



Judicial Council of California

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Subject Details (With Text)

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Title

Probate Conservatorship and Guardianship: Interstate Transfer (Action Required)

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.)