

AMENDED IN ASSEMBLY JUNE 11, 2014

AMENDED IN ASSEMBLY JUNE 4, 2014

AMENDED IN SENATE APRIL 29, 2014

AMENDED IN SENATE MARCH 10, 2014

**SENATE BILL**

**No. 940**

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**Introduced by Senator Jackson**

February 4, 2014

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An act to amend Section 1913 of the Code of Civil Procedure, to add Section 70663 to the Government Code, and to amend Sections 1455, 1471, 1821, 1834, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1890, 2107, 2200, 2300, 2352, 2505, 2650, and 3800 of, to add Sections 1301.5 and 1851.1 to, and to add Chapter 8 (commencing with Section 1980) to Part 3 of Division 4 of, the Probate Code, relating to conservatorships.

LEGISLATIVE COUNSEL'S DIGEST

SB 940, as amended, Jackson. California Conservatorship Jurisdiction Act.

The Guardianship-Conservatorship Law generally establishes the standards and procedures for the appointment and termination of an appointment for a guardian or conservator of a person, an estate, or both. The law specifically requires, before the appointment of either a guardian or conservator is effective, the prospective guardian or conservator to take an oath to perform these duties according to the law.

This bill would enact, operative January 1, 2016, except as specified, the California Conservatorship Jurisdiction Act which is intended to be a modified version of the Uniform Adult Guardianship and Protective

Proceedings Jurisdiction Act. This bill would provide standards and procedures for establishing the proper jurisdiction for a proceeding to appoint a conservator of a person, an estate, or both. The bill would also establish conditions for the transfer of a conservatorship established within this state to a jurisdiction outside the state, and a transfer of a conservatorship into this state, and for the registration and recognition by this state of a conservatorship established by another state, a United States territory, a federally recognized Indian tribe, or other specified jurisdiction. This bill would establish rules relating to the appeals from orders made under the California Conservatorship Jurisdiction Act. This bill would authorize a \$30 charge for registering a conservatorship established outside this state to be deposited into the Trial Court Trust Fund.

This bill would authorize a court in a conservatorship proceeding to make specific requests of a court of another jurisdiction to take certain actions relating to that proceeding, including, but not limited to, holding an evidentiary hearing or ordering a person to produce testimony, and would further authorize a court in this state to grant similar requests from a court of another jurisdiction. This bill would require the Judicial Council to develop court rules and forms to implement the provisions of this act on or before January 1, 2016.

This bill would modify, limit, and supersede specified portions of the federal Electronic Signatures in Global and National Commerce Act, as it relates to these provisions. This bill would also specify that the scope of the required oath obligates a guardian or conservator to comply with applicable laws, at all times, in any location within or without the state.

This bill would make conforming changes to related provisions.

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

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

1 SECTION 1. Section 1913 of the Code of Civil Procedure is  
2 amended to read:  
3 1913. (a) Subject to subdivision (b), the effect of a judicial  
4 record of a sister state is the same in this state as in the state where  
5 it was made, except that it can only be enforced in this state by an  
6 action or special proceeding.

1 (b) The authority of a guardian, conservator, or committee, or  
2 of a personal representative, does not extend beyond the jurisdiction  
3 of the government under which that person was invested with  
4 authority, except to the extent expressly authorized by Article 4  
5 (commencing with Section 2011) of Chapter 8 of Part 3 of Division  
6 4 of the Probate Code or another statute.

7 SEC. 2. Section 70663 is added to the Government Code, to  
8 read:

9 70663. The fee for registering a conservatorship under Article  
10 4 (commencing with Section 2011) of Chapter 8 of Part 3 of  
11 Division 4 of the Probate Code is thirty dollars (\$30). The amounts  
12 collected shall be distributed to the Trial Court Trust Fund under  
13 Section 68085.1.

14 SEC. 3. Section 1301.5 is added to the Probate Code, to read:

15 1301.5. The following rules apply with respect to the California  
16 Conservatorship Jurisdiction Act (Chapter 8 (commencing with  
17 Section 1980) of Part 3 of Division 4):

18 (a) (1) An appeal may be taken from an order assessing  
19 expenses against a party under Section 1997 if the amount exceeds  
20 five thousand dollars (\$5,000).

21 (2) An order under Section 1997 assessing expenses of five  
22 thousand dollars (\$5,000) or less against a party may be reviewed  
23 on an appeal by that party after entry of a final judgment or an  
24 appealable order in the conservatorship proceeding. At the  
25 discretion of the court of appeal, that type of order may also be  
26 reviewed upon petition for an extraordinary writ.

27 (b) An appeal may be taken from an order under Section 2001  
28 denying a petition to transfer a conservatorship to another state.

29 (c) An appeal may be taken from a final order under Section  
30 2002 accepting a transfer and appointing a conservator in this state.

31 (d) Notwithstanding any other law, an appeal may not be taken  
32 from either of the following until the court enters a final order  
33 under Section 2002 accepting the proposed transfer and appointing  
34 a conservator in this state:

35 (1) An order under Section 2002 determining whether or how  
36 to conform a conservatorship to the law of this state.

37 (2) An order that is made pursuant to a court review under  
38 Sections 1851.1 and 2002.

39 SEC. 4. Section 1455 of the Probate Code is amended to read:

1 1455. Any petition for instructions or to grant a guardian or a  
2 conservator any power or authority under this division, which may  
3 be filed by a guardian or conservator, may also be filed by a person  
4 who petitions for the appointment of a guardian or conservator,  
5 including, but not limited to, a person who petitions under Section  
6 2002 for transfer of conservatorship.

7 SEC. 5. Section 1471 of the Probate Code is amended to read:

8 1471. (a) If a conservatee, proposed conservatee, or person  
9 alleged to lack legal capacity is unable to retain legal counsel and  
10 requests the appointment of counsel to assist in the particular  
11 matter, whether or not that person lacks or appears to lack legal  
12 capacity, the court shall, at or before the time of the hearing,  
13 appoint the public defender or private counsel to represent the  
14 interest of that person in the following proceedings under this  
15 division:

16 (1) A proceeding to establish or transfer a conservatorship or  
17 to appoint a proposed conservator.

18 (2) A proceeding to terminate the conservatorship.

19 (3) A proceeding to remove the conservator.

20 (4) A proceeding for a court order affecting the legal capacity  
21 of the conservatee.

22 (5) A proceeding to obtain an order authorizing removal of a  
23 temporary conservatee from the temporary conservatee's place of  
24 residence.

25 (b) If a conservatee or proposed conservatee does not plan to  
26 retain legal counsel and has not requested the court to appoint legal  
27 counsel, whether or not that person lacks or appears to lack legal  
28 capacity, the court shall, at or before the time of the hearing,  
29 appoint the public defender or private counsel to represent the  
30 interests of that person in any proceeding listed in subdivision (a)  
31 if, based on information contained in the court investigator's report  
32 or obtained from any other source, the court determines that the  
33 appointment would be helpful to the resolution of the matter or is  
34 necessary to protect the interests of the conservatee or proposed  
35 conservatee.

36 (c) In any proceeding to establish a limited conservatorship, if  
37 the proposed limited conservatee has not retained legal counsel  
38 and does not plan to retain legal counsel, the court shall  
39 immediately appoint the public defender or private counsel to  
40 represent the proposed limited conservatee. The proposed limited

1 conservatee shall pay the cost for that legal service if he or she is  
2 able. This subdivision applies irrespective of any medical or  
3 psychological inability to attend the hearing on the part of the  
4 proposed limited conservatee as allowed in Section 1825.

