



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

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Title	Agenda Item Type
Probate Conservatorship and Guardianship: Interstate Transfer	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Approve forms GC-363, GC-364, GC-365, GC-366, GC-367, and GC-368	January 1, 2019
Recommended by	Date of Report
Probate and Mental Health Advisory Committee	August 23, 2018
Hon. John H. Sugiyama, Chair	Contact
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### Executive Summary

The Probate and Mental Health Advisory Committee recommends approving six Judicial Council forms for optional use in proceedings to transfer conservatorships into and out of California under the California Conservatorship Jurisdiction Act (CCJA). The CCJA, enacted in 2014, provides the exclusive basis for determining whether a California court, rather than a court of another state, has jurisdiction to appoint a probate conservator. It also establishes a complex, multistep process for transferring a conservatorship proceeding from one state to another. These forms are intended to help attorneys, self-represented litigants, and courts protect the interests of conservatees while navigating the transfer process as efficiently and effectively as possible.

### Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2019, approve the following six forms for optional use in proceedings to transfer probate conservatorships between states, as defined, in accordance with the requirements of the California Conservatorship Jurisdiction Act (CCJA) (SB 940; Stats. 2014, ch. 553):

1. *Petition for Transfer Orders* (form GC-363);

2. *Provisional Order for Transfer* (form GC-364);
3. *Final Order Confirming Transfer* (form GC-365);
4. *Petition for Orders Accepting Transfer* (form GC-366);
5. *Provisional Order Accepting Transfer* (form GC-367); and
6. *Final Order Accepting Transfer* (form GC-368).

The CCJA applies only to general probate conservatorships. It does not apply to proceedings for the care or protection of a minor child, a person with a developmental disability, or a person subject to involuntary mental health care or treatment. (Prob. Code, § 1981.)<sup>1</sup>

The forms are attached at pages 6–15.

### **Relevant Previous Council Action**

The Judicial Council, effective January 1, 2016, adopted three forms for mandatory use to register an out-of-state conservatorship in California under the CCJA. The council also adopted revisions to form GC-310, *Petition for Appointment of Probate Conservator*, to incorporate the CCJA’s jurisdictional requirements for the initial appointment of a conservator in California.

### **Analysis/Rationale**

#### **Transfer of California conservatorship to another state**

The CCJA authorizes a conservator appointed by a California court to petition the court to transfer the conservatorship to another state (the receiving state). (*Id.*, § 2001(a).) The court must hold a noticed hearing to determine whether the court in the receiving state will accept the conservatorship and must make specific findings regarding the conservatee’s presence in or significant connections to the receiving state, objections to the transfer, the conservatee’s interests, and the arrangements for care of the conservatee’s person or property in the receiving state. If it makes these findings, the court must issue an order provisionally granting the petition and direct the conservator to petition the court in the receiving state to accept the conservatorship. (*Id.*, § 2001(d)–(f).) Proposed form GC-363, *Petition for Transfer Orders*, solicits the information the court needs to make the required findings. Proposed form GC-364, *Provisional Order for Transfer*, provides a framework for the court to make all necessary findings and issue a provisional order in conformance with the statutory requirements.

Once the California court has issued a provisional transfer order, the conservator must then file a petition similar to the one required by section 2002(a), described below, in an appropriate court of the receiving state. If the petition to accept the conservatorship in the receiving state is provisionally granted, the conservator must then file that provisional order and all documents, including any accounting, required to terminate the conservatorship in California. The California

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

court must then issue a final order confirming the transfer and terminating the conservatorship in California. (*Id.*, § 2001(g).) Proposed form GC-365, *Final Order Confirming Transfer*, provides a framework for the court to issue that order.<sup>2</sup>

### **Transfer of out-of-state conservatorship into California**

The CCJA also authorizes a conservator appointed in another state, on issuance of an order provisionally transferring a conservatorship proceeding to California, to petition an appropriate court in this state to accept the conservatorship. (*Id.*, § 2002(a)(1).) The petition must include a certified copy of the provisional order of transfer, must state on the first page that the conservatorship is not excluded from the CCJA's application, and must allege facts showing that the CCJA applies and the requirements for transfer are satisfied. (*Id.*, § 2002(a)(2)–(3).) The petition must also specify any modification needed to conform the conservatorship to California law and include the terms of a proposed final order accepting the conservatorship. (*Id.*, § 2002(a)(4).) A petition for appointment of a temporary conservator may also be filed while this petition is pending. (*Id.*, §§ 1994(a)(3), 2002(a)(5).) Proposed form GC-366, *Petition for Orders Accepting Transfer*, is intended to capture all the information required to be provided in the petition.

After filing, the petitioner must give notice of the initial hearing on the petition to all persons who would be entitled to notice if the petition were a petition for initial appointment of a conservator in both California and the transferring state, as well as to any attorney representing the conservatee in either state. (*Id.*, § 2002(b).) Any person entitled to notice may object to the petition on one or more of four specific grounds: that (1) transfer would be contrary to the conservatee's interests; (2) under the law of the transferring state, the conservator is ineligible for appointment in California; (3) under California law, the conservator is ineligible for appointment in California, and the petition does not identify a willing and eligible replacement; or (4) the CCJA does not apply to the conservatorship. (*Id.*, § 2002(c); see also § 1981.) The court must promptly appoint an investigator, who must, in turn, promptly investigate the facts related to the specific bases for objection. (*Id.*, §§ 1454, 2002(d), (f).)

Unless the court determines at the initial hearing that any of the specific grounds for objection applies, the court must provisionally grant the petition and set another noticed hearing, no more than 60 days from the date of the provisional order, to determine whether the conservatorship needs modification to conform to California law and to review the conservatorship. (*Id.*, §§ 1851.1, 2002(f), (h).) Proposed form GC-367, *Provisional Order Accepting Transfer*, provides a framework for the court to make the provisional order. Once the court orders provisional acceptance, the appointed court investigator must promptly begin a full review

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<sup>2</sup> Under California law, the termination of a conservatorship of the estate does not cause the California court to lose jurisdiction over the proceeding for purposes of settling the accounts or enforcing judgments or orders related to accounts or the termination. (Prob. Code, § 2630.) The committee believes this provision applies to termination in the event of transfer in the absence of an express statutory exception.

investigation under section 1851.1, which incorporates and augments the requirements for a review investigation under section 1851.<sup>3</sup> (*Id.*, §§ 1851, 1851.1, 2002(g).)

