



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 15, 2016

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**Title**

Probate Conservatorships: Voting Capacity of Conservatees

**Agenda Item Type**

Action Required

**Effective Date**

July 1, 2016

**Rules, Forms, Standards, or Statutes Affected**

Forms GC-320, GC-330, and GC-331

**Date of Report**

March 18, 2016

**Recommended by**

Probate and Mental Health Advisory Committee

Hon. John H. Sugiyama, Chair

Douglas C. Miller, Attorney

JCC Legal Services

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### Executive Summary

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise *Citation For Conservatorship* (form GC-320), *Order Appointing Court Investigator* (form GC-330), and *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331), which are three of four conservatorship forms that the council revised, effective January 1, 2016, to reflect changes in the law concerning a conservatee's capacity to vote. All of these forms, plus an additional conservatorship form revised by circulating order effective January 15, 2016, were circulated for public comment in the winter 2016 comment cycle. Forms GC-320, GC-330, and GC-331 are proposed for additional revisions in response to comments received. These revisions would be effective on July 1, 2016.

## Recommendation

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

1. Revise the *Citation For Conservatorship* (form GC-320) by:
  - a) Moving items 6 and 7 from the bottom of page 1 of the form to the top of page 2 and placing a statement on the bottom of page 1 that the text is continued on page 2. This change is recommended to ensure that some of the text appears on the same page as the clerk's seal, to reduce the opportunity for fraud that would be presented by a page containing only the clerk's seal;
  - b) Changing the second sentence in item 4 on page 1 to read: "You will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration: . . . [followed by a list of four types of assistance or accommodations in completing the affidavit that would not be disqualifying]; and
2. Revise the *Order Appointing Court Investigator* (form GC-330) and the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331) by adding the following text at the beginning of item 1e of form GC-330 and item 1c on page 1 of the forms:

"A person is presumed competent to vote regardless of his or her conservatorship status. In determining whether this presumption is overcome, you must determine . . ."

The revised forms are attached at pages 8–15.

## Previous Council Action

These three forms and a fourth form, *Petition for Appointment of Probate Conservator* (form GC-310), were approved by the Judicial Council on December 11, 2015 (Proposal 15-420) for revisions made necessary because of the 2015 enactment of Senate Bill 589 (Stats. 2015, ch. 736), effective January 1, 2016. This legislation completely changed the standard for determining whether a conservatee retains, has lost, or has regained, the capacity to vote.

A fifth conservatorship form, the *Order Appointing Probate Conservator* (form GC-340) was revised by circulating order on January 14, 2016, effective on January 15, 2016, also to reflect the new standard for determining a conservatee's capacity to vote.

## Rationale for Recommendation

All five conservatorship forms revised effective January 2016 were revised in response to the legislation noted above, Senate Bill 589 in the 2015 Legislature. That legislation replaced the former standard for a conservatee's incapacity to vote, an inability to complete an affidavit of

voter registration,<sup>1</sup> with an entirely new standard: an inability to express, with or without reasonable accommodations, a desire to participate in the voting process. Four of the five revised forms clearly reflect the new standard. The fifth, the *Petition for Appointment of Probate Conservator* (form GC-310) does not refer to the new standard because the proposed conservatee’s capacity to vote under any standard is not part of the petitioner’s case in chief.<sup>2</sup>

The review investigation in a conservatorship is the focus of Elections Code section 2209 and Probate Code section 1851(a)(1)(D), which were also amended by SB 589. Amended section 2209 applies the new standard for determining a conservatee’s incapacity to vote, but also emphasizes that in review investigations, investigators must deal both with conservatees who have and have not previously lost their right to vote. The amended section requires investigators in the latter case to determine whether conservatees have lost the ability to communicate a desire to participate in the voting process, and in the former case to determine whether they continue to lack that ability.<sup>7</sup> Thus the reference to “*now* incapable of communicating,” and “*if previously was found incapable* of communicating that desire, *continues to be incapable* of doing so . . .” in item 1c of form GC-331. (Italics added.)

In either situation, the standard is the same: an inability, with or without accommodations, to communicate a desire to participate in the voting process, with the caveat that the four methods of completing an affidavit of voter registration with assistance listed in the statute are not disqualifying.

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

### **External comments**

This proposal circulated for public comment in the 2016 winter comment cycle, which ran from December 11, 2015 to January 22, 2016. Nine comments were received. All commentators approved the forms (5) or approved them with modifications (4).

### ***Form GC-320***

Two commentators, a probate examiner from the Superior Court of Fresno County; and the Executive Officer, Superior Court of San Diego County, noticed that the *Citation For Conservatorship* (form GC-320), which was expanded from two to three pages (including a proof of service), contained no text on the second page other than the clerk’s seal and the

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<sup>1</sup> An earlier change in Elections Code section 2208 effective January 1, 2015 specified three types of assistance in completing the voter’s affidavit that would not disqualify a conservatee from voting, but retained the basic standard of inability to complete the affidavit. See Assembly Bill 1311 in the 2013–2014 legislative session (Stats. 2015, ch. 591).

