, 2016). Assembly Bill 1085 (Stats. 2015, ch. 92, § 3) added section 2361 to the Probate Code.

⁴ Prob. Code, § 2352(a) (ward), (b) (conservatee). All further statutory references are to the Probate Code unless otherwise specified.

⁵ § 2352(e)(1)–(2). The council has consistently interpreted “within 30 days of the change” to require delivery and filing of the notice of change of residence no more than 30 days *after* the change. See Judicial Council of Cal., Advisory Com. Rep., *Probate: Notice of Changes of Residence of Conservatees or Wards* (Oct. 12, 2007), pp. 2–3.

⁶ Assembly Bill 1340 (Stats. 2008, ch. 293, § 8) amended section 2352(e)(1) to apply this requirement to guardianships. The council did not then revise form GC-080 to reflect that change in the law. The committee recommends doing so now.

⁷ § 2352(c). See also section 2352(d) regarding required provisions of a court order granting a petition to establish the residence of a conservatee or ward outside of California.

⁸ § 2352(e)(3).

under section 2700.⁹ Second, the bill amended section 2352(e)(3) to provide that a guardian or conservator who proposes to remove the ward or conservatee from their current residence *or* personal residence and place them in another residence in California must deliver notice of the intended change to specified persons, including a person who had requested special notice, *before* the change occurs. The committee recommends amending rules 7.1013 and 7.1063 and revising forms GC-079 and GC-080 to provide for these expanded notice requirements. The recommended changes include requiring notice before any change of a conservatee’s or ward’s residence, not only removal from their personal residence.

Since January 1, 2016, section 2361 has required a conservator of the person, unless the court orders otherwise, to give notice of a conservatee’s death by delivering a copy of the notice to specific persons and filing proof of delivery with the court.¹⁰ SB 1106 amended section 2361 in three respects. First, it amended section 2361(a) to add a person who has requested special notice of the matter under section 2700 to the persons a conservator must notify of the conservatee’s death.¹¹ Second, the bill added section 2361(b), which requires a conservator who has made any funeral, memorial, or burial arrangements for the deceased conservatee to give notice of the date, time, and location of those arrangements. Third, new section 2361(b) requires electronic delivery of the notice of funeral, burial, or memorial arrangements whenever possible. The committee recommends revising form GC-399 to add the opportunity to give notice of the required arrangements and prioritize electronic delivery.¹² The committee also recommends revising form DE-154/GC-035 to allow a person requesting special notice to request electronic delivery.¹³

Assembly Bill 976 (Stats. 2017, ch. 319) amended section 1215 to authorize three methods of delivering notices and other papers—by mail, by personal delivery, and by electronic delivery—in the absence of express provision otherwise and amended almost all references in the Probate Code that referred to mailing of notice to require delivery “pursuant to section 1215” instead. As rules and forms have been updated, the committee has phased in the replacement of mailing with

⁹ § 2352(e)(2)(B). This amendment does not apply to a guardian’s change of a ward’s residence. *Ibid.*

¹⁰ § 2361 (added by Assem. Bill 1085 (Stats. 2015, ch. 92, § 3)).

¹¹ Former section 2361 required delivery of notice “to all persons entitled to notice under Section 1460,” and section 1460(b)(4) requires delivery of notice to “[a]ny person who has requested special notice.” Form GC-399 therefore already directed a conservator or guardian to deliver notice to any person who had requested special notice under section 2700, and no revision is needed to apply this amendment.

¹² SB 1106 also amended section 2700 to specify that an “interested person” authorized to file a request for special notice “may include, but is not limited to, a family member of the conservatee not included in Section 1460 or a friend of the conservatee.” The intent underlying the statutory specification of “a family member ... not included in section 1460” as an interested person is somewhat obscure, as section 2700 already authorized “any relative” of the conservatee to request special notice. Nevertheless, the legislative intent to authorize the conservatee’s family members and friends to file requests for special notice is clear.

¹³ In addition, the committee recommends updating the first-page footer to indicate that form DE-154/GC-035 is mandatory. When the council adopted all the existing probate forms for mandatory use, effective January 1, 2000, it approved a plan to add the words “Form Adopted for Mandatory Use” to existing forms as they were revised. See Judicial Council of Cal., Advisory Com. Rep., *supra* note 2, p. 1, fn. 2. This report is the first to recommend revisions to form DE-154/GC-035 since 1998.

delivery using one of the methods authorized by section 1215. The committee recommends amending rules 7.1013(a)–(b) and 7.1063(a)–(b) and revising the instructions and proofs of delivery on forms DE-154/GC-035, GC-079, and GC-080 to replace references to mail or mailing with references to delivery and, as appropriate, discuss the permissible methods of delivery. The committee also recommends revising form GC-399 to add instructions for and a proof of electronic delivery to apply the preference for that method of delivery in amended section 2361.