At the modification and review hearing—which the conservatee must attend unless excused—the court may take any action necessary to bring the conservatorship into conformity with California law, including striking or modifying any unauthorized powers. (*Id.*, §§ 1851.1, 2002(h)(1).) The court must also consider specific findings in the investigator’s report, including whether the conservatee wishes to petition for termination of the conservatorship, whether the conservatorship is still necessary, and whether the conservator is acting in the conservatee’s best interests. (*Id.*, §§ 1851(a), 1851.1(c), 2002(h)(2).) The court may take any appropriate action in response to the investigator’s report. (*Id.*, § 1851.1(c).) Proposed form GC-368, *Final Order Accepting Transfer*, gives the court the opportunity to specify any necessary modifications and to make the findings in response to the investigator’s report.

If the court determines that the conservatorship may be modified to conform to California law, and the review indicates that the conservatorship remains necessary, then once the court has received a final order transferring the conservatorship to California, it must issue a final order accepting the transfer and appointing a conservator in California. (*Id.*, § 2002(i).) Proposed form GC-368 also provides a framework for this final order.

### **Policy implications**

The forms in this proposal establish one method for implementing the statutory requirements for transferring a conservatorship proceeding into or out of California. This method is intended to protect vulnerable persons subject to conservatorship by facilitating the provision of complete and accurate information to California probate courts, the effective communication between courts of different states, and the ongoing protection of the rights and well-being of conservatees regardless of their state of domicile. These policies are consistent with the language and purposes of the existing legal framework in California for the establishment and oversight of conservatorships.

### **Comments**

This proposal was circulated for public comment in the regular winter 2018 comment cycle. The committee received six comments. All the commentators agreed with the proposal; four commentators suggested modifications to the proposal.<sup>4</sup>

The CCJA requires the courts in the transferring state and the receiving state each to make two orders to effect the transfer of a conservatorship: a provisional order and a final order. The proposed forms for orders transferring and accepting transfer of conservatorships were circulated as single forms that combined the provisional order and the final order. Several commentators

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<sup>3</sup> There does not seem to be a legal reason preventing an investigator from completing the investigations required under sections 2002(d) and 2002(g) as parts of a single investigation.

<sup>4</sup> One commentator agreed with the proposal if modified, but the comment did not suggest any discernible changes. A chart of all comments received and committee responses is attached at pages 16–32.

suggested separating the forms for the provisional orders from the forms for the final orders of transfer and acceptance. The committee has accepted that suggestion and recommends the approval of separate forms for each type of order.

Commentators also suggested changes to list the value of the conservatee's California property, eliminate duplication of information, specify the type of conservatorship at issue, clarify the information sought, and tailor the language in the forms more closely to statute. The committee has revised the forms in response to the issues raised by these comments, though it occasionally departed from the exact terms of the suggested change.

### **Alternatives considered**

The committee considered not recommending the approval of these forms, as they are not expressly required by the CCJA. However, evidence indicates that litigants are experiencing difficulty articulating the jurisdictional facts needed for a probate court to order transfer of a conservatorship from California to another state or to accept the transfer of a conservatorship proceeding from another state. These forms attempt to address this difficulty by soliciting all the necessary facts and information from petitioners in a framework suitable for incorporation into a court order.

### **Fiscal and Operational Impacts**

The implementation requirements and costs of recommended forms remain unclear. Short-term training requirements and costs seem likely. It is possible, though, that court staff would need training to implement the CCJA transfer process even without the forms. All but one of the commenting courts indicated that three months from the date of adoption would be sufficient time to implement the new forms. One court, the Superior Court of Riverside County, indicated that it would take six months to implement them.

Once implemented, the forms are likely to promote more efficient court operations and use of judicial resources. By soliciting the information needed to support a petition to transfer a conservatorship to or from California, the forms should lead to both faster and better-informed adjudication of transfer petitions. In particular, they will reduce the number of issues needing to be addressed in probate notes or at hearings as well as the frequency and duration of continuances. The forms should also promote access to justice for both conservators and conservatees by facilitating both a faster transfer process and the ongoing protection of the conservatee's interests.

### **Attachments and Links**

1. Forms GC-363, GC-364, GC-365, GC-366, GC-367, and GC-368, at pages 6–15
2. Chart of comments, at pages 16–32
3. Link A: Senate Bill 940 (Stats. 2014, ch. 553),  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB940](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB940)

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

4. For a conservatorship of the estate:

a. Conservatee's relationship to the receiving state:

- (1) ☐ The conservatee is physically present in or plans to move permanently to the receiving state. *(Give address in 3a.)*
- (2) ☐ The conservatee has the following connection(s) to the receiving state *(describe all connections):*
- (a) The following family members and other persons entitled to notice of the proceedings live in the receiving state *(name and address of each):*

☐ Continued on Attachment 4a(2)(a). *(Use a blank sheet of paper or form MC-025.)*

- (b) The conservatee has been present in the receiving state for a total of \_\_\_\_\_ months from \_\_\_\_\_ *(date first arrived):* to \_\_\_\_\_ *(date last departed):*. During that time, the conservatee was absent from the receiving state for a total of \_\_\_\_\_ months.
- (c) The conservatee holds a legal or beneficial interest in the following property located in the receiving state *(describe each piece of property and give street address of real property or location of personal property):*

☐ Continued on Attachment 4a(2)(c). *(Use a blank sheet of paper or form MC-025.)*

- (d) ☐ The conservatee has the following friends and social ties in the receiving state *(name and address of each):*

☐ Continued on Attachment 4a(2)(d). *(Use a blank sheet of paper or form MC-025.)*

- (e) ☐ The conservatee receives public benefits or services in or from the receiving state *(list each):*

☐ Continued on Attachment 4a(2)(e). *(Use a blank sheet of paper or form MC-025.)*

