



Judicial Council of California

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9/19/2023	1	Judicial Council	approved	Pass

Title

Rules and Forms | Probate Conservatorship: Less Restrictive Alternatives (Action Required)

Summary

The Probate and Mental Health Advisory Committee recommends amending three rules of court and revising one form in response to recent legislative changes to conservatorship law. The rule amendments implement legislation that requires education on alternatives to conservatorship for judicial officers assigned to probate, probate staff attorneys, probate examiners, court investigators, and counsel appointed in probate conservatorship proceedings. Revisions to the form implement legislation that requires supplemental information provided to the court by the petitioner or proposed conservator to specify clearly and discuss in detail the less restrictive alternatives to a conservatorship that were considered or tried before the filing of the petition. Additional revisions to the form would identify the person completing the form, divide the information to be provided about the reasons for conservatorship into more specific categories, and solicit information about the proposed conservatee’s knowledge and opinion of the conservatorship.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 7.1103, 10.468, and 10.478, to add the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3 to the subject matter of the education required under these rules; and
2. Revise *Confidential Supplemental Information* (form GC-312) to incorporate the changes required by amendments to Probate Code section 1821(a) and to provide more clarity and structure to the information provided on that form.