5 SEC. 6. Section 1821 of the Probate Code is amended to read:

6 1821. (a) The petition shall request that a conservator be  
7 appointed for the person or estate, or both, shall specify the name,  
8 address, and telephone number of the proposed conservator and  
9 the name, address, and telephone number of the proposed  
10 conservatee, and state the reasons why a conservatorship is  
11 necessary. Unless the petitioner or proposed conservator is a bank  
12 or other entity authorized to conduct the business of a trust  
13 company, the petitioner or proposed conservator shall also file  
14 supplemental information as to why the appointment of a  
15 conservator is required. The supplemental information to be  
16 submitted shall include a brief statement of facts addressed to each  
17 of the following categories:

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

20 (2) The location of the proposed conservatee's residence and  
21 the ability of the proposed conservatee to live in the residence  
22 while under conservatorship.

23 (3) Alternatives to conservatorship considered by the petitioner  
24 or proposed conservator and reasons why those alternatives are  
25 not available.

26 (4) Health or social services provided to the proposed  
27 conservatee during the year preceding the filing of the petition,  
28 when the petitioner or proposed conservator has information as to  
29 those services.

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

33 The facts required to address the categories set forth in  
34 paragraphs (1) to (5), inclusive, shall be set forth by the petitioner  
35 or proposed conservator if he or she has knowledge of the facts or  
36 by the declarations or affidavits of other persons having knowledge  
37 of those facts.

38 If any of the categories set forth in paragraphs (1) to (5),  
39 inclusive, are not applicable to the proposed conservatorship, the

1 petitioner or proposed conservator shall so indicate and state on  
2 the supplemental information form the reasons therefor.

3 The Judicial Council shall develop a supplemental information  
4 form for the information required pursuant to paragraphs (1) to  
5 (5), inclusive, after consultation with individuals or organizations  
6 approved by the Judicial Council, who represent public  
7 conservators, court investigators, the State Bar, specialists with  
8 experience in performing assessments and coordinating  
9 community-based services, and legal services for the elderly and  
10 disabled.

11 The supplemental information form shall be separate and distinct  
12 from the form for the petition. The supplemental information shall  
13 be confidential and shall be made available only to parties, persons  
14 given notice of the petition who have requested this supplemental  
15 information or who have appeared in the proceedings, their  
16 attorneys, and the court. The court shall have discretion at any  
17 other time to release the supplemental information to other persons  
18 if it would serve the interests of the conservatee. The clerk of the  
19 court shall make provision for limiting disclosure of the  
20 supplemental information exclusively to persons entitled thereto  
21 under this section.

22 (b) The petition shall set forth, so far as they are known to the  
23 petitioner or proposed conservator, the names and addresses of the  
24 spouse or domestic partner, and of the relatives of the proposed  
25 conservatee within the second degree. If no spouse or domestic  
26 partner of the proposed conservatee or relatives of the proposed  
27 conservatee within the second degree are known to the petitioner  
28 or proposed conservator, the petition shall set forth, so far as they  
29 are known to the petitioner or proposed conservator, the names  
30 and addresses of the following persons who, for the purposes of  
31 Section 1822, shall all be deemed to be relatives:

32 (1) A spouse or domestic partner of a predeceased parent of a  
33 proposed conservatee.

34 (2) The children of a predeceased spouse or domestic partner  
35 of a proposed conservatee.

36 (3) The siblings of the proposed conservatee's parents, if any,  
37 but if none, then the natural and adoptive children of the proposed  
38 conservatee's parents' siblings.

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

1 (c) If the petitioner or proposed conservator is a professional  
2 fiduciary, as described in Section 2340, who is required to be  
3 licensed under the Professional Fiduciaries Act (Chapter 6  
4 (commencing with Section 6500) of Division 3 of the Business  
5 and Professions Code), the petition shall include the following:

6 (1) The petitioner's or proposed conservator's proposed hourly  
7 fee schedule or another statement of his or her proposed  
8 compensation from the estate of the proposed conservatee for  
9 services performed as a conservator. The petitioner's or proposed  
10 conservator's provision of a proposed hourly fee schedule or  
11 another statement of his or her proposed compensation, as required  
12 by this paragraph, shall not preclude a court from later reducing  
13 the petitioner's or proposed conservator's fees or other  
14 compensation.

15 (2) Unless a petition for appointment of a temporary conservator  
16 that contains the statements required by this paragraph is filed  
17 together with a petition for appointment of a conservator, both of  
18 the following:

19 (A) A statement of the petitioner's or proposed conservator's  
20 license information.

21 (B) A statement explaining who engaged the petitioner or  
22 proposed conservator or how the petitioner or proposed conservator  
23 was engaged to file the petition for appointment of a conservator  
24 or to agree to accept the appointment as conservator and what prior  
25 relationship the petitioner or proposed conservator had with the  
26 proposed conservatee or the proposed conservatee's family or  
27 friends.

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

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

33 (2) Either the preferences of the proposed conservatee  
34 concerning the appointment of a conservator and the appointment  
35 of the proposed conservator or why it was not feasible to ascertain  
36 those preferences.

37 (e) If the petition is filed by a person other than the proposed  
38 conservatee, the petition shall state whether or not the petitioner  
39 is a creditor or debtor, or the agent of a creditor or debtor, of the  
40 proposed conservatee.

1 (f) If the proposed conservatee is a patient in or on leave of  
2 absence from a state institution under the jurisdiction of the State  
3 Department of State Hospitals or the State Department of  
4 Developmental Services and that fact is known to the petitioner  
5 or proposed conservator, the petition shall state that fact and name  
6 the institution.

7 (g) The petition shall state, so far as is known to the petitioner  
8 or proposed conservator, whether or not the proposed conservatee  
9 is receiving or is entitled to receive benefits from the Veterans  
10 Administration and the estimated amount of the monthly benefit  
11 payable by the Veterans Administration for the proposed  
12 conservatee.

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

16 (i) The petition may include a further statement that the proposed  
17 conservatee is not willing to attend the hearing on the petition,  
18 does not wish to contest the establishment of the conservatorship,  
19 and does not object to the proposed conservator or prefer that  
20 another person act as conservator.

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

23 (1) The nature and degree of the alleged disability, the specific  
24 duties and powers requested by or for the limited conservator, and  
25 the limitations of civil and legal rights requested to be included in  
26 the court's order of appointment.

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

29 Reports submitted pursuant to Section 416.8 of the Health and  
30 Safety Code meet the requirements of this section, and  
31 conservatorships filed pursuant to Article 7.5 (commencing with  
32 Section 416) of Chapter 2 of Part 1 of Division 1 of the Health and  
33 Safety Code are exempt from providing the supplemental  
34 information required by this section, so long as the guidelines  
35 adopted by the State Department of Developmental Services for  
36 regional centers require the same information that is required  
37 pursuant to this section.

38 (k) The petition shall state, so far as is known to the petitioner,  
39 whether or not the proposed conservatee is a member of a federally  
40 recognized Indian tribe. If so, the petition shall state the name of

1 the tribe, the state in which the tribe is located, whether the  
2 proposed conservatee resides on tribal land, and whether the  
3 proposed conservatee is known to own property on tribal land. For  
4 the purposes of this subdivision, “tribal land” means land that is,  
5 with respect to a specific Indian tribe and the members of that  
6 tribe, “Indian country” as defined in Section 1151 of Title 18 of  
7 the United States Code.