- (f) The conservatee has the following additional connections to the receiving state *(if a social security number or other account number is needed to document a connection, list only the last 4 digits (Cal. Rules of Court, rule 1.201(a).)):*

- ☐ Registered to vote in the receiving state
- ☐ Filed state tax return in receiving state *(year(s) filed):*
- ☐ Filed local tax return in receiving state *(year(s) filed):*
- ☐ Registered vehicle in receiving state *(description of vehicle):*

☐ Driver's license issued by receiving state

☐ Other ties *(describe each):*

☐ Continued on Attachment 4a(2)(f). *(Use a blank sheet of paper or form MC-025.)*

- b. The petitioner has made the following arrangements for management of the conservatee's property in the receiving state *(describe all arrangements):*

☐ Continued on Attachment 4b. *(Attach a separate sheet of paper or form MC-025.)*

*(If you have been appointed conservator of both the person and estate for the person named in 2, complete both 3 and 4, above.)*

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

5. Objections *(complete a or b):*

- a. ☐ The petitioner is not aware of any objection to the proposed transfer.
- b. ☐ The petitioner knows of or anticipates objections to the proposed transfer.

6. The proposed transfer would be in the best interests of the conservatee for the following reasons *(give reasons):*

☐ Continued on Attachment 6. *(Use a blank sheet of paper or form MC-025.)*

7. The conservatorship is likely to be accepted by the court in the receiving state because *(give reasons):*

☐ Continued on Attachment 7. *(Use a blank sheet of paper or form MC-025.)*

## 8. Status of reports, accountings, or other documents, if any, required to terminate the California conservatorship:

- ☐ Includes documentation of payment of all fees and costs, including attorney's fees.
- ☐ Continued on Attachment 8. *(Use a blank sheet of paper or form MC-025.)*

Date filed:

If not yet filed, date expected:

Date:

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

\_\_\_\_\_  
 (SIGNATURE OF ATTORNEY)

*(All petitioners must also sign this form.) (Prob. Code, § 1020.)*

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

Date:

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

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

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

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



ATTORNEY OR PARTY WITHOUT ATTORNEY 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</b> <b>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): CONSERVATEE		
<b>PROVISIONAL ORDER FOR TRANSFER</b> <b>(California Conservatorship Jurisdiction Act)</b>		CASE NUMBER:

1. The court held a hearing on a petition to transfer this conservatorship proceeding to (state):  
 (the receiving state) on (date):

**The court finds that:**

2. Notice of the hearing was given as required by law.
3. Based on the evidence presented, it is likely that a court of record in the receiving state will accept the transfer of this conservatorship proceeding.
4. a. ☐ The conservatee is ☐ physically present in ☐ reasonably expected to move permanently to the receiving state.
- b. ☐ The conservatee has a significant connection to the receiving state based on the factors in section 1991(b), as described in item 4a(2) of the *Petition for Transfer Orders* (form GC-363).
5. a. ☐ No objection to the petition to transfer has been filed or heard, or
- b. ☐ Notwithstanding all filed objections to the petition, the transfer would not be contrary to the conservatee's interests.
6. [Person] The plans for the care of and provision of services to the conservatee in the receiving state are reasonable and sufficient.
7. [Estate] The arrangements made for the management of the conservatee's property are adequate.

**The court orders that:**

8. The petition to transfer the conservatorship to the receiving state is provisionally granted.
9. The conservator is directed to file a petition for acceptance of the conservatorship in an appropriate court in the receiving state.
10. The conservator is directed, within 5 court days of receipt of the receiving state court's provisional order accepting the transfer, to file with this court a certified copy of that order and all documents required to terminate the conservatorship in California.

Date:

\_\_\_\_\_  
 (JUDICIAL OFFICER)

ATTORNEY OR PARTY WITHOUT ATTORNEY 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>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): CONSERVATEE	
<b>FINAL ORDER CONFIRMING TRANSFER</b> <b>(California Conservatorship Jurisdiction Act)</b>	CASE NUMBER:

**The court finds that:**

1. This court issued an order provisionally transferring this conservatorship proceeding to (state):  
(the receiving state) on (date): .
2. On (date): , the court received a provisional order accepting the transfer of this conservatorship issued under provisions similar to Probate Code section 2002 by the court to which the proceeding is to be transferred.
3. The court has received and, if appropriate, approved all documents, including any required accounting, needed to terminate the conservatorship in California.

**The court orders that:**

4. The transfer of this conservatorship proceeding to the receiving state is confirmed.
5. The California conservatorship of the ☐ person ☐ estate is terminated.

Date:

\_\_\_\_\_  
(JUDICIAL OFFICER)

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CONSERVATORSHIP OF (name):  <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:
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5. Factors relevant to determining the jurisdiction of the California court:

- a. ☐ The conservatee has been physically present in California since (date): \_\_\_\_\_ and remains present in California.
- b. ☐ The conservatee was physically present in California from (date): \_\_\_\_\_ to (date): \_\_\_\_\_, ending within six months of the date this petition is filed.
- c. ☐ The conservatee has the following connections to California (list all that apply):
- (1) ☐ The following relatives and other persons required to receive notice of the proceeding reside in California:
- ☐ Continued on Attachment 5c(1). (Use a blank sheet of paper or form MC-025.)
- (2) ☐ The conservatee was physically present in California during the following periods:
- From (date): \_\_\_\_\_ to (date): \_\_\_\_\_
- From (date): \_\_\_\_\_ to (date): \_\_\_\_\_
- From (date): \_\_\_\_\_ to (date): \_\_\_\_\_
- From (date): \_\_\_\_\_ to (date): \_\_\_\_\_
- ☐ Continued on Attachment 5c(2). (Use a blank sheet of paper or form MC-025.)
- (3) ☐ The conservatee will move permanently to California and reside at the following address (provide if known):
- (4) ☐ The conservatee holds a legal or beneficial interest in the following property located in California (describe each piece of property; give the street address of real property or the location of personal property):
- ☐ Additional property is described on Attachment 5c(4). (Use a blank sheet of paper or form MC-025.)
- |   |    |  |
|---|----|--|
| (A) Estimated value of real property in California:     | \$ |  |
| (B) Estimated value of personal property in California: | \$ |  |
| (C) Annual gross income from                            |    |  |
| (i) Real property:                                      | \$ |  |
| (ii) Personal property:                                 | \$ |  |
| (iii) Pensions:   | \$ |  |
| (iv) Wages:   | \$ |  |
| (v) Public assistance benefits:                         | \$ |  |
| (vi) Other:   | \$ |  |
| Subtotal of (C):  | \$ |  |
| (D) <b>Total</b> of (A), (B), and (C):                  | \$ |  |
- (5) ☐ The conservatee has the following other ties to California (for example, voter registration, driver's license, tax filing):