Policy implications

This recommendation is required to implement recently enacted statutory amendments and otherwise to conform to law. It also improves the quality of justice and service to the public.

Comments

The proposal circulated for public comment from December 6, 2024, to January 6, 2025, as part of the winter 2025 cycle to the regular mailing list as well as the probate listserv. The committee received five comments, which were uniformly positive. Three commenters agreed with the proposal, and two commenters agreed with suggested modifications. The Superior Court of San Diego County suggested several revisions to the forms. The committee has accepted all but two of those suggestions. A chart of comments received and committee responses is attached at pages 24–30.

The court suggested continuing to use “pre-move” and “post-move” in forms GC-079, GC-079(MA), GC-080, and GC-080(MA) instead of replacing those terms with “before” and “after.” The committee does not recommend this change. “Before” and “after” are routinely used, plain English terms. Self-represented litigants and nonprofessional conservators are more likely to be familiar with these terms than the neologisms “pre-move” and “post-move” and so better able to understand and use them.

The court also suggested removing the checkbox before the proposed addition of “funeral arrangements” in the caption of form GC-399 because the box is unnecessary. The committee recognizes that the checkbox is not strictly necessary but does not recommend removing it. The checkbox may help to alert a nonprofessional conservator that they are not required to give notice of a deceased conservatee’s funeral arrangements unless they themselves have made those arrangements. It also allows recipients to quickly determine the scope of the information included in the form. The committee has, however, modified its recommendation to clarify the conservator’s duties under section 2361(b) with respect to completing item 2.

Alternatives considered

The committee did not consider the alternative of taking no action because the revisions are required to implement statutory changes affecting the duties of court-appointed conservators and guardians and to bring the forms into conformity with other aspects of the law.

The committee considered deferring this recommendation to the spring 2025 cycle for an effective date of January 1, 2026, but determined that an earlier effective date would assist

nonprofessional conservators to comply with the expanded statutory requirements and better distribute the operational impact on the courts of implementing updated rules and forms.

Fiscal and Operational Impacts

Courts and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee noted that courts would need to reprogram their case management systems and train staff to implement the statutory changes. They also anticipated an increased number of notices filed and a consequent increased workload.

Attachments and Links

1. Cal. Rules of Court, rules 7.1013 and 7.1063, at pages 7–13
2. Forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399, at pages 14–23
3. Chart of comments, at pages 24–30
4. Link A: Sen. Bill 1106 (Stats. 2024, ch. 455),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1106
5. Link B: Assem. Bill 976 (Stats. 2017, ch. 319),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB976
6. Link C: Assem. Bill 1340 (Stats. 2008, ch. 293),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB1340

Rules 7.1013 and 7.1063 of the California Rules of Court are amended, effective July 1, 2025, to read:

1 **Rule 7.1013. Change of ward's residence (Prob. Code, § 2352)**

2
3 **(a) ~~Pre-move notice of~~ Notice before proposed change of ~~personal~~ residence**
4 **required**

5
6 (1) Unless an emergency requires a shorter notice period ~~of notice~~, the a guardian
7 of the person must ~~mail copies of a~~ deliver notice of an intended change of
8 the ward's ~~personal~~ residence to ~~the~~ each persons listed below at least 15
9 days before the date of the proposed change and then file the original notice
10 ~~with form and proof of mailing~~ delivery with the court. ~~Copies of the notice~~
11 ~~must be mailed:~~

12
13 (2) Except as provided in (e), notice must be delivered using one of the methods
14 authorized by Probate Code section 1215 to:

15
16 (1)(A) The ward, if ~~he or she~~ is 12 years of age or older;

17
18 (2)(B) The ward's attorney of record ~~for the ward~~;

19
20 (3)(C) The ward's parents and any former Indian custodian;

21
22 (4)(D) Any person who had legal custody of the ward when the first
23 petition for appointment of a guardian was filed in the proceeding;

24
25 (5)(E) Any guardian of the ward's estate;

26
27 (6)(F) Any person who was nominated as guardian of the ward but was not
28 appointed ~~guardian in the proceeding~~; and

29
30 (7)(G) The ward's tribe, if the ward is an Indian child and the ~~ward's~~
31 tribe has intervened in the proceeding; and

32
33 (H) Any interested person who has requested special notice of the matter
34 under Probate Code section 2700.

35
36 (3) If the notice is delivered less than 15 days before the intended date of the
37 move, the guardian must describe the circumstances that require a shorter
38 notice period.