<sup>2</sup> Item 4c of form GC-310 formerly called upon the petitioner for the appointment of a conservator to state an opinion as to whether the proposed conservatee could complete a voter’s affidavit. The revision of the form approved by the council in December eliminated that item entirely instead of modifying it to reflect the new voting capacity standard. This was done on the ground that the proposed conservatee’s capacity to vote is not properly part of the petitioner’s case. The two commentators on this proposal that addressed this change approved the complete deletion of a voting capacity question from form GC-310. See comment nos. 1 and 8.

standard notice advising persons with disabilities how to request accommodations for their court appearances.

Both commentators pointed out that this arrangement would encourage fraud by permitting someone to substitute a modified page 1 for the first page of the form actually issued by the court or by permitting the page with the clerk's seal to be attached to an entirely different document. The committee agrees with these comments, and has revised the form by moving items 6 and 7 from the bottom of the first page to the top of the second, and placing the following statement at the bottom of page 1:

“CONTINUED ON PAGE 2. THE CLERK’S SEAL IS ALSO ON THAT PAGE.”

The committee made one additional change. The second sentence of item 4 on page 1 of the form, immediately after statement of the new standard for a conservatee’s capacity to vote, reads as follows: “But the proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration . . . [followed by the four types of assistance in completing the affidavit listed in Elections Code section 2208(d) that would not disqualify a voter].”

The change consists of elimination of the word “[B]ut” at the beginning of the sentence because that sentence is not a contrast to, limitation of, or negative comment upon the preceding sentence, which states the new standard for voting capacity.

### ***Forms GC-330 and GC-331***

The legislation created the following presumption in Elections Code section 2208(a): “A person is presumed competent to vote regardless of his or her conservatorship status.” One of the commentators, the ACLU of California Voting Rights Project (ACLU), requested placement of the new statutory presumption in forms GC-330 and GC-331, the orders appointing court investigators for initial and review investigations in conservatorship proceedings under, respectively, Probate Code sections 1826 and 1851. The committee agrees with this change. In form GC-330, used for initial investigations, the revised sentence reads as follows:

*A person is presumed competent to vote regardless of his or her conservatorship status. To determine whether this presumption is overcome, you must determine if the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code. (Italicized for emphasis.)*

The revised first sentence of item 1c of form GC-331, used for review investigations, reads:

*A person is presumed competent to vote regardless of his or her conservatorship status. In determining whether this presumption is overcome, you must determine if the proposed conservatee is now incapable of communicating, with or without reasonable*

accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code; or if previously was found incapable of communicating that desire, continues to be incapable of doing so, with or without accommodations. (Italicized for emphasis.)

In form GC-331, an error was made in the revision of item 1c that was adopted in December 2015. Twice in that item, the conservatee is referred to as the “*proposed* conservatee.” But this form is used only for review investigations or for successor conservator investigations, after a conservator has been appointed. The word “proposed” has been eliminated in this item.

The ACLU also made the following request concerning the identical text of item 1e in form GC-330 and item 1c in item 331:

Delete:

“The proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations.”

- Explanation:

While it is true that a conservatee may not be disqualified based on needing a reasonable accommodation to register to vote, the court appointed investigator does not need to consider the conservatee’s ability to register to vote to determine competence. The court investigator only needs to determine whether the conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process. A court investigator may be able to make that determination with a simple question, for example by asking the conservatee whether he or she wants to vote.

The reference to voter registration could be confusing because the standard that SB 589 replaced was based on whether a “person is not capable of completing an affidavit of voter registration. . .” By including the list of reasonable accommodations that a conservatee is entitled to, a court investigator might incorrectly suppose that he or she should still consider a conservatee’s ability to fill out a voter registration form, perhaps as the standard for expressing a desire to participate in the voting process.

The committee has considerable sympathy with the ACLU’s position. It is a fact that a (proposed) conservatee’s inability to complete a voter’s affidavit, with or without the four specific reasonable accommodations or types of assistance listed in the form, has little to do with the new standard of incapacity, and neither a court investigator nor the court itself is likely to test

the proposed conservatee's capacity to vote by having him or her attempt to fill out a voter's affidavit.

But the committee decided not to remove this language from either form because Senate Bill 589 repeats this text in sections 8, 9, 10, 11, and 12 of the legislation, amending, respectively, Probate Code sections 1823 (concerning issuance and contents of the *Citation for Conservatorship*); 1826 (concerning duties of the court investigator in an initial investigation); 1828 (concerning the court's duty to inform the proposed conservatee about the proceeding and its consequences at the hearing); 1851 (concerning the duties of the court investigator in a review investigation after the appointment of a conservator); and 1910 (concerning the duty of the court to order the conservatee's disqualification from voting if it determines that he or she fails to meet the standard for capacity to vote).