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

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

6. I request that the court:

- a. Accept transfer of this proceeding and recognize the transferring state's conservatorship order.
- b. (1) ☐ Appoint me as conservator of the ☐ person ☐ estate under California law for the person named in 1, or  
 (2) ☐ Appoint (name):  
 (mailing address):  
  
 (telephone number): (e-mail):  
 (relationship to conservatee): , who is eligible for appointment under California law,  
 as conservator of the ☐ person ☐ estate for the person named in 1.
- c. (1) ☐ Adopt the transferring state's conservatorship order, which needs no modification to conform to California law.  
 (2) ☐ Issue a new conservatorship order, as proposed on the attached *Order Appointing Probate Conservator* (form GC-340), which modifies the terms of the conservatorship as follows to conform to California law:  
 (A) Powers modified:  
  
 (B) Duties modified:  
  
 (C) Bond modified:  
  
 (D) Other information needed:  
  
☐ Additional modifications are included on Attachment 6c(2). (Attach a blank sheet of paper or form MC-025.)
- d. Issue *Letters of Conservatorship* (form GC-350) on the appointee's qualification.

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

8. ☐ The conservatee ☐ has ☐ has not been diagnosed with a major neurocognitive disorder (major NCD, such as dementia).
- a. ☐ A completed *Petition for Exclusive Authority to Give Consent for Medical Treatment* (form GC-380), with *Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder* (form GC-313), is filed with this petition.
- b. ☐ I intend to petition the court for major NCD/dementia powers under section 2356.5 of the Probate Code as soon as the court issues a final order accepting transfer of this conservatorship.

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

Date:

(TYPE OR PRINT NAME)	 (SIGNATURE)
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ATTORNEY OR PARTY WITHOUT ATTORNEY 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</b> <b>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):  <div style="text-align: right;">CONSERVATEE</div>	
<b>FINAL ORDER ACCEPTING TRANSFER</b> <b>(California Conservatorship Jurisdiction Act)</b>	CASE NUMBER:

1. The court held a hearing to review the conservatorship and determine its conformity to California law on (date):
2. The court has read and considered the report of the review investigation conducted under section 1851.1, which was filed on (date): . Based on the information in the report and all other evidence admitted at the hearing,

**THE COURT FINDS THAT:**

3. ☐ Notice of the hearing was given as required by law.
4. The conservatee ☐ attended ☐ was excused under Probate Code section 1825 and did not attend the hearing.
5. (1) ☐ No modification to the original conservatorship order is needed to conform to California law.  
 (2) ☐ Modifications to the conservatorship order are necessary to conform to California law and are ordered on the attached *Order Appointing Probate Conservator* (form GC-340).
6. ☐ The conservatee does not wish to petition for termination of the conservatorship.
7. ☐ The conservatee does not object to the appointment of the person identified below as conservator in California.
8. ☐ The conservatee was informed of the rights to attend the hearing and to be represented by legal counsel of one's choice or, if desired, by counsel appointed by the court.
9. ☐ The conservatorship is still the least restrictive alternative necessary to protect the conservatee's interests.
10. ☐ Other (specify):

☐ Additional findings are set forth on Attachment 5c(1).

11. The court has received a final order issued by a court of record in (state):  
 confirming the transfer of the conservatorship to California.

**THE COURT ORDERS THAT:**

12. The transfer of the conservatorship proceeding to California is accepted.

13. Name:

Address:

Telephone:

E-mail:

is appointed conservator of the ☐ person ☐ estate for (name):

under California law as specified in the accompanying ☐ original conservatorship order ☐ form GC-340.

The clerk is ordered to issue *Letters of Conservatorship* (form GC-350) when the appointee has qualified under section 2002(i)(2).

Date:

\_\_\_\_\_  
(JUDICIAL OFFICER)

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY 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</b> <b>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):  <div style="text-align: right;">CONSERVATEE</div>	
<b>PROVISIONAL ORDER ACCEPTING TRANSFER</b> <b>(California Conservatorship Jurisdiction Act)</b>	CASE NUMBER:

1. The court held a hearing on a petition to accept the transfer of this conservatorship proceeding from (state): (the transferring state) on (date): .
2. The court has read and considered the report of the preliminary investigation conducted under section 2002(d), which was filed on (date): . Based on the report and all other evidence before the court,

**THE COURT FINDS THAT:**

3. Notice of the hearing was given as required by law.
4. ☐ The California Conservatorship Jurisdiction Act applies to these proceedings. This court has jurisdiction to appoint a conservator, including a temporary conservator, in these proceedings under sections 1993 and 1994 of the Probate Code.
5. ☐ The transfer of the conservatorship proceeding to California would not be contrary to the conservatee's interests.
6. ☐ Under the law of the transferring state, the conservator is eligible for appointment in California.
7. a. ☐ Under California law, the conservator is eligible for appointment in California; or  
 b. ☐ Under California law, the conservator is **not** eligible for appointment in California but the petition has identified a person who is willing to serve as conservator and is eligible for appointment in California.
8. A court of record in the transferring state has issued a provisional order transferring this proceeding to California.

**THE COURT ORDERS THAT:**

9. The petition to accept the transfer of this conservatorship proceeding to California is provisionally granted.
10. The court investigator must complete the investigation required by Probate Code section 1851.1 and report its findings in writing as required under section 1851(b)(1) no fewer than 15 days before the date of the hearing set in 7.
11. A hearing is set in this department on (date): , no more than 60 days from the date of this order, to determine whether the conservatorship needs to be modified to conform to California law and to review the conservatorship. The conservatee must attend that hearing unless excused under sections 1825 and 1851.1(c) of the Probate Code.