39
40 **(b) ~~Ward's personal residence~~**

41

1 The “ward’s personal residence” under (a) is the ward’s residence when the first
2 petition for appointment of a guardian was filed in the proceeding.

3
4 **(e)(b) ~~Post-move notice of a~~ Notice after change of residence required**

5
6 (1) ~~The A~~ guardian of the person ~~of a minor~~ must file a notice of any change of
7 the ward’s residence with the court ~~within no more than 30 days of~~ after the
8 date of ~~any~~ the change. Unless waived by the court for good cause to prevent
9 harm to the ward, the guardian, the guardian’s attorney, or an employee of
10 the ~~guardian’s~~ attorney must also ~~mail a copy of the~~ deliver notice to ~~the~~ each
11 persons listed below and file a proof of ~~mailing with the original notice~~
12 delivery with the court. ~~Unless waived, copies of the notice must be mailed~~
13 ~~to:~~

14
15 (2) Except as provided in (e), notice must be delivered using one of the methods
16 authorized by Probate Code section 1215 to:

17
18 (1)(A) The ward’s attorney of record;

19
20 (2)(B) The ward’s parents and any former Indian custodian;

21
22 (3)(C) Any person who had legal custody of the ward when the first
23 petition for appointment of a guardian was filed in the proceeding;

24
25 (4)(D) Any guardian of the ward’s estate;

26
27 (5)(E) Any person who was nominated as guardian of the ward but was
28 not appointed ~~guardian in the proceeding~~; and

29
30 (6)(F) The ward’s tribe, if the ward is an Indian child and the ~~ward’s~~ tribe has
31 intervened in the proceeding.

32
33 **(d) ~~Ward’s residence~~**

34
35 The “ward’s residence” under (c) is ~~the ward’s residence at any time after~~
36 ~~appointment of a guardian~~.

37
38 **(e)(c) Use of Judicial Council forms GC-079 and GC-080**

39
40 (1) ~~The Pre-Move~~ A guardian must use Notice of Before Proposed Change of
41 Personal Residence of Conservatee or Ward (form GC-079) ~~must be used~~ for
42 the ~~pre-move~~ notice required under (a) and Probate Code section 2352(e)(3)
43 before a change of residence. The guardian, the guardian’s attorney, or an

1 employee of the attorney may complete ~~the mailing~~ delivery of notice and, if
2 applicable, sign and file the proof of mailing delivery by mail on page 2 of
3 the form. If the notice is mailed less than 15 days before the date of the move
4 because an emergency requires a shorter period of notice, the basis for the
5 emergency must be stated in the notice.

6
7 (2) ~~The Post Move~~ A guardian must use Notice of After Change of Residence of
8 Conservatee or Ward (form GC-080) ~~must be used~~ for the ~~post-move~~ notice
9 required under ~~(e)~~(b) and Probate Code section 2352(e)(1) and (2) after a
10 change of residence. The guardian, the guardian's attorney, or an employee
11 of the attorney may complete ~~the mailing~~ delivery of notice and, if
12 applicable, sign and file the proof of mailing delivery by mail on page 2 of
13 the form.

14
15 **~~(f)~~(d) Prior Court approval required to before establishing ward's residence outside**
16 **California**

17
18 Notwithstanding any other provision of this rule, ~~prior~~ court approval is required
19 before a guardian may establish a ward's residence ~~may be established~~ outside the
20 state of California.

21
22 **~~(g)~~(e) Wards 18 to 20 years of age**

23
24 For a ward who is at least 18 but not yet 21 years of age, ~~a copy of any~~ notice under
25 this rule must be ~~mailed~~ delivered only to the ward and the ward's attorney of
26 record.

27
28
29 **Rule 7.1063. Change of conservatee's residence; determination of level of care**
30 **(Prob. Code, §§ 2352, 2352.5)**

31
32 **(a) ~~Pre-move notice of~~ Notice before proposed change of personal residence**
33 **required**

34
35 (1) Unless an emergency requires a shorter notice period ~~of notice~~, the a
36 conservator of the person must ~~mail copies of a~~ deliver notice of an intended
37 change of the conservatee's ~~personal~~ residence to the each persons listed
38 below at least ~~15~~ 20 days before the date of the proposed change, and file the
39 original notice ~~with~~ form and proof of mailing delivery with the court. ~~Copies~~
40 ~~of the notice must be mailed to:~~

41
42 (2) Notice must be delivered using one of the methods authorized by Probate
43 Code section 1215 to:

