

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1339

Introduced by Assembly Member Maienschein

February 22, 2013

An act to amend ~~Section 6535 of the Business and Professions Code, Sections 1510, 1821, 2250, and 2643 of, and to add Sections 2614.7 and 2643.1 to, the Probate Code~~, relating to professional fiduciaries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1339, as amended, Maienschein. Professional fiduciaries: ~~licensing~~; guardians and conservators.

Existing law provides that a relative or other person on behalf of a minor, or a minor if he or she is 12 years of age or older, may file a petition for the appointment of a guardian of the person or estate of the minor. Existing law also provides that certain persons may file a petition for the appointment of a conservator. Existing law provides that on or after the filing of a petition for appointment of a guardian or conservator, a person entitled to petition for the appointment of a guardian or conservator may file a petition for the appointment of a temporary guardian or temporary conservator, as specified. Under existing law, when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner is a professional fiduciary, as defined, the petition must include specified additional information, including the petitioner's license information and a statement explaining who engaged the petitioner or how the petitioner was engaged to file the petition for appointment of a conservator and what prior relationship the petitioner had with the proposed conservatee or the proposed conservatee's family or friends.

This bill would require that when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner is a professional fiduciary, as defined, the petition also include the petitioner's proposed hourly fee schedule or another statement of the petitioner's proposed compensation from the estate of the proposed conservatee for services performed.

This bill would also require, when a petition to appoint a guardian or temporary guardian is filed, and the petitioner is a professional fiduciary, as defined, the petition to include the same additional information as when a professional fiduciary files a petition to appoint a conservator or a temporary conservator.

Existing law requires, within 90 days of a guardian's or conservator's appointment, the guardian or conservator to file an inventory and appraisal.

This bill would require the guardian or conservator, if he or she is a professional fiduciary, as defined, to file concurrently with the inventory and appraisal a proposed hourly fee schedule or another statement of his or her proposed compensation from the estate of the ward or conservatee for services performed.

Existing law permits the court, on petition by the guardian or conservator, to authorize periodic payments on account to the guardian or conservator for the services rendered by those persons during the period covered by each payment.

This bill would permit the court, on petition by a guardian or conservator who is a professional fiduciary, as defined, to authorize periodic payments on account only if the guardian or conservator filed a proposed hourly fee schedule or another statement of his or her proposed compensation from the estate of the ward or conservatee for services performed with the inventory and appraisal and only after addressing all objections to the petition. This bill would also provide that authorization for periodic payments to a guardian or conservator who is a professional fiduciary, as defined, would terminate, as specified, if the next succeeding accounting is filed delinquently.

~~The Professional Fiduciaries Act creates the Professional Fiduciaries Bureau within the Department of Consumer Affairs and requires the bureau to license and regulate professional fiduciaries, as specified.~~

~~This bill would make a technical, nonsubstantive change to 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 1510 of the Probate Code is amended to*
2 *read:*

3 1510. (a) A relative or other person on behalf of the minor, or
4 the minor if 12 years of age or older, may file a petition for the
5 appointment of a guardian of the minor. A relative may file a
6 petition for the appointment of a guardian under this section
7 regardless of the relative's immigration status.

8 (b) The petition shall request that a guardian of the person or
9 estate of the minor, or both, be appointed, shall specify the name
10 and address of the proposed guardian and the name and date of
11 birth of the proposed ward, and shall state that the appointment is
12 necessary or convenient.

13 (c) The petition shall set forth, so far as is known to the
14 petitioner, the names and addresses of all of the following:

15 (1) The parents of the proposed ward.

16 (2) The person having legal custody of the proposed ward and,
17 if that person does not have the care of the proposed ward, the
18 person having the care of the proposed ward.

19 (3) The relatives of the proposed ward within the second degree.

20 (4) In the case of a guardianship of the estate, the spouse of the
21 proposed ward.

22 (5) Any person nominated as guardian for the proposed ward
23 under Section 1500 or 1501.

24 (6) In the case of a guardianship of the person involving an
25 Indian child, any Indian custodian and the Indian child's tribe.