Date:

\_\_\_\_\_  
(JUDICIAL OFFICER)

## W18-08

### Probate Conservatorship: Interstate Transfer (approve forms GC-363, GC-364, GC-365, and GC-366)

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

	Commentator	Position	Comment	Committee Response
1.	Orange County Bar Association by Nikki P. Miliband, President	AM	<p><b>Form GC-363</b></p> <p>It is suggested that the type of conservatorship being transferred be identified in the caption area, below the title of the form, by including two checkboxes, one for “person” and one for “estate.” It is believed this would facilitate case management and administration.</p> <p>As proposed, the language at Item 3 indicates it is to be completed for all conservatorships, yet only seeks information relevant to a conservatorship of the person. It is suggested that an Item 3a(3) be inserted, with a checkbox and the language, “[t]he conservatee has significant connection(s) to the receiving state as set forth at Item 5a(2).” This modification would then include a conservatorship of the estate at Item 3 and make it relevant to all conservatorships. Correspondingly, it is suggested that the language at Item 5a(1) be modified to read, “[s]ame as stated in 3a(1), (2).”</p> <p><b>Form GC-364</b></p> <p>It is suggested that the type of conservatorship being transferred be identified in the caption area, below the title of the form, by including two checkboxes, one for “person” and one for “estate.” It is believed this would facilitate case management and administration.</p>	<p>The committee agrees and has incorporated the suggested change into its recommendation.</p> <p>The committee recognizes that items 3, 4, and 5 were confusing and has revised them to address the commentator’s concerns. Item 3 now solicits information needed to support the transfer of a conservatorship of the person. Item 4 solicits information needed to support the transfer of a conservatorship of the estate. To the extent that item 4 calls for information that could be entered in item 3 (for example, the conservatee’s current or planned physical location is a factor relevant to transfer of both conservatorships of the person (Prob. Code, § 2001(d)(1)<sup>1</sup>) and conservatorships of the estate (<i>id.</i>, § 2001(e)(1))), cross-references are used to avoid the need for entering duplicate information.</p> <p>The committee agrees and has specified the type of conservatorship in the caption box above the form title.</p>

<sup>1</sup> Unless otherwise specified, all further statutory references are to the Probate Code.



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			<p>At Item 3, between the words “to” and “the” there is extra space, as there is at Item 5 between the words “contrary” and “to.”</p> <p>To avoid confusion in the event only the conservatorship of an estate not involving a non-resident conservatee is being transferred, it is suggested that Items 3 and 4 be combined so that there would be no Item with checkboxes unchecked. Such a situation could raise questions as to omissions or the completeness of the form. This modification, if adopted, would necessitate the renumbering of subsequent Items.</p> <p>It is also suggested that additional space be provided following Item 4 to allow the listing of all the conservatee’s significant connections with the receiving state.</p> <p>At Item 11, to avoid confusion or possible over-inclusion, it is suggested that the type of conservatorship be identified. Accordingly, it is suggested that language at Item 11 be modified to read: “[t]he California conservatorship of the [ ] person [ ] estate is/are terminated.”</p> <p><b>Form GC-365</b></p>	<p>The committee does not recommend the suggested change to item 3, now 4. The current spacing is consistent with Judicial Council style guidelines, which call for extra space following a choice indicated by two or more check boxes. The committee has revised item 5, now 6, to clarify the relationship between the check boxes.</p> <p>The committee agrees and has incorporated the suggestion to combine items 3 and 4 and renumber subsequent items into its recommendation.</p> <p>The committee does not recommend the suggested change. It has revised item 4 to dispense with the need for the court to list the conservatee’s connections with the receiving state.</p> <p>The committee agrees and has incorporated the suggestion into its recommendation.</p>

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			<p>It is suggested that the type of conservatorship being transferred be identified in the caption area, below the title of the form, by including two checkboxes, one for “person” and one for “estate.” It is believed this would facilitate case management and administration.</p> <p><b>Form GC-366</b></p> <p>It is suggested that the type of conservatorship being transferred be identified in the caption area, below the title of the form, by including two checkboxes, one for “person” and one for “estate.” It is believed this would facilitate case management and administration.</p> <p><b>Response to Specific Request:</b></p> <p>Yes, as modified, the proposal appropriately addresses the stated purpose.</p> <p>No comments are offered at this time, as to any needed additional forms.</p>	<p>The committee does not recommend the suggested change at this time because the transferring state’s laws may use different terminology to identify and describe the protective proceeding. Item 4 asks the petitioner to identify the proceeding based on the powers and duties given in the existing order. If a more precise description of the proceeding proves necessary, the committee will consider revising the forms accordingly.</p> <p>The committee agrees and has incorporated the suggested change into its recommendation.</p> <p>No response required.</p> <p>No response required.</p>
2.	Santa Clara County Department of Family and Children’s Services by Francesca Larue, Director	A	The proposal addresses transfer of conservatorship proceedings into and out of California under the California Conservatorship Jurisdiction Act (CCJA). This Act provides the exclusive basis for determining whether a California court, as opposed to a court of another state, has jurisdiction to appoint a probate conservator. The proposed forms would be available for optional use in probate	The committee appreciates the comment. No further response is required.