Amended section 1823 specifically requires the citation to "state the substance of all the following," including the statement concerning completion of the voter's affidavit (in section 1823(b)(3)(B)). Section 1826(a)(2) requires the court investigator to "[i]nform the proposed conservatee of the contents of the citation" . . . , presumably including the information about the voter's affidavit amended section 1823 requires to be placed there. The legislation also added a fourth type of non-disqualifying assistance to or accommodation for a person completing a voter's affidavit to the three types of assistance or accommodation added to Elections Code section 2208 in 2014.<sup>3</sup>

All of these facts convinced the committee that the Legislature intended that there should be a significant emphasis and reemphasis on these provisions in any forms the Judicial Council creates or revises to reflect the new law.

### ***Other Comments***

A judge of the Superior Court of Orange County requested that the *Order Appointing Probate Conservator* (form GC-340) be revised to include the court's conclusion that the conservatee is disqualified from voting in Finding No. 8 on page 1 of the form ("the conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process"). The committee believes that this conclusion belongs where it now is, in the order portion of the form, in item 22 on page 3 and therefore, declined to make this change.

The Superior Court of Riverside County had no specific comments concerning this proposal, but urged that the Judicial Council take the opportunity presented by it to also revise the portions of the *Petition for Appointment of Probate Conservator* (form GC-310) and the *Order Appointing Probate Conservator* (form GC-340) that address the possible disqualification of the spouse or domestic partner of a proposed conservatee from appointment as conservator because of the actual or possible dissolution of their marriage or termination of their partnership under Probate Code section 1813.

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<sup>3</sup> See footnote 1 on page 2, above.

The committee will look at the issue presented, an asserted lack of coordination between the language of the petition and the order concerning this issue and its effect on the court's self-help automation, in future meetings. It does appear at first glance that the court's concern may stem from a misunderstanding about the intended operation of section 1813, not from any defect in either form.

### **Alternatives**

The only alternative considered was acceptance of the ACLU's request for deletion of the material concerning completion of the voter's affidavit in forms GC-330 and GC-331, discussed above. That alternative was not selected for the reasons stated above. All votes on specific portions of the proposal were unanimous.

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

The legislation that led to this proposal will require a substantial initial cost for training, particularly of court investigators. The new law also requires all conservatees who lost their right to vote under the old standard to be reevaluated under the new one in their next regularly scheduled review investigations, and also requires periodic future reviews of determinations of voting incapacity under the new standard.<sup>4</sup> This activity is expected to result in significant additional costs over the next two years, until all conservatees will have been evaluated under the new standard, and will also result in far more reevaluations in later years than in the past, with a significantly higher percentage of voting restorations. Each of these will require additional court orders and notifications to the Secretary of State and the court's local county elections official.

On the other hand, the standard for a determination that a conservatee retains or has regained the capacity to vote has been significantly lowered. Many more, if not almost all, new conservatees should retain that right. Moreover, once the new standard is understood by judicial officers and court investigators, the total time and effort necessary to ascertain whether new conservatees should retain their right to vote should be reduced.

### **Attachments and Links**

Judicial Council forms GC-320, GC-330, and GC-331, at pages 8–15;

Chart of comments, at pages 16–25.

Attachment A: SB 589 (Stats. 2015, ch.736):

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB589](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB589)

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<sup>4</sup> See Probate Code section 1851(a)(1)(D) and Elections Code section 2209.

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 THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ PROPOSED CONSERVATEE	
<b>CITATION FOR CONSERVATORSHIP</b> <input type="checkbox"/> Limited Conservatorship	CASE NUMBER: _____

THE PEOPLE OF THE STATE OF CALIFORNIA,

To (name):

**1. You are hereby cited and required to appear at a hearing in this court on**

a. Date: _____ Time: _____ <input type="checkbox"/> Dept.: _____ <input type="checkbox"/> Room: _____
b. Address of court: <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify): _____

and to give any legal reason why, according to the verified petition filed with this court, you should not be found to be  unable to provide for your personal needs  unable to manage your financial resources and by reason thereof, why the following person should not be appointed  conservator  limited conservator of your  person  estate (name):

2. A conservatorship of the person may be created for a person who is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter. A conservatorship of the property (estate) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage his or her own financial resources. "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.
3. At the hearing a conservator may be appointed for your  person  estate.  
The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry.
4. You may be disqualified from voting if you are found to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process. You will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration:
  - a. Sign the affidavit of voter registration with a mark or a cross, pursuant to Section 2150(b) of the Elections Code;
  - b. Sign the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code;
  - c. Complete the affidavit of voter registration with the assistance of another person pursuant to Section 2150(d) of the Elections Code; or
  - d. Complete the affidavit of voter registration with reasonable accommodations.
5. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.