8 SEC. 7. Section 1834 of the Probate Code is amended to read:

9 1834. (a) Before letters are issued in a conservatorship that  
10 originates in this state or a conservatorship that is transferred to  
11 this state under Chapter 8 (commencing with Section 1980), the  
12 conservator (other than a trust company or a public conservator)  
13 shall file an acknowledgment of receipt of (1) a statement of duties  
14 and liabilities of the office of conservator, and (2) a copy of the  
15 conservatorship information required under Section 1835. The  
16 acknowledgment and the statement shall be in the form prescribed  
17 by the Judicial Council.

18 (b) The court may by local rules require the acknowledgment  
19 of receipt to include the conservator’s birth date and driver’s license  
20 number, if any, provided that the court ensures their confidentiality.

21 (c) The statement of duties and liabilities prescribed by the  
22 Judicial Council shall not supersede the law on which the statement  
23 is based.

24 SEC. 8. Section 1840 of the Probate Code is amended to read:

25 1840. Except as otherwise provided in this article, a conservator  
26 for an absentee (Section 1403) shall be appointed as provided in  
27 Article 3 (commencing with Section 1820) of this chapter or Article  
28 3 (commencing with Section 2001) of Chapter 8.

29 SEC. 9. Section 1841 of the Probate Code is amended to read:

30 1841. In addition to the other required contents of the petition,  
31 if the proposed conservatee is an absentee:

32 (a) The petition, and any notice required by Section 1822 or  
33 2002, or any other law, shall set forth the last known military rank  
34 or grade and the social security account number of the proposed  
35 conservatee.

36 (b) The petition shall state whether the absentee’s spouse has  
37 commenced any action or proceeding against the absentee for  
38 judicial or legal separation, dissolution of marriage, annulment,  
39 or adjudication of nullity of their marriage.

40 SEC. 10. Section 1842 of the Probate Code is amended to read:

1 1842. In addition to the persons and entities to whom notice  
2 of hearing is required under Section 1822 or 2002, if the proposed  
3 conservatee is an absentee, a copy of the petition and notice of the  
4 time and place of the hearing shall be mailed at least 15 days before  
5 the hearing to the secretary concerned or to the head of the United  
6 States department or agency concerned, as the case may be. In  
7 such case, notice shall also be published pursuant to Section 6061  
8 of the Government Code in a newspaper of general circulation in  
9 the county in which the hearing will be held.

10 SEC. 11. Section 1843 of the Probate Code is amended to read:

11 1843. (a) No citation is required under Section 1823 to the  
12 proposed conservatee if the proposed conservatee is an absentee.

13 (b) No notice is required under Section 2002 to the proposed  
14 conservatee if the proposed conservatee is an absentee.

15 SEC. 12. Section 1844 of the Probate Code is amended to read:

16 1844. (a) In a proceeding to appoint a conservator for an  
17 absentee under Article 3 (commencing with Section 1820) of this  
18 chapter or Article 3 (commencing with Section 2001) of Chapter  
19 8, an official written report or record complying with Section 1283  
20 of the Evidence Code that a proposed conservatee is an absentee  
21 shall be received as evidence of that fact and the court shall not  
22 determine the status of the proposed conservatee inconsistent with  
23 the status determined as shown by the written report or record.

24 (b) The inability of the proposed conservatee to attend the  
25 hearing is established by the official written report or record  
26 referred to in subdivision (a).

27 SEC. 13. Section 1845 of the Probate Code is amended to read:

28 1845. (a) Except as otherwise provided in this article, a  
29 conservator of the estate of a person who is missing and whose  
30 whereabouts is unknown shall be appointed as provided in Article  
31 3 (commencing with Section 1820) of this chapter or Article 3  
32 (commencing with Section 2001) of Chapter 8.

33 (b) This article does not apply where the proposed conservatee  
34 is an absentee as defined in Section 1403.

35 SEC. 14. Section 1846 of the Probate Code is amended to read:

36 1846. In addition to the other required contents of the petition,  
37 if the proposed conservatee is a person who is missing and whose  
38 whereabouts is unknown, the petition shall state all of the  
39 following:

1 (a) The proposed conservatee owns or is entitled to the  
2 possession of real or personal property located in this state. In a  
3 proceeding to transfer a conservatorship of a missing person to  
4 this state under Article 3 (commencing with Section 2001) of  
5 Chapter 8, this requirement is also satisfied if the petition states  
6 that the proposed conservatee owns or is entitled to the possession  
7 of personal property that is to be relocated to this state upon  
8 approval of the transfer.

9 (b) The time and circumstance of the person’s disappearance  
10 and that the missing person has not been heard from by the persons  
11 most likely to hear (naming them and their relationship to the  
12 missing person) since the time of disappearance and that the  
13 whereabouts of the missing person is unknown to those persons  
14 and to the petitioner.

15 (c) The last known residence of the missing person.

16 (d) A description of any search or inquiry made concerning the  
17 whereabouts of the missing person.

18 (e) A description of the estate of the proposed conservatee which  
19 requires attention, supervision, and care.

20 SEC. 15. Section 1847 of the Probate Code is amended to read:

21 1847. In addition to the persons and entities to whom notice  
22 of hearing is required under Section 1822 or 2002, if the proposed  
23 conservatee is a person who is missing and whose whereabouts is  
24 unknown:

25 (a) A copy of the petition for appointment of a conservator and  
26 notice of the time and place of the hearing on the petition shall be  
27 mailed at least 15 days before the hearing to the proposed  
28 conservatee at the last known address of the proposed conservatee.

29 (b) Notice of the time and place of the hearing shall also be  
30 published pursuant to Section 6061 of the Government Code in a  
31 newspaper of general circulation in the county in which the  
32 proposed conservatee was last known to reside if the proposed  
33 conservatee’s last known address is in this state.

34 (c) Pursuant to Section 1202, the court may require that further  
35 or additional notice of the hearing be given.

36 SEC. 16. Section 1848 of the Probate Code is amended to read:

37 1848. (a) In a proceeding under Article 3 (commencing with  
38 Section 1820) to appoint a conservator of the estate of a person  
39 who is missing and whose whereabouts is unknown, the following  
40 acts are not required:

1 (1) Issuance of a citation to the proposed conservatee pursuant  
2 to Section 1823.

3 (2) Service of a citation and petition pursuant to Section 1824.

4 (3) Production of the proposed conservatee at the hearing  
5 pursuant to Section 1825.

6 (4) Performance of the duties of the court investigator pursuant  
7 to Section 1826.

8 (5) Performance of any other act that depends upon knowledge  
9 of the location of the proposed conservatee.

10 (b) In a proceeding to transfer a conservatorship of a missing  
11 person to this state under Article 3 (commencing with Section  
12 2001) of Chapter 8, the following acts are not required:

13 (1) Notice to the proposed conservatee pursuant to Section 2002.

14 (2) Production of the proposed conservatee at the hearings  
15 pursuant to Section 2002.

16 (3) Performance of the duties of the court investigator pursuant  
17 to Section 1851.1.

18 (4) Performance of any other act that depends upon knowledge  
19 of the location of the proposed conservatee.