26 (d) *If the petitioner is a professional fiduciary, as described in*
27 *Section 2340, who is required to be licensed under the Professional*
28 *Fiduciaries Act (Chapter 6 (commencing with Section 6500) of*
29 *Division 3 of the Business and Professions Code), the petition*
30 *shall include the following:*

31 (1) *The petitioner's proposed hourly fee schedule or another*
32 *statement of his or her proposed compensation from the estate of*
33 *the proposed ward for services performed as a guardian.*

34 (2) *Unless a petition for appointment of a temporary guardian*
35 *that contains the statements required by this paragraph is filed*
36 *together with a petition for appointment of a guardian, both of the*
37 *following:*

38 (A) *A statement of the petitioner's license information.*

1 (B) A statement explaining who engaged the petitioner or how
 2 the petitioner was engaged to file the petition for appointment of
 3 a guardian or to agree to accept the appointment as guardian and
 4 what prior relationship the petitioner had with the proposed ward
 5 or the proposed ward’s family or friends.

6 ~~(d)~~

7 (e) If the proposed ward is a patient in or on leave of absence
 8 from a state institution under the jurisdiction of the State
 9 Department of ~~Mental Health~~ *State Hospitals* or the State
 10 Department of Developmental Services and that fact is known to
 11 the petitioner, the petition shall state that fact and name the
 12 institution.

13 ~~(e)~~

14 (f) The petition shall state, so far as is known to the petitioner,
 15 whether or not the proposed ward is receiving or is entitled to
 16 receive benefits from the Veterans Administration and the
 17 estimated amount of the monthly benefit payable by the Veterans
 18 Administration for the proposed ward.

19 ~~(f)~~

20 (g) If the petitioner has knowledge of any pending adoption,
 21 juvenile court, marriage dissolution, domestic relations, custody,
 22 or other similar proceeding affecting the proposed ward, the
 23 petition shall disclose the pending proceeding.

24 ~~(g)~~

25 (h) If the petitioners have accepted or intend to accept physical
 26 care or custody of the child with intent to adopt, whether formed
 27 at the time of placement or formed subsequent to placement, the
 28 petitioners shall so state in the guardianship petition, whether or
 29 not an adoption petition has been filed.

30 ~~(h)~~

31 (i) If the proposed ward is or becomes the subject of an adoption
 32 petition, the court shall order the guardianship petition consolidated
 33 with the adoption petition, and the consolidated case shall be heard
 34 and decided in the court in which the adoption is pending.

35 ~~(i)~~

36 (j) If the proposed ward is or may be an Indian child, the petition
 37 shall state that fact.

38 *SEC. 2. Section 1821 of the Probate Code is amended to read:*
 39 1821. (a) The petition shall request that a conservator be
 40 appointed for the person or estate, or both, shall specify the name,

1 address, and telephone number of the proposed conservator and
2 the name, address, and telephone number of the proposed
3 conservatee, and state the reasons why a conservatorship is
4 necessary. Unless the petitioner is a bank or other entity authorized
5 to conduct the business of a trust company, the petitioner shall
6 also file supplemental information as to why the appointment of
7 a conservator is required. The supplemental information to be
8 submitted shall include a brief statement of facts addressed to each
9 of the following categories:

10 (1) The inability of the proposed conservatee to properly provide
11 for his or her needs for physical health, food, clothing, and shelter.

12 (2) The location of the proposed conservatee's residence and
13 the ability of the proposed conservatee to live in the residence
14 while under conservatorship.

15 (3) Alternatives to conservatorship considered by the petitioner
16 and reasons why those alternatives are not available.

17 (4) Health or social services provided to the proposed
18 conservatee during the year preceding the filing of the petition,
19 when the petitioner has information as to those services.

20 (5) The inability of the proposed conservatee to substantially
21 manage his or her own financial resources, or to resist fraud or
22 undue influence.

23 The facts required to address the categories set forth in
24 paragraphs (1) to (5), inclusive, shall be set forth by the petitioner
25 when he or she has knowledge of the facts or by the declarations
26 or affidavits of other persons having knowledge of those facts.

27 Where any of the categories set forth in paragraphs (1) to (5),
28 inclusive, are not applicable to the proposed conservatorship, the
29 petitioner shall so indicate and state on the supplemental
30 information form the reasons therefor.

31 The Judicial Council shall develop a supplemental information
32 form for the information required pursuant to paragraphs (1) to
33 (5), inclusive, after consultation with individuals or organizations
34 approved by the Judicial Council, who represent public
35 conservators, court investigators, the State Bar, specialists with
36 experience in performing assessments and coordinating
37 community-based services, and legal services for the elderly and
38 disabled.