**CONTINUED ON PAGE 2. THE CLERK'S SEAL IS ALSO ON THAT PAGE.**




CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ <div style="text-align: center; margin-top: 10px;">PROPOSED CONSERVATEE</div>	CASE NUMBER: _____
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6. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.
7. *(For limited conservatorship only)* In addition to the rights stated in item 6 above, you have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

(SEAL)

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ <div style="text-align: center; margin-top: 10px;">PROPOSED CONSERVATEE</div>	CASE NUMBER: _____
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**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this proceeding. I served copies of the *Citation for Conservatorship* and the *Petition for Appointment of Probate Conservator* (form GC-310) as follows:
  
2. a. Person cited (name): \_\_\_\_\_
- b. Person served: (1)  person in item 2a  
 (2)  other (specify name and title or relationship to the person named in item 2a): \_\_\_\_\_
  
- c. Address (specify): \_\_\_\_\_
  
3. I served the person named in item 2
  - a.  by personally delivering the copies (1) on (date): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
  - b.  by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
    - (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_
    - (3)  with two copies of the *Notice and Acknowledgment of Receipt—Civil* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt—Civil* (form POS-015).)
    - (4)  to an address outside California with return receipt requested. (Attach completed return receipt.)
  - c.  other (specify other manner of service, and the authorizing code section and order of the court): \_\_\_\_\_
  
4. a. Person serving (name, address, and telephone number): \_\_\_\_\_
  
- b.  Fee for service: \$ \_\_\_\_\_
- c.  Not a registered California process server.
- d.  Exempt from registration under Business and Professions Code section 22350(b).
- e.  Registered California process server.
  - (1)  Employee or independent contractor.
  - (2) Registration no. (specify): \_\_\_\_\_
  - (3) County (specify): \_\_\_\_\_
  - (4) Expiration (date): \_\_\_\_\_
  
5.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
6.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

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



\_\_\_\_\_  
(SIGNATURE OF PERSON SERVING)

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):	FOR COURT USE ONLY  <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 THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
<b>ORDER APPOINTING COURT INVESTIGATOR</b> <input type="checkbox"/> Conservatorship <input type="checkbox"/> Limited Conservatorship	CASE NUMBER:

To (name):

You are hereby appointed Court Investigator in the matter entitled above.

1.  **Before the appointment of a general conservator** YOU ARE DIRECTED TO:
- a. Conduct the interviews required by Probate Code section 1826(a)(1). Interview the proposed conservatee personally.
  - b. Provide to the proposed conservatee the information required by Probate Code section 1826(a)(2).
  - c. Determine whether it appears that the proposed conservatee is unable to attend the hearing and, if able to attend, whether he or she is willing to attend.
  - d. Make the determinations required by Probate Code sections 1826(a)(4)–(7), and (9)–(10). In making those determinations, review the allegations of the *Petition for Appointment of Probate Conservator* (form GC-310) as to why the appointment of a conservator is required and refer to the *Confidential Supplemental Information* (form GC-312) submitted by the petitioner. Consider the facts shown in the latter form that address each of the categories specified in Probate Code section 1821(a)(1)–(5) and consider, to the extent practicable, whether you believe the proposed conservatee suffers from any of the mental function deficits listed in Probate Code section 811(a) that significantly impairs his or her ability to understand and appreciate the consequences of his or her actions in connection with any of the functions described in Probate Code section 1801(a) (if a conservator of the person is sought) or section 1801(b) (if a conservator of the estate is sought). If you believe the proposed conservatee suffers from one or more mental function deficits listed in Probate Code section 811(a), identify all observations that support your belief.
  - e. A person is presumed competent to vote regardless of his or her conservatorship status. To determine whether this presumption is overcome, you must determine if the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code. The proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations.
  - f. Report to the court in writing, at least five days before the hearing, concerning all of the foregoing, including the proposed conservatee's express communications concerning (1) representation by legal counsel; and (2) whether he or she is not willing to attend the hearing, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefers that another person act as conservator.
  - g. Mail, at least five days before the date set for hearing, a copy of your report (1) to all persons listed in Probate Code section 1826(a)(12)
    - except** for the persons listed in attachment 1g(1) because the court has determined that mailing to those persons will result in harm to the proposed conservatee;
    - and** (2) to the other persons ordered by the court listed in Attachment 1g(2) (*specify names and addresses in the attachment*).
  - h.  Comply with the other orders specified in Attachment 1h.