20 SEC. 17. Section 1849 of the Probate Code is amended to read:

21 1849. A conservator of the estate of a person who is missing  
22 and whose whereabouts is unknown may be appointed only if the  
23 court finds all of the following:

24 (a) The proposed conservatee owns or is entitled to the  
25 possession of real or personal property located in this state. In a  
26 proceeding to transfer a conservatorship of a missing person to  
27 this state under Article 3 (commencing with Section 2001) of  
28 Chapter 8, this requirement is also satisfied if the court finds that  
29 the proposed conservatee owns or is entitled to the possession of  
30 personal property that is to be relocated to this state upon approval  
31 of the transfer.

32 (b) The proposed conservatee remains missing and his or her  
33 whereabouts remains unknown.

34 (c) The estate of the proposed conservatee requires attention,  
35 supervision, and care.

36 SEC. 18. Section 1851.1 is added to the Probate Code, to read:

37 1851.1. (a) When a court issues an order provisionally granting  
38 a petition under Section 2002, the investigator appointed under  
39 Section 2002 shall promptly commence an investigation under this  
40 section.

- 1 (b) In conducting an investigation and preparing a report under  
2 this section, the court investigator shall do all of the following:
- 3 (1) Comply with the requirements of Section 1851.
  - 4 (2) Conduct an interview of the conservator.
  - 5 (3) Conduct an interview of the conservatee’s spouse or  
6 registered domestic partner, if any.
  - 7 (4) Inform the conservatee of the nature, purpose, and effect of  
8 the conservatorship.
  - 9 (5) Inform the conservatee and all other persons entitled to  
10 notice under subdivision (b) of Section 2002 of the right to seek  
11 termination of the conservatorship.
  - 12 (6) Determine whether the conservatee objects to the conservator  
13 or prefers another person to act as conservator.
  - 14 (7) Inform the conservatee of the right to attend the hearing  
15 under subdivision (c).
  - 16 (8) Determine whether it appears that the conservatee is unable  
17 to attend the hearing and, if able to attend, whether the conservatee  
18 is willing to attend the hearing.
  - 19 (9) Inform the conservatee of the right to be represented by legal  
20 counsel if the conservatee so chooses, and to have legal counsel  
21 appointed by the court if the conservatee is unable to retain legal  
22 counsel.
  - 23 (10) Determine whether the conservatee wishes to be represented  
24 by legal counsel and, if so, whether the conservatee has retained  
25 legal counsel and, if not, the name of an attorney the conservatee  
26 wishes to retain.
  - 27 (11) If the conservatee has not retained legal counsel, determine  
28 whether the conservatee desires the court to appoint legal counsel.
  - 29 (12) Determine whether the appointment of legal counsel would  
30 be helpful to the resolution of the matter or is necessary to protect  
31 the interests of the conservatee in any case where the conservatee  
32 does not plan to retain legal counsel and has not requested the  
33 appointment of legal counsel by the court.
  - 34 (13) Consider each of the categories specified in paragraphs (1)  
35 to (5), inclusive, of subdivision (a) of Section 1821.
  - 36 (14) Consider, to the extent practicable, whether the investigator  
37 believes the conservatee suffers from any of the mental function  
38 deficits listed in subdivision (a) of Section 811 that significantly  
39 impairs the conservatee’s ability to understand and appreciate the  
40 consequences of the conservatee’s actions in connection with any

1 of the functions described in subdivision (a) or (b) of Section 1801  
2 and identify the observations that support that belief.

3 (c) The court shall review the conservatorship as provided in  
4 Section 2002. The conservatee shall attend the hearing unless the  
5 conservatee's attendance is excused under Section 1825. The court  
6 may take appropriate action in response to the court investigator's  
7 report under this section.

8 (d) The court investigator's report under this section shall be  
9 confidential as provided in Section 1851.

10 (e) Except as provided in paragraph (2) of subdivision (a) of  
11 Section 1850, the court shall review the conservatorship again one  
12 year after the review conducted pursuant to subdivision (c), and  
13 annually thereafter, in the manner specified in Section 1850.

14 (f) The first time that the need for a conservatorship is  
15 challenged by any interested person or raised on the court's own  
16 motion after a transfer under Section 2002, whether in a review  
17 pursuant to this section or in a petition to terminate the  
18 conservatorship under Chapter 3 (commencing with Section 1860),  
19 the court shall presume that there is no need for a conservatorship.  
20 This presumption is rebuttable, but can only be overcome by clear  
21 and convincing evidence. The court shall make an express finding  
22 on whether continuation of the conservatorship is the least  
23 restrictive alternative needed for the protection of the conservatee.

24 (g) If a duty described in this section is the same as a duty  
25 imposed pursuant to the amendments to Sections 1826, 1850, 1851,  
26 2250, 2253, and 2620 and the addition of Sections 2250.4 and  
27 2250.6 enacted by Chapter 493 of the Statutes of 2006, and the  
28 addition of Section 1051 enacted by Chapter 492 of the Statutes  
29 of 2006, a superior court shall not be required to perform that duty  
30 until the Legislature makes an appropriation identified for this  
31 purpose.

32 SEC. 19. Section 1890 of the Probate Code is amended to read:

33 1890. (a) An order of the court under Section 1880 may be  
34 included in the order of appointment of the conservator if the order  
35 was requested in the petition for the appointment of the conservator  
36 or the transfer petition under Section 2002 or, except in the case  
37 of a limited conservator, may be made subsequently upon a petition  
38 made, noticed, and heard by the court in the manner provided in  
39 this article.

1 (b) In the case of a petition filed under this chapter requesting  
2 that the court make an order under this chapter or that the court  
3 modify or revoke an order made under this chapter, when the order  
4 applies to a limited conservatee, the order may only be made upon  
5 a petition made, noticed, and heard by the court in the manner  
6 provided by Article 3 (commencing with Section 1820) of Chapter  
7 1.

8 (c) No court order under Section 1880, whether issued as part  
9 of an order granting the original petition for appointment of a  
10 conservator or issued subsequent thereto, may be granted unless  
11 supported by a declaration, filed at or before the hearing on the  
12 request, executed by a licensed physician, or a licensed  
13 psychologist within the scope of his or her licensure, and stating  
14 that the proposed conservatee or the conservatee, as the case may  
15 be, lacks the capacity to give an informed consent for any form of  
16 medical treatment and the reasons therefor. Nothing in this section  
17 shall be construed to expand the scope of practice of psychologists  
18 as set forth in the Business and Professions Code.

19 SEC. 20. Chapter 8 (commencing with Section 1980) is added  
20 to Part 3 of Division 4 of the Probate Code, to read:

21  
22 CHAPTER 8. INTERSTATE JURISDICTION, TRANSFER, AND  
23 RECOGNITION: CALIFORNIA CONSERVATORSHIP JURISDICTION ACT  
24

25 Article 1. General Provisions  
26

27 1980. (a) By enacting this chapter, it is the Legislature's intent  
28 to enact a modified version of the Uniform Adult Guardianship  
29 and Protective Proceedings Jurisdiction Act.

30 (b) This chapter may be cited as the "California Conservatorship  
31 Jurisdiction Act."

32 1981. (a) (1) This chapter does not apply to a minor, regardless  
33 of whether the minor is or was married.

34 (2) This chapter does not apply to any proceeding in which a  
35 person is appointed to provide personal care or property  
36 administration for a minor, including, but not limited to, a  
37 guardianship under Part 2 (commencing with Section 1500).

