

ASSEMBLY BILL

No. 2683

**Introduced by Committee on Judiciary (Feuer (Chair), Atkins,
Dickinson, Huber, and Wieckowski)**

March 12, 2012

An act to amend Section 2204 of the Probate Code, relating to guardianships.

LEGISLATIVE COUNSEL'S DIGEST

AB 2683, as introduced, Committee on Judiciary. Guardianships: venue.

Existing law establishes procedures for courts to follow regarding venue in the circumstance where a proceeding for the guardianship of the person of the minor is filed in one county, and a custody or visitation proceeding has already been filed in one or more other counties, and provides for communications between the courts, as specified.

This bill would correct an erroneous cross-reference in these provisions.

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

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

1 SECTION 1. Section 2204 of the Probate Code is amended to
2 read:
3 2204. (a) If a proceeding for the guardianship of the person
4 of the minor is filed in one county and a custody or visitation
5 proceeding has already been filed in one or more other counties,
6 the following shall apply:

1 (1) If the guardianship proceeding is filed in a county where the
2 proposed ward and the proposed guardian have resided for six or
3 more consecutive months immediately prior to the commencement
4 of the proceeding, or, in the case of a minor less than six months
5 of age, since the minor's birth, the court in that county is the proper
6 court to hear and determine the guardianship proceeding, unless
7 that court determines that the best interests of the minor require
8 that the proceeding be transferred to one of the other courts. A
9 period of temporary absence no longer than 30 days from the
10 county of the minor or the proposed guardian shall not be
11 considered an interruption of the six-month period.

12 (2) If the guardianship proceeding is filed in a county where the
13 proposed ward and the proposed guardian have resided for less
14 than six consecutive months immediately prior to the
15 commencement of the proceeding, or, in the case of a minor less
16 than six months of age, a period less than the minor's life, the court
17 shall transfer the case to one of the other courts, unless the court
18 determines that the best interests of the minor require that the
19 guardianship proceeding be maintained in the court where it was
20 filed.

21 (3) If a petitioner or respondent in a custody or visitation
22 proceeding who is an authorized petitioner under Section 2212
23 petitions the court where the guardianship proceeding is filed for
24 transfer of the guardianship proceeding to the court where the
25 custody or visitation proceeding is on file at any time before the
26 appointment of a guardian, including a temporary guardian, the
27 provisions of this subdivision shall apply to the court's
28 determination of the petition for transfer. Except as provided in
29 this paragraph, the petition for transfer shall be determined as
30 provided in Sections 2212 to 2217, inclusive.

31 (b) The following shall apply concerning communications
32 between the courts:

33 (1) The court where the guardianship proceeding is commenced
34 shall communicate concerning the proceedings with each court
35 where a custody or visitation proceeding is on file prior to making
36 a determination authorized in subdivision (a), including a
37 determination of a petition to transfer.

38 (2) If a petitioner or respondent, who is authorized to petition
39 to transfer under Section 2212, petitions the court where the
40 guardianship proceeding is filed for transfer of the guardianship

1 after the appointment of a guardian, including a temporary
2 guardian, the court in the guardianship proceeding may
3 communicate with each court where a custody or visitation
4 proceeding is on file before determining the petition for transfer.

5 (3) If the court in the guardianship proceeding appoints a
6 guardian of the person of the minor, including a temporary
7 guardian, the court shall transmit a copy of the order appointing a
8 guardian to each court where a custody or visitation proceeding is
9 on file, and each of those courts shall file the order in the case file
10 for its custody or visitation proceeding.

11 (4) The provisions of subdivisions (b) to (e), inclusive, of
12 Section ~~3140~~ 3410 of the Family Code shall apply to
13 communications between courts under this subdivision.

14 (5) The Judicial Council shall, on or before January 1, 2013,
15 adopt rules of court to implement the provisions of this subdivision.

16 (c) For purposes of this section, “custody or visitation
17 proceeding” means a proceeding described in Section 3021 of the
18 Family Code that relates to the rights to custody or visitation of
19 the minor under Part 2 (commencing with Section 3020) of
20 Division 8 of the Family Code.