

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2493**

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**Introduced by Assembly Member Fuller**

February 19, 2010

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~~An act to add Section 2352.2 to the Probate Code, relating to public guardians.~~ *An act to add Section 2360 to the Probate Code, relating to conservators.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2493, as amended, Fuller. ~~Public guardian: identifying photograph of wards and conservatees.~~ *Conservators: photograph of missing conservatee.*

*Existing law authorizes a court to appoint a conservator of the person to act on behalf of a person who is unable to adequately provide for his or her personal needs, or a conservator of the estate to act on behalf of a person who is substantially incapable of managing his or her financial resources. Existing law also authorizes a court to appoint a conservator of the estate of a person who is missing and whose whereabouts are unknown. Under existing law, a conservator of the person has the care, custody, and control of a conservatee, except as provided.*

*This bill would require, upon the establishment of a conservatorship by the court and annually thereafter, that a conservator of a person ensure that a clear photograph of the conservatee is taken and preserved for the purpose of identifying the conservatee if he or she becomes missing.*

Existing law establishes a county office of public guardian, sets forth the duties of that office, and sets forth the duties of a court-appointed guardian or conservator.

This bill would require that a public guardian ensure that a clear photograph of each ward or conservatee is available for the purposes of identifying the ward or conservatee in case the ward or conservatee is lost or missing, and requires the public guardian to provide the photograph and other identifying information to the relevant law enforcement agencies if the ward or conservatee is reported lost or missing. By requiring the public guardian to comply with these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: *yes-no*.

*The people of the State of California do enact as follows:*

1 SECTION. 1. Section 2360 is added to the Probate Code, to  
2 read:

3 2360. Upon the establishment of a conservatorship by the court  
4 and annually thereafter, the conservator shall ensure that a clear  
5 photograph of the conservatee is taken and preserved for the  
6 purpose of identifying the conservatee if he or she becomes missing.

7 SECTION 1. Section 2352.2 is added to the Probate Code, to  
8 read:

9 2352.2. Every public guardian shall ensure that a clear  
10 photograph of each ward or conservatee is available for the  
11 purposes of identifying the ward or conservatee in case the ward  
12 or conservatee is lost or missing. Notwithstanding any other law  
13 to the contrary, including, but not limited to, Sections 4514 and  
14 5328 of the Welfare and Institutions Code, the public guardian  
15 shall provide the photograph and other identifying information to  
16 relevant law enforcement agencies if the ward or conservatee is  
17 reported lost or missing.

1     ~~SEC. 2.—If the Commission on State Mandates determines that~~  
2 ~~this act contains costs mandated by the state, reimbursement to~~  
3 ~~local agencies and school districts for those costs shall be made~~  
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
5 ~~4 of Title 2 of the Government Code.~~

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