38 (b) This chapter does not apply to any proceeding in which a  
39 person is involuntarily committed to a mental health facility or  
40 subjected to other involuntary mental health care, including, but

1 not limited to, any of the following proceedings or any proceeding  
2 that is similar in substance:

3 (1) A proceeding under Sections 1026 to 1027, inclusive, of the  
4 Penal Code.

5 (2) A proceeding under Chapter 6 (commencing with Section  
6 1367) of Title 10 of Part 2 of the Penal Code.

7 (3) A proceeding under Article 4 (commencing with Section  
8 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.

9 (4) A proceeding under Article 6 (commencing with Section  
10 1800) of Chapter 1 of Division 2.5 of the Welfare and Institutions  
11 Code.

12 (5) A proceeding under Article 2 (commencing with Section  
13 3050) of Chapter 1 of Division 3 of the Welfare and Institutions  
14 Code.

15 (6) A proceeding under Article 3 (commencing with Section  
16 3100) of Chapter 1 of Division 3 of the Welfare and Institutions  
17 Code.

18 (7) A proceeding under Part 1 (commencing with Section 5000)  
19 of Division 5 of the Welfare and Institutions Code, which is also  
20 known as the Lanterman-Petris-Short Act.

21 (8) A proceeding under Article 2 (commencing with Section  
22 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and  
23 Institutions Code.

24 (9) A proceeding under Article 4 (commencing with Section  
25 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and  
26 Institutions Code.

27 (c) Article 3 (commencing with Section 2001) does not apply  
28 to an adult with a developmental disability, or to any proceeding  
29 in which a person is appointed to provide personal care or property  
30 administration for an adult with a developmental disability,  
31 including, but not limited to, the following types of proceedings:

32 (1) A proceeding under Article 7.5 (commencing with Section  
33 416) of Chapter 2 of Part 1 of Division 1 of the Health and Safety  
34 Code.

35 (2) A limited conservatorship under subdivision (d) of Section  
36 1801.

37 (3) A proceeding under Section 4825 of the Welfare and  
38 Institutions Code.

1 (4) A proceeding under Article 2 (commencing with Section  
2 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and  
3 Institutions Code.

4 (d) Application of this chapter to a conservatee with dementia  
5 is subject to the express limitations of Sections 2002 and 2016, as  
6 well as the other requirements of this chapter.

7 1982. In this chapter:

8 (a) “Adult” means an individual who has attained 18 years of  
9 age.

10 (b) “Conservatee” means an adult for whom a conservator of  
11 the estate, a conservator of the person, or a conservator of the  
12 person and estate has been appointed.

13 (c) “Conservator” means a person appointed by the court to  
14 serve as a conservator of the estate, a conservator of the person,  
15 or a conservator of the person and estate.

16 (d) “Conservator of the estate” means a person appointed by  
17 the court to administer the property of an adult, including, but not  
18 limited to, a person appointed for that purpose under subdivision  
19 (b) of Section 1801.

20 (e) “Conservator of the person” means a person appointed by  
21 the court to make decisions regarding the person of an adult,  
22 including, but not limited to, a person appointed for that purpose  
23 under subdivision (a) of Section 1801.

24 (f) “Conservator of the person and estate” means a person  
25 appointed by the court to make decisions regarding the person of  
26 an adult and to administer the property of that adult, including, but  
27 not limited to, a person appointed for those purposes under  
28 subdivision (c) of Section 1801.

29 (g) “Conservatorship order” means an order appointing a  
30 conservator of the estate, a conservator of the person, or a  
31 conservator of the person and estate in a conservatorship  
32 proceeding.

33 (h) “Conservatorship proceeding” means a judicial proceeding  
34 in which an order for the appointment of a conservator of the estate,  
35 a conservator of the person, or a conservator of the person and  
36 estate is sought or has been issued.

37 (i) “Party” means the conservatee, proposed conservatee,  
38 petitioner, conservator, proposed conservator, or any other person  
39 allowed by the court to participate in a conservatorship proceeding.

1 (j) “Person” means an individual, corporation, business trust,  
2 estate, trust, partnership, limited liability company, association,  
3 joint venture, public corporation, government or governmental  
4 subdivision, agency, or instrumentality, or any other legal or  
5 commercial entity.

6 (k) “Proposed conservatee” means an adult for whom a  
7 conservatorship order is sought.

8 (l) “Record” means information that is inscribed on a tangible  
9 medium or that is stored in an electronic or other medium and is  
10 retrievable in perceivable form.

11 (m) Notwithstanding Section 74, “state” means a state of the  
12 United States, the District of Columbia, Puerto Rico, the United  
13 States Virgin Islands, a federally recognized Indian tribe, or any  
14 territory or insular possession subject to the jurisdiction of the  
15 United States.

16 1983. A court of this state may treat a foreign country as if it  
17 were a state for the purpose of applying this article and Articles  
18 2, 3, and 5.

19 1984. (a) A court of this state may communicate with a court  
20 in another state concerning a proceeding arising under this chapter.  
21 The court may allow the parties to participate in the  
22 communication. Except as otherwise provided in subdivision (b),  
23 the court shall make a record of the communication. The record  
24 may be limited to the fact that the communication occurred.

25 (b) Courts may communicate concerning schedules, calendars,  
26 court records, and other administrative matters without making a  
27 record.

28 1985. (a) In a conservatorship proceeding in this state, a court  
29 of this state may request the appropriate court of another state to  
30 do any of the following:

31 (1) Hold an evidentiary hearing.

32 (2) Order a person in that state to produce evidence or give  
33 testimony pursuant to procedures of that state.

34 (3) Order that an evaluation or assessment be made of the  
35 proposed conservatee.

36 (4) Order any appropriate investigation of a person involved in  
37 a proceeding.

38 (5) Forward to the court of this state a certified copy of the  
39 transcript or other record of a hearing under paragraph (1) or any  
40 other proceeding, any evidence otherwise produced under

1 paragraph (2), and any evaluation or assessment prepared in  
2 compliance with an order under paragraph (3) or (4).

3 (6) Issue any order necessary to ensure the appearance in the  
4 proceeding of a person whose presence is necessary for the court  
5 to make a determination, including the conservatee or the proposed  
6 conservatee.

7 (7) Issue an order authorizing the release of medical, financial,  
8 criminal, or other relevant information in that state, including  
9 protected health information as defined in Section 160.103 of Title  
10 45 of the Code of Federal Regulations.

11 (b) If a court of another state in which a conservatorship  
12 proceeding is pending requests assistance of the kind provided in  
13 subdivision (a), a court of this state has jurisdiction for the limited  
14 purpose of granting the request or making reasonable efforts to  
15 comply with the request.

16 (c) Travel and other necessary and reasonable expenses incurred  
17 under subdivisions (a) and (b) may be assessed against the parties  
18 according to the law of this state.

19 1986. (a) In a conservatorship proceeding, in addition to other  
20 procedures that may be available, testimony of a witness who is  
21 located in another state may be offered by deposition or other  
22 means allowable in this state for testimony taken in another state.  
23 The court on its own motion may order that the testimony of a  
24 witness be taken in another state and may prescribe the manner in  
25 which and the terms upon which the testimony is to be taken.