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
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2.  **On the filing of a *Petition for Appointment of Temporary Conservator* YOU ARE DIRECTED TO:**
- a. To the extent feasible, before the hearing on the petition or, if not feasible, within two court days after the hearing, conduct the interviews required by Probate Code section 2250.6(a)(1) (prehearing) or 2250.6(b)(1) (posthearing). Interview the temporary conservatee or proposed temporary conservatee personally.
  - b. Provide to the temporary conservatee or proposed temporary conservatee the information required by Probate Code section 2250.6(a)(2) (prehearing) or 2250.6(b)(2) (posthearing).
  - c. To the extent feasible, make the determinations required by Probate Code section 2250.6(a)(3)–(5) before the hearing on the petition.
  - d. To the extent feasible, before the hearing on the petition, report to the court in writing concerning all of the matters stated in items 2a–c.
  - e. If you do not visit the temporary conservatee until after the hearing at which a temporary conservator was appointed and the temporary conservatee objects to the appointment of the temporary conservator or requests an attorney, report this information to the court promptly and in no event more than three court days after the date of your interview with the temporary conservatee.
  - f. If it appears to you that the temporary conservatorship is inappropriate, immediately, and in no event more than two court days after you make your determination, make a written report of your determination to the court.
3.  **Before the court grants an order under Probate Code section 2253 authorizing the temporary conservator to change the residence of the temporary conservatee**
- a.  YOU ARE DIRECTED TO:
    - (1) Personally interview and inform the temporary conservatee of the contents of the request by the temporary conservator for authority to change the temporary conservatee's residence; of the nature, purpose, and effect of the proceedings; and of the right to oppose the request, attend the hearing, and be represented by legal counsel.
    - (2) Make the determinations required by Probate Code section 2253(b)(3)–(7).
    - (3) At least two days before the hearing on change of residence, report your findings concerning the foregoing in writing to the court, including in your report the temporary conservatee's express communications concerning representation by legal counsel and whether he or she is not willing to attend the hearing and does not wish to contest the petition.
    - (4)  Comply with the other orders specified in Attachment 3a(4) .
  - b.  Good cause appearing, YOU ARE DIRECTED NOT to conduct the investigation and NOT make the report described in Probate Code section 2253(b).
  - c.  Good cause appearing, YOU ARE DIRECTED as specified on Attachment 3c, INSTEAD of proceeding with the investigation and report described in Probate Code section 2253(b).
4.  **Before the court grants an order relating to medical consent under Probate Code section 1880.**
- The petition for an order determining that there is no form of medical treatment for which the conservatee or proposed conservatee has the capacity to give informed consent alleges that he or she is not willing to attend the hearing, or the court has received an affidavit or certificate attesting to the medical inability of the conservatee or proposed conservatee to attend the hearing.
- YOU ARE DIRECTED TO:
- a. Personally interview and inform the conservatee or proposed conservatee of the contents of the petition; of the nature, purpose, and effect of the proceedings; and of the right to oppose the petition, attend the hearing, and be represented by legal counsel.
  - b. Make the determinations required by Probate Code section 1894(c)–(g).
  - c. At least five days before the hearing on the petition, report your findings concerning the foregoing in writing to the court, including in your report the conservatee's express communications concerning representation by legal counsel and whether the conservatee is not willing to attend the hearing and does not wish to contest the petition.
  - d.  Comply with the other orders specified in Attachment 4d .
5. Number of pages attached:

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

\_\_\_\_\_  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

FOR PREPARATION BY THE COURT ONLY

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

DRAFT

Not Approved by the
Judicial Council

CONSERVATORSHIP OF THE [ ] PERSON [ ] ESTATE
of (name): CONSERVATEE

ORDER APPOINTING COURT INVESTIGATOR
(Review and Successor Conservator Investigations)\*

[ ] Conservatorship [ ] Limited Conservatorship

CASE NUMBER:

To (name):

You are hereby appointed Court Investigator in the matter entitled above.

1. [ ] Review investigation

YOU ARE DIRECTED TO:

- a. [ ] Without prior notice to the conservator
[ ] With prior notice to the conservator because of necessity or to prevent harm to the conservatee visit and personally inform the conservatee that he or she is under a conservatorship and give the name of the conservator to the conservatee.
b. Make the determinations required by Probate Code section 1851(a)(1)(A)-(C), including whether the conservator is acting in the best interests of the conservatee. This last determination must include an examination of the conservatee's placement; the quality of care, including physical and mental treatment; and the conservatee's finances and must include, to the greatest extent possible, interviews with the conservator, the conservatee's spouse or registered domestic partner and relatives within the first degree, or, if none, the conservatee's relatives within the second degree.
c. A person is presumed competent to vote regardless of his or her conservatorship status. In determining whether this presumption is overcome, you must determine if the conservatee is now incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code; or if previously was found incapable of communicating that desire, continues to be incapable of doing so, with or without accommodations. The conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations.
d. [ ] The court has made an order or orders under (select all that apply):
[ ] Probate Code section 1873 (authority of conservatee to enter into transactions)
[ ] Probate Code section 1880 (conservatee's capacity to give informed consent to medical treatment)
[ ] Probate Code section 1901 (conservatee's capacity to marry).
Determine whether the present condition of the conservatee is such that the terms of the court order or orders identified above should be modified or the order or orders revoked.
e. To the extent practicable, review the conservator's accounting with the conservatee if he or she has sufficient capacity.
f. Inform the court immediately if you are unable at any time to locate the conservatee.

\* This form is for ordering review investigations and reports under Probate Code sections 1850 and 1851 or investigations and reports concerning appointment of a successor conservator under Probate Code section 2684 or 2686. The Order Appointing Court Investigator (form GC-330) may be used to order initial and other investigations and reports under Probate Code sections 1826, 1894, 2250.6, and 2253. The Order Setting Biennial Review Investigation and Directing Status Report Before Review (form GC-332) may be used to order a biennial review investigation and status report under Probate Code section 1850(a)(2)). See Cal. Rules of Court, rule 7.1060.