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			proceedings, and because the CCJA applies only to general probate conservatorships and does not apply to proceedings for the care of protection of a minor child (or a person subject to involuntary mental health care or treatment), we are highly unlikely to encounter the Act in our work. Implementation of the new forms has no implication on the work of DFCS.	
3.	Superior Court of Los Angeles County (no name provided)	AM	<p>The Proposed forms GC-364 and GC-366 include two possible Orders. The forms should be drafted as four individual stand-alone forms, instead of two forms. Not only might it confuse the public and staff, but the proposed format creates problems for eFiling reasons. Unless the orders are signed and processed simultaneously, the two orders will require two separate file stamp dates. Unless the proposed forms are modified, the forms will create work flow problems in the eFiling environment.</p> <p><b>What would the implementation requirements be for courts?</b> Notwithstanding the above comments, the effort and cost to implement the proposal will not be significant. Clerical staff and judicial assistants will require less than 1 hour of training.</p> <p><b>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> Three months is sufficient time to implement the proposal.</p>	<p>The committee agrees and has incorporated the suggested change into its recommendation.</p> <p>No response required.</p> <p>No response required.</p>

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4.	Superior Court of Riverside County by Susan Ryan, Chief Deputy of Legal Services	AM	<p><b>Petition to Transfer Probate Conservatorship (GC-363)</b> No additional comments.</p> <p><b>Orders Transferring Probate Conservatorship (GC-364)</b> The proposed GC-364 has a Provisional Order and a Final Order transferring the conservatorship in one all-inclusive form. We recommend that the proposed Provisional and Final Orders be separate forms as the parties often submit proposed Orders (electronically) and the Provisional Order will be generated and filed first before the Final Order. Additionally, a certified copy of the Provisional Order is to be attached to the Petition to Accept Transfer, thus, requiring a stand-alone Order.</p> <p>The Final order form could be in a similar format to the ex parte petition for discharge (GC-395): a single document that alleges eligibility for the final order, attaches copies of the documents necessary for the final order, and includes a space for the judge to make the final order.</p>	<p>No response required.</p> <p>The committee agrees and has incorporated the suggested change into its recommendation.</p> <p>The committee does not recommend a combined petition and final order at this time. The statute seems to require only a single petition for transfer orders. The court's duty to issue a final order of transfer arises on its receipt of the receiving state's provisional order accepting the transfer and the documents required to terminate the conservatorship in California. The proposed provisional order form, GC-364, includes an order directing the conservator to file those documents with the California court within 5 court days of receipt. That filing would trigger the court's duty to issue the final order in response to the initial petition. In addition, commentators have indicated that, for purposes of entry into electronic case</p>

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			<p>The language in form GC-364 should more closely track the language in Probate Code 2001(a)(2) to avoid the inference that the filing of a final accounting is always required. There may be situations where the California court determines that no final accounting is required in California because the conservatee's estate qualified under Probate Code 2628 for the duration of the applicable accounting period. The language in the statute better accommodates this situation, as it refers to the "documents required to terminate a conservatorship in this state, including, but not limited to, any required accounting." This expressly recognizes that there are situations where an accounting is not required. The language in the form should be modified to read as follows: "The court has received and, if</p>	<p>management systems, petitions and orders should be on separate documents or forms. Finally, in a conservatorship of the estate, the termination of the conservatorship does not cause the court to lose jurisdiction over the proceedings. (Prob. Code, § 2630.) Because the conservator would still need to file a petition for final discharge on form GC-395, requiring an additional petition for a final transfer order seems unduly burdensome.</p> <p>The comment seems to highlight a broader issue: whether a uniform statewide form petition to terminate a conservatorship would be useful. The committee will explore this question in the future.</p> <p>The committee agrees and has modified its recommendation to incorporate the suggested change.</p>

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			<p>appropriate, approved all documents required to terminate conservatorship in this state, including, but not limited to, any required accounting.”</p> <p>The GC-364 form asks for the name of the destination state in two locations (items 2 and 8). The forms should be revised to only collect this data in one location, and either reference or infer the information in the other location.</p> <p><b>Petition to Accept Transfer of Probate Conservatorship (GC-365)</b> We recommend that item 5c of this form mimic the Character and Estimated Value of the property of the estate (GC-310, Item 3e (2)–(4)) to identify the proper value of the conservatorship estate/property being transferred and for use in determining bond.</p> <p><b>Orders Accepting Transfer of Probate Conservatorship (GC-366)</b> The proposed GC-366 form has a Provisional Order and a Final Order accepting transfer of the conservatorship in one all-inclusive form. We recommend that the proposed Provisional and Final Orders be separate forms as the parties often submit proposed Orders (electronically) and the Provisional Order will be generated and filed first before the Final Order.</p> <p>The Final order form could be in a similar</p>	<p>The committee has separated the provisional order and the final order into separate forms. The name of the receiving state is now collected once on each form.</p> <p>The committee agrees and has modified the form to request the estimated value of the property in California that belongs to the conservatee’s estate.</p> <p>The committee agrees and has modified its recommendation to incorporated the suggested change.</p> <p>The committee does not recommend the</p>

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			<p>format to the ex parte petition for discharge (GC-395): a single document that alleges eligibility for the final order, attaches copies of the documents necessary for the final order, and includes a space for the judge to make the final order.</p> <p>The GC-366 form asks for the name of the transferring state in two locations (items 2 and 4). The forms should be revised to only collect this data in one location, and either reference or infer the information in the other location.</p> <p>We would ask that the language in form GC-366 item 5 be omitted or modified to accommodate a court that elects to conduct the investigations required by Probate Code 2002(d) and (g) simultaneously as a single investigation prior to the hearing on the petition to accept transfer.</p> <p>We recommend adding to the form Order an item 7 to state “The conservator must attend the Conservatorship Orientation Class per Probate Code Section 1457 unless excused for good cause.” Since not all counties have a Conservatorship Orientation class, we further recommend that this item should have a checkbox making it optional.</p>	<p>suggested change. Many courts have informed the committee that combining a petition or request and an order in a single form is incompatible with their electronic case management systems.</p> <p>The committee has separated proposed form GC-366 into two forms: GC-367 for a provisional order and GC-368 for a final order. Each form asks for the name of the transferring state once.</p> <p>The committee has modified its recommendation to delete the order to begin the investigation under sections 1851.1 and 2002(g). The order now requires only timely <i>completion</i> of the investigation before the hearing under section 2002(h)(3) to review the conservatorship and determine whether it conforms to California law. Completion of both the section 2002(d) and 2002(g) investigations before the initial petition hearing under section 2002(e) seems sufficient to comply with the statute and the order.</p> <p>The committee does not recommend the suggested change. Section 1457 requires the Judicial Council to develop and make available to nonprofessional conservators and guardians a video or online educational program. Section 1457 does not require a conservator to watch the program, let alone attend an “orientation class.” Neither does it authorize the court to require a</p>