26 (b) In a conservatorship proceeding, a court in this state may  
27 permit a witness located in another state to be deposed or to testify  
28 by telephone or audiovisual or other electronic means. A court of  
29 this state shall cooperate with the court of the other state in  
30 designating an appropriate location for the deposition or testimony.

31

32

## Article 2. Jurisdiction

33

34 1991. (a) In this article:

35 (1) “Emergency” means a circumstance that likely will result  
36 in substantial harm to a proposed conservatee’s health, safety, or  
37 welfare, and for which the appointment of a conservator of the  
38 person is necessary because no other person has authority and is  
39 willing to act on behalf of the proposed conservatee.

1 (2) “Home state” means the state in which the proposed  
2 conservatee was physically present, including any period of  
3 temporary absence, for at least six consecutive months immediately  
4 before the filing of a petition for a conservatorship order, or, if  
5 none, the state in which the proposed conservatee was physically  
6 present, including any period of temporary absence, for at least  
7 six consecutive months ending within the six months prior to the  
8 filing of the petition.

9 (3) “Significant-connection state” means a state, other than the  
10 home state, with which a proposed conservatee has a significant  
11 connection other than mere physical presence and in which  
12 substantial evidence concerning the proposed conservatee is  
13 available.

14 (b) In determining under Section 1993 and subdivision (e) of  
15 Section 2001 whether a proposed conservatee has a significant  
16 connection with a particular state, the court shall consider all of  
17 the following:

18 (1) The location of the proposed conservatee’s family and other  
19 persons required to be notified of the conservatorship proceeding.

20 (2) The length of time the proposed conservatee at any time was  
21 physically present in the state and the duration of any absence.

22 (3) The location of the proposed conservatee’s property.

23 (4) The extent to which the proposed conservatee has ties to the  
24 state such as voting registration, state or local tax return filing,  
25 vehicle registration, driver’s license, social relationship, and receipt  
26 of services.

27 1992. For a conservatorship proceeding governed by this article,  
28 this article provides the exclusive basis for determining whether  
29 the courts of this state, as opposed to the courts of another state,  
30 have jurisdiction to appoint a conservator of the person, a  
31 conservator of the estate, or a conservator of the person and estate.

32 1993. (a) A court of this state has jurisdiction to appoint a  
33 conservator for a proposed conservatee if this state is the proposed  
34 conservatee’s home state.

35 (b) A court of this state has jurisdiction to appoint a conservator  
36 for a proposed conservatee if, on the date the petition is filed, this  
37 state is a significant-connection state and the respondent does not  
38 have a home state.

39 (c) A court of this state has jurisdiction to appoint a conservator  
40 for a proposed conservatee if, on the date the petition is filed, this

1 state is a significant-connection state and a court of the proposed  
2 conservatee's home state has expressly declined to exercise  
3 jurisdiction because this state is a more appropriate forum.

4 (d) A court of this state has jurisdiction to appoint a conservator  
5 for a proposed conservatee if both of the following conditions are  
6 satisfied:

7 (1) On the date the petition is filed, this state is a  
8 significant-connection state, the proposed conservatee has a home  
9 state, and a conservatorship petition is not pending in a court of  
10 the home state or another significant-connection state.

11 (2) Before the court makes the appointment, no conservatorship  
12 petition is filed in the proposed conservatee's home state, no  
13 objection to the court's jurisdiction is filed by a person required  
14 to be notified of the proceeding, and the court in this state  
15 concludes that it is an appropriate forum under the factors set forth  
16 in Section 1996.

17 (e) A court of this state has jurisdiction to appoint a conservator  
18 for a proposed conservatee if all of the following conditions are  
19 satisfied:

20 (1) This state does not have jurisdiction under subdivision (a),  
21 (b), (c), or (d).

22 (2) The proposed conservatee's home state and all  
23 significant-connection states have expressly declined to exercise  
24 jurisdiction because this state is the more appropriate forum.

25 (3) Jurisdiction in this state is consistent with the constitutions  
26 of this state and the United States.

27 (f) A court of this state has jurisdiction to appoint a conservator  
28 for a proposed conservatee if the requirements for special  
29 jurisdiction under Section 1994 are met.

30 1994. (a) A court of this state lacking jurisdiction under  
31 subdivisions (a) to (e), inclusive, of Section 1993 has special  
32 jurisdiction to do any of the following:

33 (1) Appoint a temporary conservator of the person in an  
34 emergency for a proposed conservatee who is physically present  
35 in this state. In making an appointment under this paragraph, a  
36 court shall follow the procedures specified in Chapter 3  
37 (commencing with Section 2250) of Part 4. The temporary  
38 conservatorship shall terminate in accordance with Section 2257.

39 (2) Appoint a conservator of the estate with respect to real or  
40 tangible personal property located in this state.

1 (3) Appoint a conservator of the person, conservator of the  
2 estate, or conservator of the person and estate for a proposed  
3 conservatee for whom a provisional order to transfer a proceeding  
4 from another state has been issued under procedures similar to  
5 Section 2001. In making an appointment under this paragraph, a  
6 court shall follow the procedures specified in Chapter 3  
7 (commencing with Section 2250) of Part 4. The temporary  
8 conservatorship shall terminate in accordance with Section 2257.

9 (b) If a petition for the appointment of a conservator of the  
10 person in an emergency is brought in this state and this state was  
11 not the home state of the proposed conservatee on the date the  
12 petition was filed, the court shall dismiss the proceeding at the  
13 request of the court of the home state, if any, whether dismissal is  
14 requested before or after the emergency appointment of a temporary  
15 conservator of the person.

16 1995. Except as otherwise provided in Section 1994, a court  
17 that has appointed a conservator consistent with this chapter has  
18 exclusive and continuing jurisdiction over the proceeding until it  
19 is terminated by the court or the appointment expires by its own  
20 terms.

21 1996. (a) (1) A court of this state having jurisdiction under  
22 Section 1993 to appoint a conservator may decline to exercise its  
23 jurisdiction if it determines at any time that a court of another state  
24 is a more appropriate forum.

25 (2) The issue of appropriate forum may be raised upon petition  
26 of any interested person, the court's own motion, or the request of  
27 another court.

28 (3) The petitioner, or, if there is no petitioner, the court in this  
29 state, shall give notice of the petition, motion, or request to the  
30 same persons and in the same manner as for a petition for a  
31 conservatorship under Section 1801. The notice shall state the  
32 basis for the petition, motion, or request, and shall inform the  
33 recipients of the date, time, and place of the hearing under  
34 paragraph (4). The notice shall also advise the recipients that they  
35 have a right to object to the petition, motion, or request. The notice  
36 to the potential conservatee shall inform the potential conservatee  
37 of the right to be represented by legal counsel if the potential  
38 conservatee so chooses, and to have legal counsel appointed by  
39 the court if the potential conservatee is unable to retain legal  
40 counsel.

1 (4) The court shall hold a hearing on the petition, motion, or  
2 request.

3 (b) If a court of this state declines to exercise its jurisdiction  
4 under subdivision (a), it shall grant the petition, motion, or request,  
5 and either dismiss or stay any conservatorship proceeding pending  
6 in this state. The court's order shall be based on evidence presented  
7 to the court. The order shall be in a record and shall expressly state  
8 that the court declines to exercise its jurisdiction because a court  
9 of another state is a more appropriate forum. The court may impose  
10 any condition the court considers just and proper, including the  
11 condition that a petition for the appointment of a conservator of  
12 the person, conservator of the estate, or conservator of the person  
13 and estate be filed promptly in another state.