39 The supplemental information form shall be separate and distinct
40 from the form for the petition. The supplemental information shall

1 be confidential and shall be made available only to parties, persons
 2 given notice of the petition who have requested this supplemental
 3 information or who have appeared in the proceedings, their
 4 attorneys, and the court. The court shall have discretion at any
 5 other time to release the supplemental information to other persons
 6 if it would serve the interests of the conservatee. The clerk of the
 7 court shall make provision for limiting disclosure of the
 8 supplemental information exclusively to persons entitled thereto
 9 under this section.

10 (b) The petition shall set forth, so far as they are known to the
 11 petitioner, the names and addresses of the spouse or domestic
 12 partner, and of the relatives of the proposed conservatee within
 13 the second degree. If no spouse or domestic partner of the proposed
 14 conservatee or relatives of the proposed conservatee within the
 15 second degree are known to the petitioner, the petition shall set
 16 forth, so far as they are known to the petitioner, the names and
 17 addresses of the following persons who, for the purposes of Section
 18 1822, shall all be deemed to be relatives:

19 (1) A spouse or domestic partner of a predeceased parent of a
 20 proposed conservatee.

21 (2) The children of a predeceased spouse or domestic partner
 22 of a proposed conservatee.

23 (3) The siblings of the proposed conservatee's parents, if any,
 24 but if none, then the natural and adoptive children of the proposed
 25 conservatee's parents' siblings.

26 (4) The natural and adoptive children of the proposed
 27 conservatee's siblings.

28 (c) *If the petitioner is a professional fiduciary, as described in*
 29 *Section 2340, who is required to be licensed under the Professional*
 30 *Fiduciaries Act (Chapter 6 (commencing with Section 6500) of*
 31 *Division 3 of the Business and Professions Code), the petition*
 32 *shall include the following:*

33 (1) *The petitioner's proposed hourly fee schedule or another*
 34 *statement of his or her proposed compensation from the estate of*
 35 *the proposed conservatee for services performed as a conservator.*

36 (e)

37 (2) ~~Unless the a petition for appointment of a temporary~~
 38 ~~guardian or a temporary conservator that contains the statements~~
 39 ~~required by this paragraph is filed together with a petition for~~
 40 ~~appointment of a guardian or a conservator, if the petitioner is~~

1 ~~licensed under the Professional Fiduciaries Act, Chapter 6~~
2 ~~(commencing with Section 6500) of Division 3 of the Business~~
3 ~~and Professions Code, the petition shall include both of the~~
4 following:

5 ~~(1)~~

6 (A) A statement of the petitioner's license information.

7 ~~(2)~~

8 (B) A statement explaining who engaged the petitioner or how
9 the petitioner was engaged to file the petition for appointment of
10 a conservator *or to agree to accept the appointment as conservator*
11 and what prior relationship the petitioner had with the proposed
12 conservatee or the proposed conservatee's family or friends.

13 (d) If the petition is filed by a person other than the proposed
14 conservatee, the petition shall include a declaration of due diligence
15 showing both of the following:

16 (1) Either the efforts to find the proposed conservatee's relatives
17 or why it was not feasible to contact any of them.

18 (2) Either the preferences of the proposed conservatee
19 concerning the appointment of a conservator and the appointment
20 of the proposed conservator or why it was not feasible to ascertain
21 those preferences.

22 (e) If the petition is filed by a person other than the proposed
23 conservatee, the petition shall state whether or not the petitioner
24 is a creditor or debtor, or the agent of a creditor or debtor, of the
25 proposed conservatee.

26 (f) If the proposed conservatee is a patient in or on leave of
27 absence from a state institution under the jurisdiction of the State
28 Department of State Hospitals or the State Department of
29 Developmental Services and that fact is known to the petitioner,
30 the petition shall state that fact and name the institution.

31 (g) The petition shall state, so far as is known to the petitioner,
32 whether or not the proposed conservatee is receiving or is entitled
33 to receive benefits from the Veterans Administration and the
34 estimated amount of the monthly benefit payable by the Veterans
35 Administration for the proposed conservatee.

36 (h) The petition may include an application for any order or
37 orders authorized under this division, including, but not limited
38 to, orders under Chapter 4 (commencing with Section 1870).

39 (i) The petition may include a further statement that the proposed
40 conservatee is not willing to attend the hearing on the petition,

1 does not wish to contest the establishment of the conservatorship,
2 and does not object to the proposed conservator or prefer that
3 another person act as conservator.

4 (j) In the case of an allegedly developmentally disabled adult,
5 the petition shall set forth the following:

6 (1) The nature and degree of the alleged disability, the specific
7 duties and powers requested by or for the limited conservator, and
8 the limitations of civil and legal rights requested to be included in
9 the court’s order of appointment.