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

1. g.  (If the conservator is authorized to act under Probate Code section 2356.5—dementia treatment or placement) Advise the conservatee specifically that he or she has the right to object to the conservator's powers granted under section 2356.5. Determine whether the conservatee objects to the conservator's powers under section 2356.5, whether the powers granted under section 2356.5 are warranted, and whether some change in those powers is warranted.
- h.  (For limited conservatorship only) Make a recommendation regarding the continuation or termination of the limited conservatorship.
- i.  (For conservatorships existing on December 31, 1980, in which the conservatee has not been adjudged incompetent) Determine whether an order should be made under Probate Code section 1873 broadening the capacity of the conservatee.
- j. Certify in writing to the court your determinations and findings, including a statement of the facts on which the findings are based, not less than 15 days before the date of review under Probate Code section 1850. Do not disclose confidential medical information or confidential criminal history information from the California Law Enforcement Telecommunications System (CLETS) in the body of your report. Place all such information in one or more separate attachments to the report.
- k. At the same time your report is certified to the court, mail copies to the conservator and to the attorneys of record for the conservator and the conservatee.
- l.  Mail copies of your report, modified by deletion of all attachments containing confidential medical information and confidential information from CLETS, to the conservatee's spouse or registered domestic partner and relatives within the first degree or, if there are no such relatives, to the conservatee's next closest relative.
- m.  Mail copies of your report, modified by deletion of all attachments containing confidential medical information and confidential information from CLETS, to the conservatee's spouse or registered domestic partner and relatives within the first degree or, if there are no such relatives, to the conservatee's next closest relative  
 **except** the person or persons named in Attachment 1m because the court has determined that mailing to that person or persons will result in harm to the conservatee.
- n.  Comply with the other orders specified on Attachment 1n.
2.  **Review investigation on the court's own motion or on request by an interested person**  
YOU ARE DIRECTED,  
 on the court's own motion,  
 at the request of (name): \_\_\_\_\_ an interested person,  
to conduct a review investigation of the conservatorship and make a report to the court as follows (specify):

Continued in Attachment 2.

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
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3.  **Successor conservator investigation**

a.  A petition for appointment of a successor conservator has been filed in this matter. The petition does not allege that the conservatee will be present at the hearing on the petition, which is scheduled as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_

b.  A petition for appointment of a successor conservator has been filed in this matter. The petition alleges that the conservatee would be present at the hearing on the petition, but the conservatee failed to appear at the hearing. The hearing has been continued to the following date, time, and department:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_

c. YOU ARE DIRECTED TO:

- (1) Interview the conservatee personally.
- (2) Inform the conservatee of the nature of the proceeding to appoint a successor conservator, the name of the proposed successor conservator, and the conservatee's rights to appear personally at the hearing, to object to the person proposed as successor conservator, to nominate a person to be appointed as successor conservator, to be represented by legal counsel if the conservatee chooses, and to have legal counsel appointed by the court if the conservatee is unable to retain legal counsel.
- (3) Determine whether the conservatee objects to the person proposed as successor conservator or prefers another person to be appointed.
- (4) If the conservatee is not represented by legal counsel, determine whether he or she wishes to be represented by legal counsel and, if so, identify the attorney whom the conservatee wishes to retain or whether he or she desires the court to appoint legal counsel.
- (5) If the conservatee does not plan to retain legal counsel and has not requested appointment of legal counsel by the court, determine whether the appointment of legal counsel would be helpful to resolution of the matter or is necessary to protect the interests of the conservatee.
- (6) Report to the court in writing, at least five days before the hearing or continued hearing, concerning items (2)–(5), including the conservatee's express communications concerning representation by legal counsel and whether the conservatee objects to the person proposed as successor conservator or prefers that some other person be appointed.
- (7) Mail, at least five days before the hearing or continued hearing, a copy of the report identified in item (6) to the attorneys, if any, for the petitioner and the conservatee and to the following additional persons (*specify*):

Continued in Attachment 3.

4. Number of pages attached:

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

\_\_\_\_\_  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

## W16-15

### Probate Conservatorships: Conservatees' Capacity to Vote

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	ACLU of California, Voting Rights Project, by Raul Macias, Voting Rights Attorney; Fred Nisen, Supervising Attorney for Voting Rights Sacramento	AM	<p>PROPOSED CHANGES TO GC-310:</p> <p>We support removing the reference to voting capacity from GC-310. We agree with the committee's conclusion that a petitioner's opinion about a conservatee's capacity to vote does not affect the duties of the proposed conservator and is not necessary.</p> <p>PROPOSED CHANGES TO GC-330: We propose the following further changes to form GC-330(e):</p> <ul style="list-style-type: none"><li>• Delete: The proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations.</li><li>• Explanation: While it is true that a conservatee may not be disqualified based on needing a reasonable accommodation to register to vote, the court</li></ul>	<p>The committee agrees with the commentator's conclusion that the phrase the commentator would delete adds little or nothing to the new standard for determining a conservatee's capacity to vote, but have concluded that the Legislature's emphasis on it, to the point of including it in every restatement of that standard in the legislation, supports its retention in these forms.</p>