14 (c) In determining whether it is an appropriate forum, the court  
15 shall consider all relevant factors, including all of the following:

16 (1) Any expressed preference of the proposed conservatee.

17 (2) Whether abuse, neglect, or exploitation of the proposed  
18 conservatee has occurred or is likely to occur and which state could  
19 best protect the proposed conservatee from the abuse, neglect, or  
20 exploitation.

21 (3) The length of time the proposed conservatee was physically  
22 present in or was a legal resident of this or another state.

23 (4) The location of the proposed conservatee's family, friends,  
24 and other persons required to be notified of the conservatorship  
25 proceeding.

26 (5) The distance of the proposed conservatee from the court in  
27 each state.

28 (6) The financial circumstances of the estate of the proposed  
29 conservatee.

30 (7) The nature and location of the evidence.

31 (8) The ability of the court in each state to decide the issue  
32 expeditiously and the procedures necessary to present evidence.

33 (9) The familiarity of the court of each state with the facts and  
34 issues in the proceeding.

35 (10) If an appointment were made, the court's ability to monitor  
36 the conduct of the conservator.

37 1997. (a) If at any time a court of this state determines that it  
38 acquired jurisdiction to appoint a conservator because of  
39 unjustifiable conduct, the court may do any of the following:

40 (1) Decline to exercise jurisdiction.

1 (2) Exercise jurisdiction for the limited purpose of fashioning  
2 an appropriate remedy to ensure the health, safety, and welfare of  
3 the conservatee or proposed conservatee or the protection of the  
4 property of the conservatee or proposed conservatee or to prevent  
5 a repetition of the unjustifiable conduct, including staying the  
6 proceeding until a petition for the appointment of a conservator  
7 of the person, conservator of the estate, or conservator of the person  
8 and estate is filed in a court of another state having jurisdiction.

9 (3) Continue to exercise jurisdiction after considering all of the  
10 following:

11 (A) The extent to which the conservatee or proposed conservatee  
12 and all persons required to be notified of the proceedings have  
13 acquiesced in the exercise of the court's jurisdiction.

14 (B) Whether it is a more appropriate forum than the court of  
15 any other state under the factors set forth in subdivision (c) of  
16 Section 1996.

17 (C) Whether the court of any other state would have jurisdiction  
18 under factual circumstances in substantial conformity with the  
19 jurisdictional standards of Section 1993.

20 (b) If a court of this state determines that it acquired jurisdiction  
21 to appoint a conservator because a party seeking to invoke its  
22 jurisdiction engaged in unjustifiable conduct, it may assess against  
23 that party necessary and reasonable expenses, including attorney's  
24 fees, investigative fees, court costs, communication expenses,  
25 medical examination expenses, witness fees and expenses, and  
26 travel expenses. The court may not assess fees, costs, or expenses  
27 of any kind against this state or a governmental subdivision,  
28 agency, or instrumentality of this state unless authorized by law  
29 other than this chapter.

30 1998. If a petition for the appointment of a conservator of the  
31 person, conservator of the estate, or conservator of the person and  
32 estate is brought in this state and this state was not the home state  
33 of the proposed conservatee on the date the petition was filed, in  
34 addition to complying with the notice requirements of this state,  
35 the petitioner shall give notice of the petition or of a hearing on  
36 the petition to those persons who would be entitled to notice of  
37 the petition or of a hearing on the petition if a proceeding were  
38 brought in the home state of the proposed conservatee. The notice  
39 shall be given in the same manner as notice is required to be given  
40 in this state.

1 1999. Except for a petition for the appointment of a conservator  
2 under paragraph (1) or paragraph (2) of subdivision (a) of Section  
3 1994, if a petition for the appointment of a conservator is filed in  
4 this state and in another state and neither petition has been  
5 dismissed or withdrawn, the following rules apply:

6 (a) If the court in this state has jurisdiction under Section 1993,  
7 it may proceed with the case unless a court in another state acquires  
8 jurisdiction under provisions similar to Section 1993 before the  
9 appointment.

10 (b) If the court in this state does not have jurisdiction under  
11 Section 1993, whether at the time the petition is filed or at any  
12 time before the appointment, the court shall stay the proceeding  
13 and communicate with the court in the other state. If the court in  
14 the other state has jurisdiction, the court in this state shall dismiss  
15 the petition unless the court in the other state determines that the  
16 court in this state is a more appropriate forum.

17  
18 Article 3. Transfer of Conservatorship

19  
20 2001. (a) A conservator appointed in this state may petition  
21 the court to transfer the conservatorship to another state.

22 (b) The petitioner shall give notice of a hearing on a petition  
23 under subdivision (a) to the persons that would be entitled to notice  
24 of a hearing on a petition in this state for the appointment of a  
25 conservator.

26 (c) The court shall hold a hearing on a petition filed pursuant  
27 to subdivision (a).

28 (d) The court shall issue an order provisionally granting a  
29 petition to transfer a conservatorship of the person, and shall direct  
30 the conservator of the person to petition for acceptance of the  
31 conservatorship in the other state, if the court is satisfied that the  
32 conservatorship will be accepted by the court in the other state and  
33 the court finds all of the following:

34 (1) The conservatee is physically present in or is reasonably  
35 expected to move permanently to the other state.

36 (2) An objection to the transfer has not been made or, if an  
37 objection has been made, the court determines that the transfer  
38 would not be contrary to the interests of the conservatee.

39 (3) Plans for care and services for the conservatee in the other  
40 state are reasonable and sufficient.

1 (e) The court shall issue a provisional order granting a petition  
2 to transfer a conservatorship of the estate, and shall direct the  
3 conservator of the estate to petition for acceptance of the  
4 conservatorship in the other state, if the court is satisfied that the  
5 conservatorship will be accepted by the court of the other state  
6 and the court finds all of the following:

7 (1) The conservatee is physically present in or is reasonably  
8 expected to move permanently to the other state, or the conservatee  
9 has a significant connection to the other state considering the  
10 factors in subdivision (b) of Section 1991.

11 (2) An objection to the transfer has not been made or, if an  
12 objection has been made, the court determines that the transfer  
13 would not be contrary to the interests of the conservatee.

14 (3) Adequate arrangements will be made for management of  
15 the conservatee's property.

16 (f) The court shall issue a provisional order granting a petition  
17 to transfer a conservatorship of the person and estate, and shall  
18 direct the conservator to petition for acceptance of the  
19 conservatorship in the other state, if the requirements of subdivision  
20 (d) and the requirements of subdivision (e) are both satisfied.

21 (g) The court shall issue a final order confirming the transfer  
22 and terminating the conservatorship upon its receipt of both of the  
23 following:

24 (1) A provisional order accepting the proceeding from the court  
25 to which the proceeding is to be transferred which is issued under  
26 provisions similar to Section 2002.

27 (2) The documents required to terminate a conservatorship in  
28 this state, including, but not limited to, any required accounting.

29 2002. (a) (1) To confirm transfer of a conservatorship  
30 transferred to this state under provisions similar to Section 2001,  
31 the conservator shall petition the court in this state to accept the  
32 conservatorship.

33 (2) The petition shall include a certified copy of the other state's  
34 provisional order of transfer.

35 (3) On the first page of the petition, the petitioner shall state  
36 that the conservatorship does not fall within the limitations of  
37 Section 1981. The body of the petition shall allege facts showing  
38 that this chapter applies and the requirements for transfer of the  
39 conservatorship are satisfied.