- 1
- 2 (1)(A) The conservatee;
- 3
- 4 (2)(B) The conservatee’s attorney of record;
- 5
- 6 (3)(C) The conservatee’s spouse or registered domestic partner, if any;
- 7 and
- 8
- 9 (4)(D) The conservatee’s relatives ~~named in the *Petition for*~~
10 *Appointment of Probate Conservator* (form GC 310), including within
11 the second degree or—if the conservator does not know of any spouse,
12 domestic partner, or relatives within the second degree—the
13 conservatee’s “deemed relatives” under Probate Code section
14 1821(b)(1)–(4) ~~if the conservatee has no spouse or registered domestic~~
15 ~~partner and no second-degree relatives.~~; and
- 16
- 17 (E) Any interested person who has requested special notice of the matter
18 under Probate Code section 2700.

- 19
- 20 (3) If the notice is delivered less than 20 days before the intended date of the
21 move, the conservator must describe the circumstances that require a shorter
22 notice period.

23

24 **(b) Conservatee’s personal residence**

- 25
- 26 (1) ~~The “conservatee’s personal residence” under (a) is the residence the~~
27 ~~conservatee understands or believes, or reasonably appears to understand or~~
28 ~~believe, to be his or her permanent residence on the date the first petition for~~
29 ~~appointment of a conservator was filed in the proceeding, whether or not the~~
30 ~~conservatee is living in that residence on that date. A residential care facility,~~
31 ~~including a board and care, intermediate care, skilled nursing, or secured~~
32 ~~perimeter facility, may be the conservatee’s personal residence under this~~
33 ~~rule.~~
- 34
- 35 (2) ~~If the conservatee cannot form or communicate an understanding or belief~~
36 ~~concerning his or her permanent residence on the date the first petition for~~
37 ~~appointment of a conservator was filed in the proceeding, his or her personal~~
38 ~~residence under this rule is the residence he or she last previously understood~~
39 ~~or believed, or appeared to understand or believe, to be his or her permanent~~
40 ~~residence.~~
- 41
- 42 (3) ~~For purposes of this rule, the following changes of residence are or are not~~
43 ~~changes of the conservatee’s personal residence, as indicated:~~

1
2 (A) ~~A move from the conservatee’s personal residence under this rule to a~~
3 ~~residential care facility or other residence is a change of the~~
4 ~~conservatee’s personal residence under (a).~~

5
6 (B) ~~A move from a residential care facility or other residence to another~~
7 ~~residence that is not the conservatee’s personal residence under this~~
8 ~~rule is a change of the conservatee’s personal residence under (a).~~

9
10 (C) ~~A move from a residential care facility or other residence to the~~
11 ~~conservatee’s personal residence under this rule is not a change of the~~
12 ~~conservatee’s personal residence under (a).~~

13
14 ~~(e)(b) Post-move notice of a~~ **Notice after change of residence required**

15
16 The A conservator of the person must file a notice of any change of the
17 conservatee’s residence with the court ~~within no more than 30 days of~~ after the date
18 of the change. Unless waived by the court for good cause to prevent harm to the
19 conservatee, the conservator must ~~mail a copy of the~~ deliver notice to the each
20 persons ~~named listed~~ named listed below and file a proof of mailing delivery with the ~~original~~
21 ~~notice filed with the court. Unless waived, the notice must be mailed to:~~

- 22
23 (1) The conservatee’s attorney of record;
24
25 (2) The conservatee’s spouse or registered domestic partner, if any; and
26
27 (3) The conservatee’s relatives ~~named in the~~ Petition for Appointment of Probate
28 Conservator (form GC 310), including within the second degree or—if the
29 conservator does not know of any spouse, domestic partner, or relatives
30 within the second degree—the conservatee’s “deemed relatives” under
31 Probate Code section 1821(b)(1)–(4) if the conservatee has no spouse or
32 registered domestic partner and no second-degree relatives.; and
33
34 (4) Any interested person who has requested special notice of the matter under
35 Probate Code section 2700.

36
37 ~~(d)(c) Qualifying changes of conservatee’s residence~~

38
39 The “conservatee’s residence” under (c) is the conservatee’s residence at any time
40 after appointment of a conservator.

- 41
42 (1) For purposes of this rule, the following changes qualify as changes of the
43 conservatee’s residence:

- 1
2 (A) From a private residence to another private residence;
3
4 (B) From a private residence to a residential care facility;
5
6 (C) From a residential care facility to a private residence; and
7
8 (D) From a residential care facility to another residential care facility.

9
10 (2) The list in (1) is not intended to be exhaustive.