10 (2) Whether or not the proposed limited conservatee is or is
11 alleged to be developmentally disabled.

12 Reports submitted pursuant to Section 416.8 of the Health and
13 Safety Code meet the requirements of this section, and
14 conservatorships filed pursuant to Article 7.5 (commencing with
15 Section 416) of Part 1 of Division 1 of the Health and Safety Code
16 are exempt from providing the supplemental information required
17 by this section, so long as the guidelines adopted by the State
18 Department of Developmental Services for regional centers require
19 the same information that is required pursuant to this section.

20 *SEC. 3. Section 2250 of the Probate Code is amended to read:*

21 2250. (a) On or after the filing of a petition for appointment
22 of a guardian or conservator, any person entitled to petition for
23 appointment of the guardian or conservator may file a petition for
24 appointment of:

- 25 (1) A temporary guardian of the person or estate, or both.
- 26 (2) A temporary conservator of the person or estate, or both.

27 (b) The petition shall state facts which establish good cause for
28 appointment of the temporary guardian or temporary conservator.
29 The court, upon that petition or other showing as it may require,
30 may appoint a temporary guardian of the person or estate, or both,
31 or a temporary conservator of the person or estate, or both, to serve
32 pending the final determination of the court upon the petition for
33 the appointment of the guardian or conservator.

34 (c) If the petitioner is a ~~private professional conservator under~~
35 ~~Section 2341 or professional fiduciary, as described in Section~~
36 ~~2340, who is required to be licensed under the Professional~~
37 ~~Fiduciaries Act, Chapter Act (Chapter 6 (commencing with Section~~
38 ~~6500) of Division 3 of the Business and Professions Code, Code),~~
39 the petition for appointment of a temporary *guardian or temporary*
40 conservator shall include ~~both of~~ the following:

1 (1) *The petitioner's proposed hourly fee schedule or another*
2 *statement of his or her proposed compensation from the estate of*
3 *the proposed ward or proposed conservatee for services performed*
4 *as a guardian or conservator.*

5 (2) *Unless a petition for appointment of a guardian or*
6 *conservator that contains the statements required by this paragraph*
7 *is filed together with a petition for appointment of a temporary*
8 *guardian or temporary conservator, both of the following:*

9 (1)

10 (A) A statement of the petitioner's registration or license
11 information.

12 (2)

13 (B) A statement explaining who engaged the petitioner or how
14 the petitioner was engaged to file the petition for appointment of
15 a temporary *guardian or temporary conservator or to agree to*
16 *accept the appointment as temporary guardian or temporary*
17 *conservator and what prior relationship the petitioner had with the*
18 *proposed ward or proposed conservatee or the proposed ward's*
19 *or proposed conservatee's family or friends, unless that information*
20 *is included in a petition for appointment of a general conservator*
21 *filed at the same time by the person who filed the petition for*
22 *appointment of a temporary conservator. friends.*

23 (d) If the petition is filed by a party other than the proposed
24 conservatee, the petition shall include a declaration of due diligence
25 showing both of the following:

26 (1) Either the efforts to find the proposed conservatee's relatives
27 named in the petition for appointment of a general conservator or
28 why it was not feasible to contact any of them.

29 (2) Either the preferences of the proposed conservatee
30 concerning the appointment of a temporary conservator and the
31 appointment of the proposed temporary conservator or why it was
32 not feasible to ascertain those preferences.

33 (e) Unless the court for good cause otherwise orders, at least
34 five court days before the hearing on the petition, notice of the
35 hearing shall be given as follows:

36 (1) Notice of the hearing shall be personally delivered to the
37 proposed ward if he or she is 12 years of age or older, to the parent
38 or parents of the proposed ward, and to any person having a valid
39 visitation order with the proposed ward that was effective at the
40 time of the filing of the petition. Notice of the hearing shall not be

1 delivered to the proposed ward if he or she is under 12 years of
2 age. In a proceeding for temporary guardianship of the person,
3 evidence that a custodial parent has died or become incapacitated,
4 and that the petitioner is the nominee of the custodial parent, may
5 constitute good cause for the court to order that this notice not be
6 delivered.

7 (2) Notice of the hearing shall be personally delivered to the
8 proposed conservatee, and notice of the hearing shall be served
9 on the persons required to be named in the petition for appointment
10 of conservator. If the petition states that the petitioner and the
11 proposed conservator have no prior relationship with the proposed
12 conservatee and has not been nominated by a family member,
13 friend, or other person with a relationship to the proposed
14 conservatee, notice of hearing shall be served on the public
15 guardian of the county in which the petition is filed.