## W16-15

### Probate Conservatorships: Conservatees' Capacity to Vote

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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	Commentator	Position	Comment	Committee Response
			<p>appointed investigator does not need to consider the conservatee's ability to register to vote to determine competence. The court investigator only needs to determine whether the conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process. A court investigator may be able to make that determination with a simple question, for example by asking the conservatee whether he or she wants to vote.</p> <p>The reference to voter registration could be confusing because the standard that SB 589 replaced was based on whether a "person is not capable of completing an affidavit of voter registration. . ." By including the list of reasonable accommodations that a conservatee is entitled to, a court investigator might incorrectly suppose that he or she should still consider a conservatee's ability to fill out a voter registration form, perhaps as the standard for expressing a desire to participate in the voting process.</p> <ul style="list-style-type: none"><li>• Add: A person is presumed competent to vote regardless of his or her conservatorship status.</li><li>• Explanation: SB 589 added a presumption to Elections Code Section 2208 that a person is eligible to vote regardless of conservatorship status. Elections Code Section 2208 also defines the standard for</li></ul>	<p>The committee supports the addition to the form of the express statement of the presumption of a conservatee's competency to vote.</p>

## W16-15

### Probate Conservatorships: Conservatees' Capacity to Vote

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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	Commentator	Position	Comment	Committee Response
			<p>disqualifying a person from voting due to mental incompetence. The sentence should be added to GC-330 to ensure court investigators are aware that they are to presume the person they are evaluating is competent to vote.</p> <ul style="list-style-type: none"><li>Proposed new language: Determine if the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code. A person is presumed competent to vote regardless of his or her conservatorship status.</li></ul> <p>PROPOSED CHANGES TO GC-331:</p> <p>We propose the following further changes to form GC-331(c) for the same reasons as the changes proposed for GC-330:</p> <ul style="list-style-type: none"><li>Delete: The proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the</li></ul>	<p>See response to the comment concerning form GC-330(e) above.</p>

**W16-15****Probate Conservatorships: Conservatees' Capacity to Vote**

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations.</p> <ul style="list-style-type: none"> <li>• Add: A person is presumed competent to vote regardless of his or her conservatorship status.</li> <li>• Proposed new language: Determine if the proposed conservatee is now incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code; or if previously was found incapable of communicating that desire, continues to be incapable of doing so, with or without accommodations. A person is presumed competent to vote regardless of his or her conservatorship status.</li> </ul> <p>Thank you for considering our comments. If you have any questions, please do not hesitate to contact us.</p>	See response to comments concerning the addition of this presumption in form GC-330.
2.	Leann E. Ginther Probate Examiner Superior Court of CA County of Fresno Fresno	AM	Form GC-320, <i>Citation for Conservatorship</i> , as revised 1/1/2016 consists of 3 pages, page 2 of which contains only the caption that includes the case name (the proposed conservatee) and case number, and the space for the deputy clerk's seal demonstrating issuance of the Citation.	The committee believes this comment has merit. It has revised this form to move items 6 and 7 to the second page, where the seal is located, and has added advice at the bottom of page 1 that additional text and the clerk's seal are on page 2.

**W16-15****Probate Conservatorships: Conservatees' Capacity to Vote**

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>This format appears to lack protections regarding the actual page 1 of the Citation form served to the proposed conservatee and subsequently filed with the Court.</p> <p>It appears that a petitioner with motive to do so could attach a different page 1 to the clerk's issued page 2 containing the Court's seal, which could allow for alteration of page 1 with perhaps a different hearing date, etc. on the "unauthentic" page 1, which the petitioner could then file with the Court.</p> <p>Previously, the Citation form page 1 contained the clerk's seal on the same page as the hearing date and other critical information, which would then be filed with the Court following service to the proposed conservatee; this previous form appears to at least have the protection of the clerk's seal cohesive with the substance of the Citation, rather than the 1/1/2016 revised form containing a detached clerk's seal on a separate page 2 that is only identified by the caption provided by the petitioner.</p> <p>Thank you for considering,</p>	
3.	Hon. Kim R. Hubbard Judge of the Superior Court of California, County of Orange Santa Ana	AM	I believe it would be advisable to put the whole explanation in the ruling [in the court order, form GC-340*], to wit: "Conservatee cannot communicate, with or without reasonable accommodation, a desire to participate in the voting process and is, therefore, disqualified from voting."	The committee decided not to make this change. The disqualification is part of the order, not the findings. See item 22 on page 3 of the form.

