



Judicial Council of California

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Subject Details (With Text)

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Title

Probate Conservatorships: Voting Capacity of Conservatees (Action Required)

Summary

The Probate and Mental Health Advisory Committee recommended that the Judicial Council revise the *Citation for Conservatorship* (form GC-320), the *Order Appointing Court Investigator* (form GC-330), and the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331), three of four conservatorship forms the council revised on December 11, 2015, 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 before and after those effective dates. 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. The other conservatorship forms revised in December 2015 or in January 2016 are not recommended for further revisions. They would retain their current effective dates.

Recommendation

The Probate and Mental Health Advisory Committee recommended that the Judicial Council:

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. These items respectively refer to the rights a proposed conservatee has to appear in court and oppose the petition for appointment of a conservator, and to the rights a proposed limited conservatee has to oppose the petition for appointment of a limited conservator in part by objecting to any or all of the requested duties and powers of the proposed limited conservator;
 - b) Eliminating the word "But" from the beginning of the second sentence in item 4 on page 1 so the sentence would read in part: "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
 - c) Placing the following statement in all caps at the bottom of page 1 of the form:
CONTINUED ON PAGE 2. THE CLERK'S SEAL IS ALSO ON THAT PAGE.

2. Revise the *Order Appointing Court Investigator* (form GC-330) by adding the following text at the beginning of item 1e on page 1 of the form:
“A person is presumed competent to vote regardless of his or her conservatorship status. In determining whether this presumption is overcome, you must determine . . .”
3. Revise the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331) by adding the following text at the beginning of item 1c on page 1 of the form:
“A person is presumed competent to vote regardless of his or her conservatorship status. In determining whether this presumption is overcome, you must determine . . .”