11
12 **(e)(d) Use of Judicial Council forms GC-079 and GC-080**

- 13
14 (1) ~~The *Pre-Move*~~ A conservator must use *Notice of Before Proposed Change of*
15 *Personal Residence of Conservatee or Ward* (form GC-079) ~~must be used~~ for
16 the ~~pre-move~~ notice required under (a) and Probate Code section 2352(e)(3)
17 before a change of residence. The conservator, the conservator’s attorney, or
18 an employee of the attorney may complete ~~the mailing~~ delivery of notice and,
19 if applicable, sign and file the proof of Mailing delivery by mail on page 2 of
20 the form. ~~If the notice is mailed less than 15 days before the date of the move~~
21 ~~because an emergency requires a shorter period of notice, the basis for the~~
22 ~~emergency must be stated in the notice.~~
23
24 (2) ~~The *Post-Move*~~ A conservator must use *Notice of After Change of Residence*
25 *of Conservatee or Ward* (form GC-080) ~~must be used~~ for the ~~post-move~~
26 notice required under ~~(e)~~ (b) and Probate Code section 2352(e)(1) and (2)
27 after a change of residence. The conservator, the conservator’s attorney, or an
28 employee of the attorney may complete ~~the mailing~~ delivery of notice and, if
29 applicable, sign and file the proof of Mailing delivery by mail on page 2 of
30 the form.

31
32 **(f)(e) Prior Court approval required to before establishing conservatee’s residence**
33 **outside California**

34
35 Notwithstanding any other provision of this rule, ~~prior~~ court approval is required
36 before a conservator may establish a conservatee’s residence ~~may be established~~
37 outside the state of California.

38
39 **(f) Personal residence (Prob. Code, §§ 2352, 2352.5)**

- 40
41 (1) The “conservatee’s “personal residence,” ~~under (a)~~ for purposes of
42 determining the least restrictive appropriate residence available and necessary
43 to meet the needs of the conservatee, is the residence the conservatee

1 understands or believes, or reasonably appears to understand or believe, to be
2 ~~his or her~~ the conservatee's permanent residence on the date the first petition
3 for appointment of a conservator was filed in the proceeding, regardless of
4 whether ~~or not~~ the conservatee is living in that residence on that date. ~~A~~ The
5 conservatee's personal residence may be a residential care facility, including:

6
7 (A) A board-and-care home;

8
9 (B) An intermediate-care facility;

10
11 (C) A skilled-nursing facility; or

12
13 (D) A secured-perimeter facility, ~~may be the conservatee's personal~~
14 ~~residence under this rule.~~

15
16 (2) If the conservatee cannot form or communicate an understanding or belief
17 concerning ~~his or her~~ their permanent residence on the date the first petition
18 for appointment of a conservator was filed in the proceeding, ~~his or her~~ then
19 the conservatee's personal residence under this rule is the residence ~~he or she~~
20 ~~last previously~~ the conservatee most recently understood or believed, or
21 appeared to understand or believe, to be ~~his or her~~ the conservatee's
22 permanent residence.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MATTER OF (name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> WARD <input type="checkbox"/> TRUST	
REQUEST FOR SPECIAL NOTICE	CASE NUMBER:

1. a. I am a person interested in this proceeding.
 b. I am the attorney for a person interested in this proceeding (specify name of interested person):

2. I request special notice of the following matters (check each applicable box):
- a. All matters for which special notice may be requested (Do not check boxes (b)–(i).)
 - b. Inventories and appraisals of property, including supplements
 - c. Accountings
 - d. Reports of the status of administration
 - e. Objections to an appraisal
 - f. Petitions for the sale of property
 - g. Spousal or Domestic Partner Property Petition (form DE-221) (Prob. Code, § 13650)
 - h. Other petitions:
 - (1) All petitions
 - (2) The following petitions (specify):

i. Other matters (specify):

3. Deliver notice electronically (recipient has filed and served form EFS-005-CV in this case) by mail to
- a. the interested person at the following address (specify):
- b. the attorney at the following address (specify):

Date:

 (TYPE OR PRINT NAME)



 (SIGNATURE)

Attorney for person requesting special notice
 (client's name):

MATTER OF (*name*):

CASE NUMBER:

NOTE: You must have your request delivered to the personal representative, conservator, guardian, or trustee, or to that person's attorney. A proof of delivery must accompany this *Request for Special Notice* when it is filed with the court. This page provides a proof of delivery by mail. To show personal delivery, you may use *Proof of Personal Service—Civil* (form POS-020). To show electronic delivery, you may use *Proof of Electronic Service* (form POS-050).

PROOF OF DELIVERY BY MAIL

1. I am over the age of 18 and not a party to this case. 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 *Request for Special Notice* to 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 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 of deposit: _____ b. Place of deposit (*city and state*): _____

I declare under the 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 DECLARANT)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

List of names and addresses continued in attachment.