**W16-15****Probate Conservatorships: Conservatees' Capacity to Vote**

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
4.	Orange County Bar Association, by Todd G. Friedland, President Newport Beach	A	<ul style="list-style-type: none"> <li>• Does the proposal appropriately address the stated purpose? <b>YES</b></li> <li>• Should form GC-310 retain a reference to voting capacity, changed to reflect the change made by SB 589? <b>NO</b></li> </ul>	No response necessary.
5.	Superior Court, County of Los Angeles Los Angeles	A	No specific comments.	No response necessary.
6.	Superior Court, County of Riverside Riverside	A	While the GC-310 form is being revised, we request that the committee consider coordinating the language in the petition and order to accommodate easier self-help automation. For example, items 6 and 7 of GC-310 request information concerning either the petitioner or the proposed conservator using the same checkbox, but items 16 and 17 of GC-340 only make findings concerning the proposed conservator. Consequently, an automation solution cannot convey the answers to the applicable questions in GC-310 to GC-340 without asking further questions to determine whether the data relates to the petitioner or proposed conservator. We request that you create separate checkboxes at items 6 and 7 of GC-310 for the petitioner and proposed conservator. This would permit data related to the proposed conservator to be replicated in the order, but would not do so if the selection only dealt with the petitioner.	<p>This comment is outside the scope of the current proposal. The committee will review this issue, but cannot do so in the context of the present matter.</p> <p>On initial review, however, the committee does not support the requested change. Items 6 and 7 of the petition address the requirements of Probate Code section 1813, concerning the potential appointment of a spouse or domestic partner of the proposed conservatee who is planning on filing for dissolution or to terminate the partnership, or has already undertaken to do so. Item 6 addresses the possibility or actuality of a dissolution or request for nullity of the marriage of the petitioner or the proposed conservator to the conservatee. Item 7 refers to the possibility or actuality that a petitioner or proposed conservator who is a domestic partner of the proposed conservatee will or has terminated the partnership.</p> <p>These matters pertain to the possible</p>

**W16-15****Probate Conservatorships: Conservatees' Capacity to Vote**

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
				<p>disqualification from appointment as conservator of a divorcing spouse or partnership-terminating domestic partner of a proposed conservatee unless the court finds by clear and convincing evidence, after appointment of counsel for the conservatee and consultation with that counsel, that appointment of such a spouse or partner as conservator would still be in the best interests of the conservatee.</p> <p>The complexity here arises from the fact that section 1813 requires the special scrutiny even if the divorcing spouse or terminating partner merely petitions for the appointment of another person as conservator, although the disqualification from appointment absent the special finding applies only to the spouse or partner, not to another person appointed on his or her petition. The court is concerned that the form refers to both the petitioner and the proposed conservator in items 6 and 7 under a single checkbox, while referring only to the conservator in items 16 and 17. This treatment is required by section 1813, which should perhaps be revised to authorize the court to apply the strict scrutiny and the stronger test for appointments of 3rd party candidates on petitions of divorcing spouses or terminating partners, but now does not.</p>
7.	Superior Court, County of Sacramento Sacramento	A	No specific comments	No response necessary.
8.	Superior Court, County of San Diego,	AM	• Would the proposal provide cost savings?	

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**Probate Conservatorships: Conservatees' Capacity to Vote**

(Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	by Michael M. Roddy, Court Executive Officer San Diego		<p><b>No</b></p> <ul style="list-style-type: none"> <li>• What are implementations requirements for courts?  <b>Training will be required for front-line staff, Probate Examiners, Court Investigators, and Judicial Officers.</b></li> <li>• Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?  <b>Yes</b></li> <li>• How well would this proposal work in courts of different sizes?  <b>Unable to determine.</b></li> <li>• Is the notice provided in plain language such that it will be accessible to a broad range of litigants, including SRLs?  <b>Yes</b></li> <li>• Does the proposal appropriately address the stated purpose?  <b>Yes</b></li> <li>• Q: Should form GC-310 retain a reference to voting capacity, changed to reflect the change made by SB589?  <b>No, we agree with the deletion of the former #4c. Under the new law, the proposed conservator's opinion on the proposed conservatee's desire or ability to vote seems</b></li> </ul>	

**W16-15**

**Probate Conservatorships: Conservatees' Capacity to Vote**

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	Commentator	Position	Comment	Committee Response
			<p>pointless.</p> <p>GC-320 – CITATION FOR CONSERVATORSHIP <b>Although the added language to the new #4 is necessary, I do not like that the form is now three pages. Moreover, I do not like that the issuance, completed by the clerk, is on a page by itself. Not only is this cumbersome for the clerk to issue, but this page could easily be detached and/or attached to a doctored citation and given to the proposed conservatee.</b></p> <p>GC-330 – ORDER APPOINTING COURT INVESTIGATOR <b>No comment. San Diego does not currently use this form.</b></p> <p>GC-331 – ORDER APPOINTING COURT INVESTIGATOR (Review and Successor Conservator Investigations) <b>No comment. San Diego does not currently use this form.</b></p> <p>GC-310 – PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR <b>We agree with the deletion of the former #4c. Under the new law, the proposed</b></p>	<p>The committee cannot retain the existing two-page form, but agrees with the comment about leaving the second page with only the court seal. The committee has moved items 6 and 7 to that page of form GC-320, and has added advice at the bottom of page 1 that additional text and the clerk's seal are on page 2.</p>



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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<b>conservator's opinion on the proposed conservatee's desire or ability to vote seems pointless.</b>	
9.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee San Francisco	A	<p>Recommended Joint Rules Subcommittee Position: Agree with proposed changes.</p> <p>The Joint Rules Subcommittee would like to note that the proposed revisions by the Probate and Mental Health Advisory Committee provide excellent direction and guidance for those who will use these forms. Court staff will need to become familiar with the revisions to the new forms, but these revisions are not expected to create a significant impact on trial court operations.</p>	<p>No response required.</p> <p>The committee thanks the Joint Rules Subcommittee for its kind note and closing comment.</p>