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			<ul style="list-style-type: none"><li>• <b>Would additional forms be useful to facilitate the transfer of conservatorship proceedings into and out of California? If so, please identify the function or purpose of those forms.</b> The proposed forms GC-363, GC-364, GC-365 and GC-366 appear adequate to facilitate the transfer of a conservatorship proceedings into and out of California.</li><li>• <b>Would the proposal provide cost savings? If so please quantify.</b> It is undetermined what cost savings would be captured. However, as the transfers into and out of California is a 2-step process (provisional and final orders), it would seem that there may be additional costs and court time associated with the new process whereas currently, a new Petition for Conservatorship is a 1-step process (i.e., oftentimes one hearing to establish)</li><li>• <b>What would the implementation</b></li></ul>	<p>conservator to watch the program or attend a class. Section 2002(i)(2) specifies the conditions, including receipt and acknowledgment of the material described in sections 1834 and 1835, that a conservator must meet to be appointed in California after the court has accepted a transfer under the CCJA. The committee has modified its recommendation to require compliance with section 2002(i)(2).</p> <p>No response required.</p> <p>The committee recognizes that the process required by the CCJA is cumbersome, but understands that the Legislature viewed it as needed to protect the rights of conservatees who need to move to another state or who hold property in more than one state. The proposed optional forms do not impose a process on the courts; instead, they provide one option for litigants and courts to navigate the statutory process as efficiently and effectively as possible.</p>

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			<p><b>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.</b></p> <p>The implementation requirement would include training staff, revising processes and procedures as well as adding docket codes in the case management system.</p> <p>The modification to the case management system by adding docket codes and/or modification would take the support team for the case management system approximately 4–8 weeks to update the system.</p> <p>Once the case management system is updated, revising processes and procedures (i.e., desk procedures, court processing, calendaring the petition type) would need to be implemented. It would be estimated that 8 weeks would be required for these tasks.</p> <p>Training staff would estimate to be 4–8 weeks.</p> <p>Total implementation: 24 weeks (6 months)</p> <p><b>• Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p>	<p>The committee appreciates the thoroughness of this comment. The committee intends, by proposing these forms for optional rather than mandatory use, to give the courts the necessary flexibility to implement them without undue time pressure. Courts that have begun to implement the CCJA’s requirements may be able to incorporate the forms into their case processing framework more quickly than those that haven’t.</p>

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			<p>With the case management system updates, a better projected time for implementation is 6 months.</p> <p>• <b>How well would this proposal work in courts of different sizes?</b>  It appears the proposal may work consistently for all courts of varying sizes as it is a streamline approach to transferring conservatorship proceedings into and out of California.</p>	<p>Please see previous response.</p> <p>No response required.</p>
5.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p><b><i>Q: Does the proposal appropriately address the stated purpose?</i></b>  A: Yes</p> <p><b><i>Q: Would additional forms be useful to facilitate the transfer of conservatorship proceedings into and out of California? If so, please identify the function or purpose of those forms.</i></b>  A: Yes, as mentioned in the General Comments section, it would be helpful to have an informational sheet, in plain language, that explains when a Conservatorship would be ineligible for transfer, under Probate Code section 1981.</p> <p>Additionally, it would be helpful to explain the step-by-step process of petitioning one court, getting a provisional order, petitioning the new court, getting an order then obtaining final orders in each court.</p>	<p>No response required.</p> <p>The committee has revised form GC-366, the petition to accept transfer, to include a notice box on the first page describing when the CCJA applies. The committee will also consider developing an information sheet to accompany the CCJA transfer forms.</p> <p>The committee agrees and will direct staff to develop a road map or similar content on the California courts self-help website explaining the CCJA transfer process.</p>

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			<p><b><i>Q: Would the proposal provide cost savings? If so, please quantify.</i></b>  A: No. The petitions would be filed regardless, the one benefit is that it may reduce the amount of time the Court Investigators and Probate Examiners spend trying to read through a petition on pleading.</p> <p><b><i>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.</i></b>  A: The filings would need to be added to CCMS-V3, which is minimal impact. We would also have to train Court Investigators, Examiners and front-line staff. This would probably be less than 2 hours of training.</p> <p><b><i>Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></b>  A: Yes.</p> <p><b><i>Q: How well would this proposal work in courts of different sizes?</i></b>  A: Our court does not see the size of the court playing a factor in this proposal.</p> <p><b><i>General Comments:</i></b>  Our Court has found the transfer process under</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee recognizes that the process</p>

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			<p>the CCJA to be overly cumbersome, requiring multiple petitions, hearings and court investigations. Prior to the CCJA, the parties could file a Petition to Fix Residence to accomplish a similar goal and then establish a Conservatorship in the other state by filing a brand new petition.</p> <p>It would be helpful to include an informational sheet, in plain language, that clearly defines all ineligibilities for transferring a case under CCJA, as listed in Probate Code section 1981.</p> <p><b><i>GC-363—Petition to Transfer Probate Conservatorship</i></b></p> <ul style="list-style-type: none"><li>• Include boxes for the petitioner to indicate conservatorship of the person and/or estate in the header with the case title.</li><li>• Require the name of the county to be included as well as the state at item 1.</li><li>• After item 1 or 2, include a box for the petitioner to make a clear allegation that the conservatee is not developmentally disabled or subject to involuntary mental health care or treatment. Either of these would render the case ineligible for transfer.</li></ul>	<p>required by the CCJA is cumbersome, but understands that the Legislature viewed it as needed to protect the rights of conservatees who need to move to another state or who hold property in more than one state. The proposed optional forms do not impose a process on the courts; instead, they provide one option for litigants and courts to navigate the statutory process as efficiently and effectively as possible.</p> <p>See response to suggestion for informational sheet, above.</p> <p>The committee agrees with the suggestion and has incorporated it into the recommendation.</p> <p>The committee does not recommend the suggested change at this time. Even if the petitioner knows the name of the correct county, the courts in the receiving state may not be organized by county as California's courts are.</p> <p>The committee agrees and has added the suggested check box to item 2.</p>