16 (3) A copy of the petition for temporary appointment shall be
17 served with the notice of hearing.

18 (f) If a temporary guardianship is granted ex parte and the
19 hearing on the general guardianship petition is not to be held within
20 30 days of the granting of the temporary guardianship, the court
21 shall set a hearing within 30 days to reconsider the temporary
22 guardianship. Notice of the hearing for reconsideration of the
23 temporary guardianship shall be provided pursuant to Section
24 1511, except that the court may for good cause shorten the time
25 for the notice of the hearing.

26 (g) Visitation orders with the proposed ward granted prior to
27 the filing of a petition for temporary guardianship shall remain in
28 effect, unless for good cause the court orders otherwise.

29 (h) (1) If a temporary conservatorship is granted ex parte, and
30 a petition to terminate the temporary conservatorship is filed more
31 than 15 days before the first hearing on the general petition for
32 appointment of conservator, the court shall set a hearing within
33 15 days of the filing of the petition for termination of the temporary
34 conservatorship to reconsider the temporary conservatorship.
35 Unless the court otherwise orders, notice of the hearing on the
36 petition to terminate the temporary conservatorship shall be given
37 at least 10 days prior to the hearing.

38 (2) If a petition to terminate the temporary conservatorship is
39 filed within 15 days before the first hearing on the general petition
40 for appointment of conservator, the court shall set the hearing at

1 the same time that the hearing on the general petition is set. Unless
2 the court otherwise orders, notice of the hearing on the petition to
3 terminate the temporary conservatorship pursuant to this section
4 shall be given at least five court days prior to the hearing.

5 (i) If the court suspends powers of the guardian or conservator
6 under Section 2334 or 2654 or under any other provision of this
7 division, the court may appoint a temporary guardian or conservator
8 to exercise those powers until the powers are restored to the
9 guardian or conservator or a new guardian or conservator is
10 appointed.

11 (j) If for any reason a vacancy occurs in the office of guardian
12 or conservator, the court, on a petition filed under subdivision (a)
13 or on its own motion, may appoint a temporary guardian or
14 conservator to exercise the powers of the guardian or conservator
15 until a new guardian or conservator is appointed.

16 (k) On or before January 1, 2008, the Judicial Council shall
17 adopt a rule of court that establishes uniform standards for good
18 cause exceptions to the notice required by subdivision (e), limiting
19 those exceptions to only cases when waiver of the notice is
20 essential to protect the proposed conservatee or ward, or the estate
21 of the proposed conservatee or ward, from substantial harm.

22 (l) A superior court shall not be required to perform any duties
23 imposed pursuant to the amendments to this section enacted by
24 Chapter 493 of the Statutes 2006 until the Legislature makes an
25 appropriation identified for this purpose.

26 *SEC. 4. Section 2614.7 is added to the Probate Code, to read:*
27 *2614.7. If a guardian or conservator of the person or estate,*
28 *or both, is a professional fiduciary, as described in Section 2340,*
29 *who is required to be licensed under the Professional Fiduciaries*
30 *Act (Chapter 6 (commencing with Section 6500) of Division 3 of*
31 *the Business and Professions Code), the guardian or conservator*
32 *shall file, concurrently with the inventory and appraisal required*
33 *by Section 2610, a proposed hourly fee schedule or another*
34 *statement of his or her proposed compensation from the estate of*
35 *the ward or conservatee for services performed as a guardian or*
36 *conservator.*

37 *SEC. 5. Section 2643 of the Probate Code is amended to read:*
38 *2643. (a) ~~On~~ Except as provided in Section 2643.1, on petition*
39 *by the guardian or conservator of the person or estate, or both, the*
40 *court may by order authorize periodic payments on account to any*

1 one or more of the following persons for the services rendered by
 2 ~~such~~ that person during the period covered by each payment:

- 3 (1) The guardian of the person.
- 4 (2) The guardian of the estate.
- 5 (3) The conservator of the person.
- 6 (4) The conservator of the estate.
- 7 (5) The attorney for the guardian or conservator of the person
 8 or estate, or both.

9 (b) Notice of the hearing on the petition shall be given for the
 10 period and in the manner provided in Chapter 3 (commencing with
 11 Section 1460) of Part 1.