<input type="checkbox"/> CONSERVATORSHIP	<input type="checkbox"/> GUARDIANSHIP	OF THE PERSON	<input type="checkbox"/> AND ESTATE	CASE NUMBER:
OF (name):				
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> WARD		

ATTACHMENT TO NOTICE AFTER CHANGE OF RESIDENCE OF CONSERVATEE OR WARD

(This attachment is for use with form GC-080.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name and relationship
to conservatee or ward

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

_____ Relationship: <input style="width: 80%;" type="text"/>	
_____ Relationship: <input style="width: 80%;" type="text"/>	
_____ Relationship: <input style="width: 80%;" type="text"/>	
_____ Relationship: <input style="width: 80%;" type="text"/>	
_____ Relationship: <input style="width: 80%;" type="text"/>	
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_____ Relationship: <input style="width: 80%;" type="text"/>	
_____ Relationship: <input style="width: 80%;" type="text"/>	
_____ Relationship: <input style="width: 80%;" type="text"/>	

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> AND ESTATE OF (name): _____ CONSERVATEE	CASE NUMBER: _____
--	--------------------

NOTE TO CONSERVATOR OF THE PERSON:

You must deliver copies of this *Notice of Conservatee's Death* (Notice) to the conservator of the estate, the conservatee's spouse or domestic partner, and any person who has requested special notice under Probate Code section 2700. You, an employee in your practice as a professional fiduciary, your attorney in this matter, or an employee in your attorney's office should deliver this Notice electronically to each person who has expressly consented to electronic delivery by completing, delivering, and filing *Consent to Electronic Service and Notice of Electronic Service Address* (form EFS-005-CV) or an equivalent form in this proceeding. You must arrange for delivery in person or by mail to persons who have not completed form EFS-005-CV. You must show the court that copies of this Notice have been delivered in ways the law allows. You do this by completing a proof of delivery, also called "proof of service," and having the person who made the delivery sign the proof of service, which then is filed with the original Notice. This page contains a proof of delivery that may be used only to show electronic delivery. To show personal delivery, you may use *Proof of Personal Service—Civil* (form POS-020). To show delivery by mail, you may use *Proof of Service by First-Class Mail—Civil* (form POS-030).

PROOF OF ELECTRONIC DELIVERY

1. I am a resident of, or employed in, the county where the delivery occurred and am
 - a. the conservator of the person.
 - b. an employee of the conservator of the person in the conservator's practice as a professional fiduciary.
 - c. an attorney for the conservator of the person.
 - d. an employee in the office of an attorney for the conservator of the person of the conservatee named above.
2. My residence or business address is (specify): _____
3. My electronic service address is (specify): _____
4. I electronically delivered the foregoing *Notice of Conservatee's Death* to each person named below, as specified.

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

Date: _____

_____ <small>(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)</small>	_____ <small>(SIGNATURE OF PERSON COMPLETING THIS FORM)</small>
---	--

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS DELIVERED

	<u>Name of person served</u>	<u>Electronic service address</u>	<u>Date of electronic delivery</u>
1.	<input style="width:95%; height: 25px;" type="text"/>	<input style="width:95%; height: 25px;" type="text"/>	Date: _____
2.	<input style="width:95%; height: 25px;" type="text"/>	<input style="width:95%; height: 25px;" type="text"/>	Date: _____
3.	<input style="width:95%; height: 25px;" type="text"/>	<input style="width:95%; height: 25px;" type="text"/>	Date: _____
4.	<input style="width:95%; height: 25px;" type="text"/>	<input style="width:95%; height: 25px;" type="text"/>	Date: _____
5.	<input style="width:95%; height: 25px;" type="text"/>	<input style="width:95%; height: 25px;" type="text"/>	Date: _____
6.	<input style="width:95%; height: 25px;" type="text"/>	<input style="width:95%; height: 25px;" type="text"/>	Date: _____

Continued on an attachment. (You may use form POS-050(P) to show additional persons served electronically.)

