



Judicial Council of California

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Subject Text

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File #: 18-148, Version: 1

Title

Probate Conservatorship and Guardianship: Major Neurocognitive Disorders (Action Required)

Summary

The Probate and Mental Health Advisory Committee recommends revising eight Judicial Council forms to implement recent legislation that replaced the term “dementia” with “major neurocognitive disorder” to conform to usage in the fifth and current edition of the *Diagnostic and Statistical Manual of Mental Disorders*. The committee also recommends stylistic and technical changes to several of the forms to bring them up to date.

Recommendation

The Probate and Mental Health Advisory Committee recommends revising Judicial Council forms GC-310, GC-313, GC-333, GC-334, GC-335, GC-335A, GC-380, and GC-385, effective January 1, 2019, to add references to “major neurocognitive disorder” to all existing references to “dementia” and as follows:

1. Revise form GC-310, Petition for Appointment of Probate Conservator, to refer in item 5f more precisely to the language of Probate Code section 1420.
2. Revise form GC-313, Attachment Requesting Special Orders Regarding Dementia, to delete “Dementia” from the heading of item 5 so that it reads simply “Medications” and to make technical changes to clarify the context of the form’s use.
3. Revise form GC-333, Ex Parte Application for Order Authorizing Completion of Capacity Declaration-HIPAA, to simplify the caption.
4. Revise form GC-334, Ex Parte Order Re Completion of Capacity Declaration-HIPAA, to simplify and clarify the caption, item 2, item 9, and the clerk’s certification.
5. Revise form GC-335, Capacity Declaration-Conservatorship, to clarify the instructions and make technical changes.
6. Revise form GC-335A, Dementia Attachment to Capacity Declaration-Conservatorship, to replace “dementia” with “major neurocognitive disorder” in the caption, delete “dementia” from the heading of item 9b so that it reads “Administration of medications” and delete “psychotropic” from the phrase “psychotropic medications” throughout item 9b to conform to the language in Probate Code section 2356.5 (c), simplify the description of the standard for lack of capacity to give informed consent in items 9a(4) and 9b(4), and make technical changes.
7. Revise form GC-380, Petition for Exclusive Authority to Give Consent for Medical Treatment, to clarify that the form is mandatory and make technical changes.
8. Revise form GC-385, Order Authorizing Conservator to Give Consent for Medical Treatment, to clarify the instructions, clarify that the form is mandatory, and make technical changes.