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			<ul style="list-style-type: none"> <li>• Item 3.a.(2) - Rephrase “Same as stated in 2” to “Not yet determined” for the conservatee’s address in receiving state.</li> <li>• At time 3b, how can the petitioner make allegations re objections before the petition is filed and served on parties who could possibly object?</li> <li>• Item #5.a.(2)(a) – The lines provided for persons entitled to notice are not adequate and will require an attachment.</li> <li>• Item #6 seems like an unnecessary statement, since items 3,4 &amp; 5 clearly state whether it’s a question for the Conservator of the Person or Estate. One could assume if they held both roles, they should answer each question.</li> <li>• Item #7 would benefit from the prompting: “For a conservatorship of the estate:”</li> <li>• Item #7, it is unclear what information is being requested by, “Date expected.” Date accounting is expected to be filed, heard, approved? Or does it apply to the payment</li> </ul>	<p>The committee does not recommend the suggested change. The conservatee may already have moved to the receiving state at the time the petition is filed. The committee has added an instruction to enter “to be determined” in the “Other” box if the conservatee does not yet have a residential address in the receiving state.</p> <p>The committee has revised item 5 better to reflect the state of the petitioner’s knowledge at the time of filing.</p> <p>The committee has added language prompting the petitioner to continue on an attachment.</p> <p>The committee has replaced item 6 with an instruction to complete the information for both items 3 and 4 if the conservator was appointed in both capacities. The committee prefers that the form give express instructions to the petitioner.</p> <p>The committee has expanded the scope of item 8 to request information about any reports or activities, including accountings, that are required to terminate the conservatorship.</p> <p>The committee has clarified that “Date expected” should be completed only if the required information has not yet been filed.</p>

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			<p>question above?</p> <ul style="list-style-type: none"> <li>• There should be signature lines for an attorney and multiple petitioners, in the event there are co-conservators.</li> </ul> <p><b><i>GC-364—Orders Transferring Probate Conservatorship</i></b></p> <ul style="list-style-type: none"> <li>• Correction of first sentence “The court held a hearing on a petition...”</li> <li>• Revise item 3 to read: The conservatee 0 is physically present in 0 is reasonably expected to move permanently to 0 has a significant connection to the receiving state.</li> <li>• Remove item 4 as this factor is only considered when the conservatorship is of the estate only. It can be captured by revising item 3 as suggested above.</li> <li>• Revise item 5 to read: 0 No objection to the transfer has been made or 0 an objection has been made and the court determines that the transfer would not be contrary to the conservatee’s interest.</li> <li>• Item #5 – There appears to be an unnecessary space between the words “contrary” and “to”.</li> <li>• Our court likes the idea of combining the two orders into one form, but question the practicality. Is the thought that both orders</li> </ul>	<p>The committee agrees and has added signature lines for an attorney and another petitioner.</p> <p>The committee has revised the language in item 1.</p> <p>The committee has combined items 3 and 4 consistent with this comment.</p> <p>See response to comment on item 3.</p> <p>The committee has revised item 5 in response to this and other comments.</p> <p>The committee has removed the extra space.</p> <p>The committee agrees that fewer forms would be desirable, but has determined, as suggested, that the combination of the provisional order and the</p>

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			<p>would be completed on the same page? For courts that image, that would mean printing the provisional order to have the final order signed and then we would have to rescan it. Does it retain the file-date from the first order date? Are we then modifying our register of Actions if we replace the image?</p> <p><b><i>GC-365—Petition to Accept Transfer of Probate Conservatorship</i></b></p> <ul style="list-style-type: none"> <li>• Item #1 – the font size in the ‘Residence Address’ lines is too small and the lines are unnecessarily long.</li> <li>• Item #5.c.(4) should mirror item # 5.a.(2)(d) in GC-363.</li> <li>• There should be signature lines for an attorney and multiple petitioners, in the event there are co-conservators.</li> </ul> <p><b><i>GC-366—Orders Accepting Transfer of Probate Conservatorship</i></b></p> <p>As stated under GC-364, our court likes the idea of combining the two orders into one form, but question the practicality.</p>	<p>final order on a single form would be impractical. The committee has revised its recommendation to split the orders into separate forms.</p> <p>Committee staff has verified that the fillable field for entering a residence address accommodates Arial 9pt type, the standard font and size for Judicial Council forms. The committee does not recommend making the lines shorter.</p> <p>The committee agrees and has modified its recommendation accordingly.</p> <p>The committee agrees and has added signature lines for an attorney and an additional petitioner.</p> <p>The committee agrees that fewer forms would be desirable, but has determined, as suggested, that the combination of the provisional order and the final order on a single form would be impractical. The committee has revised its recommendation to split the orders into separate forms.</p>
6.	Nghi Tran San Jose	AM	In this day and age, financial crimes begin with stalking victims, block attacks, misdirection,	The committee intends the recommended forms to enable the California court efficiently and

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

	Commentator	Position	Comment	Committee Response
			<p>poison to incapacitate or to affect memories of the unsuspected, defamation, and court proceedings comes when they want to legally move the money out of state and then country.</p> <p>It is illegal to take property when the only evidence relied on are assumptions filed on paper that may give a partial truth. The power of authority only apply to the order given at that time of directed duty in that specified time which usually is to deliver sensitive documents on their behalf. Law enforcement should be called upon immediately to protect, inform, and investigate the value of their estate, to notify such victims personally because investigation is inevitable.</p> <p>Financial criminals will first use assignments to transfer, if that fails they may corrupt our banking system, co-mingling lottery annuities with mortgage deposits, turn virtual credits into bitcoins, a public campaign to cause distrust of law enforcement so victims will not report, tamper with vehicles then report it as a public complaint causing class actions just to cover suspicion by victims, cause family members to file bankruptcy to gain ISP investments, and more.</p> <p>Do inform utilizing media to locate unknown victims. Any objections, reasons, or opposition by the conservator or conspirators is a red flag.</p>	<p>effectively to oversee the lawful transfer of conservatorship proceedings into and out of the state to ensure that conservatees are protected as much as the law allows possible from abuse.</p> <p>To the extent that the comments raise concerns about substantive law and policy, the committee believes they are better directed to the Legislature. To the extent that the comments raise concerns about the violation of existing law, the committee believes they are better directed to the appropriate law enforcement agency.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree.