



Judicial Council of California

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Subject Details (With Text)

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Title: Rules and Forms | Probate Conservatorship and Guardianship: Accounting (Action Required)

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| 9/24/2019 | 1 | Judicial Council | approved | Pass |

Title

Rules and Forms | Probate Conservatorship and Guardianship: Accounting (Action Required)

Summary

The Probate and Mental Health Advisory Committee recommends amending one rule of the California Rules of Court and approving one form to clarify existing requirements, provide guidance on submitting original account statements when they are issued and received electronically, and require submission of specified information about a ward's or conservatee's personal residence in support of a request for a waiver of an otherwise required periodic accounting. The amendments are needed to facilitate implementation of statutory accounting requirements and to protect a personal residence from loss or foreclosure by verifying that the fiduciary is using ordinary care and diligence.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend rule 7.575 of the California Rules of Court to:
 - Restructure the existing provisions of the rule to clarify the distinction between standard and simplified accountings and the requirements for each;
 - Add subdivision (b) to provide guidance on submitting original account statements in paper form in support of a court accounting; and
 - Add subdivision (f) to require submission of specific documents regarding a conservatee's or ward's personal residence in support of a request for a waiver of an otherwise required accounting; and
2. Approve *Request and Order for Waiver of Accounting* (form GC-410) for optional use.