12 (c) The petition shall describe the services to be rendered on a
 13 periodic basis and the reason why authority to make periodic
 14 payments is requested. In fixing the amount of the periodic
 15 payment, the court shall take into account the services to be
 16 rendered on a periodic basis and the reasonable value of ~~such~~ those
 17 services. The guardian or conservator of the estate may make the
 18 periodic payments authorized by the order only if the services
 19 described in the petition are actually rendered. The payments made
 20 pursuant to the order are subject to review by the court upon the
 21 next succeeding account of the guardian or conservator of the
 22 estate to determine that the services were actually rendered and
 23 that the amount paid on account was not unreasonable, and the
 24 court shall make an appropriate order if the court determines that
 25 the amount paid on account was either excessive or inadequate in
 26 view of the services actually rendered.

27 *SEC. 6. Section 2643.1 is added to the Probate Code, to read:*
 28 *2643.1. (a) On petition by a guardian or conservator of the*
 29 *person or estate, or both, who is a professional fiduciary, as*
 30 *described in Section 2340 and who is required to be licensed under*
 31 *the Professional Fiduciaries Act (Chapter 6 (commencing with*
 32 *Section 6500) of Division 3 of the Business and Professions Code),*
 33 *the court may by order authorize periodic payments on account*
 34 *to a person described in subdivision (a) of Section 2643 for the*
 35 *services rendered by that person during the period covered by*
 36 *each payment only if that person has filed a proposed hourly fee*
 37 *schedule or another statement of his or her proposed compensation*
 38 *from the estate of the ward or conservatee for services performed*
 39 *as a guardian or conservator, as required by Section 2614.7, and*
 40 *only after the time for filing objections under subdivision (d) has*

1 expired and the court has addressed any objections filed pursuant
2 to that subdivision.

3 (b) The petition shall describe the services to be rendered on a
4 periodic basis, the reason why authority to make periodic payments
5 is requested, and a budget of anticipated estate income and
6 expenditures from the date the petition is filed up to, and including,
7 the date of the next succeeding account required by Section 2620.
8 In fixing the amount of the periodic payment, the court shall take
9 into account the services to be rendered on a periodic basis and
10 the reasonable value of those services.

11 (c) (1) Notice of the hearing on the petition and notice of how
12 to file an objection to the petition shall be given for the period and
13 in the manner provided in Chapter 3 (commencing with Section
14 1460) of Part 1.

15 (2) If a court investigator has been appointed, the notices
16 required by paragraph (1) shall be made to the court investigator
17 for the period and in the manner provided in Chapter 3
18 (commencing with Section 1460) of Part 1.

19 (d) (1) Within 30 days of giving notice as required by paragraph
20 (1) of subdivision (c), any person entitled to notice under that
21 paragraph may file with the court a written objection to the
22 authorization of periodic payments on account. The court clerk
23 shall set any objections for a hearing no fewer than 15 days after
24 the date the objections are filed.

25 (2) If an objection is filed pursuant to paragraph (1), the
26 guardian or conservator shall have the burden of establishing the
27 necessity for and amount, if any, of periodic payments.

28 (e) The guardian or conservator of the estate may make the
29 periodic payments authorized by the order only if the services
30 described in the petition are actually rendered. The payments made
31 pursuant to the order are subject to review by the court upon the
32 next succeeding account of the guardian or conservator of the
33 estate to determine that the services were actually rendered and
34 that the amount paid on account was not unreasonable, and the
35 court shall make an appropriate order if the court determines that
36 the amount paid on account was either excessive or inadequate in
37 view of the services actually rendered.

38 (f) If the next succeeding account required by Section 2620 is
39 not timely filed, the authorization for periodic payments granted
40 pursuant to this section shall terminate as of the date of that

1 *accounting. Nothing in this section shall preclude a guardian or*
2 *conservator from filing a subsequent petition to receive periodic*
3 *payments pursuant to this section.*

4 *(g) By January 1, 2015, the Judicial Council shall develop a*
5 *form to effectuate the notices required in subdivision (c).*

6 ~~SECTION 1. Section 6535 of the Business and Professions~~
7 ~~Code is amended to read:~~

8 ~~6535. The bureau shall approve or deny licensure in a timely~~
9 ~~manner to applicants who apply for licensure. Upon approval of~~
10 ~~a license, the bureau shall notify the applicant of issuance of the~~
11 ~~license, and shall issue a license certificate identifying the applicant~~
12 ~~as a “licensed professional fiduciary.”~~