W25-09**Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death** (Amend rules 7.1013 and 7.1063; revise forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399)

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

	Commenter	Position	Comment	Committee Response
1.	Aderant by Victoria Katz, Senior Rules Attorney	NI	<p>We are writing to bring the Judicial Council’s attention to an apparent inconsistency in the proposed amendment to Rule 7.1063, as set forth in the W25-09 Invitation to Comment.</p> <p>Proposed Rule 7.1063(a)(1) says, “Unless an emergency requires a shorter notice period, a conservator of the person must deliver notice of an intended change of the conservatee’s residence to each person listed below at least <u>20 days</u> before the date of the proposed change and file the original notice form and proof of delivery with the court.” [Emphasis added.]</p> <p>However, proposed Rule 7.1063(a)(3) says, “If the notice is delivered less than <u>15 days</u> before the intended date of the move, the conservator must describe the circumstances that require a shorter notice period.” [Emphasis added.]</p> <p>If the conservator is permitted at least 20 days before the date of the proposed change of residence to deliver notice of the intended change pursuant to Rule 7.1063(a)(1), it seems that the requirement in Rule 7.1063(a)(3) should apply only if the notice is delivered less than 20 days before the intended date of the move.</p> <p>We note that the proposed form GC-079 states in section 4, “I cannot give at least <u>20 days’ notice</u> of the proposed change (conservatee) or at least 15 days’ notice of the proposed change (ward) because (explain why the conservatee or</p>	The committee appreciates this comment and has updated rule 7.1063(a)(3) as suggested.

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

W25-09**Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death** (Amend rules 7.1013 and 7.1063; revise forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399)

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

	Commenter	Position	Comment	Committee Response
			ward must change residences before the end of the notice period):....” [Emphasis added.]	
2.	Orange County Bar Association by Mei Tsang, President	A	No further comment.	The committee appreciates the commenter’s review of the proposal. No further response is required.
3.	Superior Court of Los Angeles County by Robert Oftring, Chief Communications and External Affairs Officer	A	<p>The Court believes the proposal appropriately addresses the stated purpose but does not anticipate any cost savings.</p> <p>To implement the proposal, there may be some programming changes to the case management system to auto-accept the notices and create flags to identify the notices. Two months from Judicial Council approval should be sufficient to implement if the Court’s test environment is restored.</p> <p>The Court also believes this proposal will work well in courts of different sizes.</p> <p>For general comments, the Court foresees a potential issue with compliance. It is likely that private professional fiduciaries, particularly those with more experience, will adhere to the rules. However, self-represented litigants may face challenges in meeting the requirements.</p>	<p>The committee appreciates the court’s comments. See below for response to specific comment.</p> <p>The committee recognizes that self-represented conservators and guardians may find it difficult to comply with the new statutory requirements. The committee intends the recommendation to make compliance easier than it would otherwise be.</p>
4.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p>Q: Does the proposal appropriately address the stated purpose? A: Yes.</p>	The committee appreciates the court’s comments. See below for responses to specific comments. No further response is required.

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

W25-09

Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death (Amend rules 7.1013 and 7.1063; revise forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399)

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

	Commenter	Position	Comment	Committee Response
			<p>Q: Would the proposal provide cost savings? If so, please quantify. A: No.</p> <p>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: Detailed meeting with staff will be required to explain the changes, estimated at 1–2 hours, depending on job classification. For the Business Office clerks, we will need 1 hour to review the changes and for the Courtroom Clerks about 15 minutes. Examiners must become intimately knowledgeable with the new forms and requirements in order to properly examine such forms and answer questions. Court Investigators must also become familiar with the new forms and requirements as they receive numerous questions from conservators regarding such requirements. Additionally, Court Investigators must have enough knowledge of the new requirements to flag noncompliance issues on investigative review reports. The case management system will need to be updated to reflect the change to the form names.</p> <p>Q: Would two months from Judicial Council</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

W25-09

Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death (Amend rules 7.1013 and 7.1063; revise forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399)

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

	Commenter	Position	Comment	Committee Response
			<p>approval of this proposal until its effective date provide sufficient time for implementation? A: Yes.</p> <p>Q: How well would this proposal work in courts of different sizes? A: Courts with higher volume of conservatorship cases will experience greater operational impact. Judicial officers may be required to set more review hearings to check status on the new requirements. Examining staff will be required to produce more probate notes for judges as a result.</p> <p>General Comments</p> <p>DE-154/GC-035 – Request for Special Notice</p> <p>1) In the case caption, propose changing “Minor” to “Ward” for consistency.</p> <p>2) Item #2.g., the full title of the form DE-221 is Spousal or Domestic Partner Property Petition.</p> <p>3) Item #3, the court’s preference is for the form EFS-005-CV to be filed separately, not attached to this form as a run-on document. Propose removing the verbiage, “attached or.”</p> <p>GC-079 – Notice Before Proposed Change of Residence of Conservatee or Ward</p>	<p>No further response is required.</p> <p>The committee does not recommend a change in response to this comment, which describes effects of the statutory amendments in SB 1106 on court operations.</p> <p>The committee agrees with the suggestion and has changed “minor” to “ward” in the caption of this form.</p> <p>The committee has revised the reference to form DE-221 to state that form’s full title.</p> <p>The committee agrees and has modified item 3 of the proposed form to remove the reference to attaching form EFS-005-CV.</p>

