



Judicial Council of California

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November 15, 2024.

Subject Text

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File #: 22-169, Version: 1

Title

Rules and Forms | Probate Conservatorship (Action Required)

Summary

The Probate and Mental Health Advisory Committee recommends adopting one rule of court, amending three rules, repealing three rules, revising two forms, and revoking one form to implement requirements in Assembly Bill 1194 (Stats. 2021, ch. 417), which amended the procedural and substantive law governing the establishment, court oversight, and termination of probate conservatorships. Amendment of one rule and revision of one form are expressly mandated by statute. The committee also recommends further amendments and revisions to conform to existing law.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend California Rules of Court, rule 7.575(b) to eliminate language that repeats statutory provisions;
2. Adopt rule 7.576 to combine the provisions of existing rules 7.1052(c), 7.1053, and 7.1054, which address court approval of a conservator's final account, into a single rule and move them to chapter 12 of the Probate Rules, which addresses accounts and reports;
3. Repeal rules 7.1052, 7.1053, and 7.1054;
4. Amend rule 7.756 to reflect the amended statutory standard for determining an award of compensation to a conservator, guardian, or attorney for services rendered;
5. Amend rule 7.1060 to repeal subdivision (c), which provides for a procedure no longer authorized by statute;
6. Revise *Order Appointing Court Investigator* (form GC-330) and *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331) to reflect the investigator's duties as amended by AB 1194 and to distinguish duties currently in effect from duties contingent on an appropriation of funds; and
7. Revoke *Order Setting Biennial Review Investigation and Directing Status Report Before Review* (form GC-332)), which implements a procedure no longer authorized by statute.