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

W25-09**Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death** (Amend rules 7.1013 and 7.1063; revise forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399)

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

	Commenter	Position	Comment	Committee Response
			<p>1) In the case caption, propose changing “Minor” to “Ward” for consistency.</p> <p>2) Propose keeping existing language, “Pre-Move.” Changing to “Before” does not provide additional clarity.</p> <p>3) In the Information for Conservator or Guardian of the Person section, Item #4, the “Note” should include the title of the form needed to obtain the Court’s permission to change the residence to outside of California, (Petition to Fix Residence Outside the State of California (form GC-085)).</p> <p>GC-079(MA) – Attachment to Notice Before Proposed Change of Residence of Conservatee or Ward</p> <p>1) In the case caption, propose changing “Minor” to “Ward” for consistency.</p> <p>2) Propose keeping existing language, “Pre-Move.” Changing to “Before” does not provide additional clarity.</p> <p>GC-080 – Notice After Proposed Change of Residence of Conservatee or Ward:</p> <p>1) In the case caption, propose changing “Minor” to “Ward” for consistency.</p>	<p>See response to the same comment about form DE-154/GC-035.</p> <p>The committee does not recommend the suggested change. “Before” and “after” are routinely used plain English terms. Self-represented litigants and nonprofessional conservators are more likely to be familiar with these terms than the neologisms “pre-move” and “post-move” and so better able to use and understand them.</p> <p>The committee agrees and has modified the form accordingly. To create space for the reference to the form, the committee recommends removing the references to the rules of court in items (2) and (3) of the instructions. The form footer still refers to rules 7.1013 and 7.1063.</p> <p>See response to the same comment about form DE-154/GC-035.</p> <p>See response to the same comment about form GC-079.</p> <p>See response to the same comment about form DE-154/GC-035.</p>

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

W25-09

Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death (Amend rules 7.1013 and 7.1063; revise forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399)

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

	Commenter	Position	Comment	Committee Response
			<p>2) Propose keeping existing language, “Post-Move.” Changing to “After” does not provide additional clarity.</p> <p>3) In the Information for Conservator or Guardian of the Person section, Item #4, the “Note” should include the title of the form needed to obtain the Court’s permission to change the residence to outside of California, (Petition to Fix Residence Outside the State of California (form GC-085)).</p> <p>GC-080(MA) – Attachment to Notice After Proposed Change of Residence of Conservatee or Ward:</p> <p>1) In the case caption, propose changing “Minor” to “Ward” for consistency.</p> <p>2) Propose keeping existing language, “Post-Move.” Changing to “After” does not provide additional clarity.</p> <p>GC-399 – Notice of Conservatee’s Death</p> <p>1) Propose removing the checkbox for “And Funeral Arrangements” to the title of the form as it is unnecessary.</p>	<p>See response to the analogous comment about form GC-079.</p> <p>See response to the same comment about form GC-079.</p> <p>See response to the same comment about form DE-154/GC-035.</p> <p>See response to the analogous comment about form GC-079.</p> <p>The committee acknowledges that the checkbox in the caption is not strictly necessary but does not recommend removing it. The checkbox may help to alert a nonprofessional conservator that they are not required to give notice of a deceased conservatee’s funeral arrangements unless they themselves have made those arrangements. It also allows recipients to quickly determine the scope of the information included in the form. The</p>

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W25-09**Probate Conservatorship and Guardianship: Notice of Change of Residence and Notice of Death** (Amend rules 7.1013 and 7.1063; revise forms DE-154/GC-035, GC-079, GC-079(MA), GC-080, GC-080(MA), and GC-399)

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

	Commenter	Position	Comment	Committee Response
				committee has, however, modified its recommendation to clarify the conservator's duties with respect to completing item 2 under Probate Code section 2361(b).
5.	Trial Court Presiding Judges Advisory Committee (TCPJAC)/Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	A	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <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"> ○ Requires mandated reprogramming of digital case management systems to address legislative changes which include reformatting of forms and creating new court hearing types. ● Results in additional training, which requires the commitment of staff time and court resources. <ul style="list-style-type: none"> ○ Requires training of court staff and judges and implementation of new court hearings based on legislative changes. ● Increases court staff workload. <ul style="list-style-type: none"> ○ Results in an increased number of notices delivered and filed which will result in a larger number of court hearings to litigate issues. ○ Requires replacement of outdated forms 	The committee appreciates these comments. No further response is required.

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