1 (4) The petition shall specify any modifications necessary to  
2 conform the conservatorship to the law of this state, and the terms  
3 of a proposed final order accepting the conservatorship.

4 (5) A petition for the appointment of a temporary conservator  
5 under Section 1994 and Chapter 3 (commencing with Section  
6 2250) of Part 4 may be filed while a petition under this section is  
7 pending. The petition for the appointment of a temporary  
8 conservator shall request the appointment of a temporary  
9 conservator eligible for appointment in this state, and shall be  
10 limited to powers authorized for a temporary conservator in this  
11 state. For purposes of Chapter 3 (commencing with Section 2250)  
12 of Part 4, the court shall treat a petition under this section as the  
13 equivalent of a petition for a general conservatorship.

14 (b) The petitioner shall give notice of a hearing on a petition  
15 under subdivision (a) to those persons that would be entitled to  
16 notice if the petition were a petition for the appointment of a  
17 conservator in both the transferring state and this state. The  
18 petitioner shall also give notice to any attorney of record for the  
19 conservatee in the transferring state and to any attorney appointed  
20 or appearing for the conservatee in this state. The petitioner shall  
21 give the notice in the same manner that notice of a petition for the  
22 appointment of a conservator is required to be given in this state,  
23 except that notice to the conservatee shall be given by mailing the  
24 petition instead of by personal service of a citation.

25 (c) Any person entitled to notice under subdivision (b) may  
26 object to the petition on one or more of the following grounds:

27 (1) Transfer of the proceeding would be contrary to the interests  
28 of the conservatee.

29 (2) Under the law of the transferring state, the conservator is  
30 ineligible for appointment in this state.

31 (3) Under the law of this state, the conservator is ineligible for  
32 appointment in this state, and the transfer petition does not identify  
33 a replacement who is willing and eligible to serve in this state.

34 (4) This chapter is inapplicable under Section 1981.

35 (d) Promptly after the filing of a petition under subdivision (a),  
36 the court shall appoint an investigator under Section 1454. The  
37 investigator shall promptly commence a preliminary investigation  
38 of the conservatorship, which focuses on the matters described in  
39 subdivision (f).

1 (e) The court shall hold a hearing on a petition filed pursuant  
2 to subdivision (a).

3 (f) The court shall issue an order provisionally granting a petition  
4 filed under subdivision (a) unless any of the following occurs:

5 (1) The court determines that transfer of the proceeding would  
6 be contrary to the interests of the conservatee.

7 (2) The court determines that, under the law of the transferring  
8 state, the conservator is ineligible for appointment in this state.

9 (3) The court determines that, under the law of this state, the  
10 conservator is ineligible for appointment in this state, and the  
11 transfer petition does not identify a replacement who is willing  
12 and eligible to serve in this state.

13 (4) The court determines that this chapter is inapplicable under  
14 Section 1981.

15 (g) If the court issues an order provisionally granting the  
16 petition, the investigator shall promptly commence an investigation  
17 under Section 1851.1.

18 (h) (1) Not later than 60 days after issuance of an order  
19 provisionally granting the petition, the court shall determine  
20 whether the conservatorship needs to be modified to conform to  
21 the law of this state. The court may take any action necessary to  
22 achieve compliance with the law of this state, including, but not  
23 limited to, striking or modifying any conservator powers that are  
24 not permitted under the law of this state.

25 (2) At the same time that it makes the determination required  
26 by paragraph (1), the court shall review the conservatorship as  
27 provided in Section 1851.1.

28 (3) The conformity determination and the review required by  
29 this subdivision shall occur at a hearing, which shall be noticed as  
30 provided in subdivision (b).

31 (i) (1) The court shall issue a final order accepting the  
32 proceeding and appointing the conservator in this state upon  
33 completion of the conformity determination and review required  
34 by subdivision (h), or upon its receipt from the court from which  
35 the proceeding is being transferred of a final order issued under  
36 provisions similar to Section 2001 transferring the proceeding to  
37 this state, whichever occurs later. In appointing a conservator under  
38 this paragraph, the court shall comply with Section 1830.

39 (2) A transfer to this state does not become effective unless and  
40 until the court issues a final order under paragraph (1). A

1 conservator may not take action in this state pursuant to a transfer  
2 petition unless and until the transfer becomes effective and all of  
3 the following steps have occurred:

4 (A) The conservator has taken an oath in accordance with  
5 Section 2300.

6 (B) The conservator has filed the required bond, if any.

7 (C) The court has provided the information required by Section  
8 1835 to the conservator.

9 (D) The conservator has filed an acknowledgment of receipt as  
10 required by Section 1834.

11 (E) The clerk of the court has issued the letters of  
12 conservatorship.

13 (3) Paragraph (2) does not preclude a person who has been  
14 appointed as a temporary conservator pursuant to Chapter 3  
15 (commencing with Section 2250) from taking action in this state  
16 pursuant to the order establishing the temporary conservatorship.

17 (4) When a transfer to this state becomes effective, the  
18 conservatorship is subject to the law of this state and shall  
19 thereafter be treated as a conservatorship under the law of this  
20 state. If a law of this state, including, but not limited to, Section  
21 2356.5, mandates compliance with special requirements to exercise  
22 a particular conservatorship power or take a particular step, the  
23 conservator of a transferred conservatorship may not exercise that  
24 power or take that step without first complying with those special  
25 requirements.

26 (j) Except as otherwise provided by Section 1851.1, Chapter 3  
27 (commencing with Section 1860), Chapter 9 (commencing with  
28 Section 2650) of Part 4, and other law, when the court grants a  
29 petition under this section, the court shall recognize a  
30 conservatorship order from the other state, including the  
31 determination of the conservatee's incapacity and the appointment  
32 of the conservator.

33 (k) The denial by a court of this state of a petition to accept a  
34 conservatorship transferred from another state does not affect the  
35 ability of the conservator to seek appointment as conservator in  
36 this state under Chapter 1 (commencing with Section 1800) of Part  
37 3 if the court has jurisdiction to make an appointment other than  
38 by reason of the provisional order of transfer.

39 2003. If a conservatorship is transferred under this article from  
40 a court of this state to the court of a California tribe or from the

1 court of a California tribe to a court of this state, the order that  
2 provisionally grants the transfer may expressly provide that  
3 specified powers of the conservator will not be transferred.  
4 Jurisdiction over the specified powers will be retained by the  
5 transferring state and will not be included in the powers that are  
6 granted to the conservator in the state that accepts the transfer.

7

8 Article 4. Registration and Recognition of Orders from Other  
9 States

10

11 2011. If a conservator of the person has been appointed in  
12 another state and a petition for the appointment of a conservator  
13 of the person is not pending in this state, the conservator of the  
14 person appointed in the other state, after providing notice pursuant  
15 to Section 2014, may register the conservatorship order in this  
16 state by filing certified copies of the order and letters of office,  
17 and proof of notice as required herein, together with a cover sheet  
18 approved by the Judicial Council, in the superior court of any  
19 appropriate county of this state.

20 2012. If a conservator of the estate has been appointed in  
21 another state and a petition for a conservatorship of the estate is  
22 not pending in this state, the conservator appointed in the other  
23 state, after providing notice pursuant to Section 2014, may register  
24 the conservatorship order in this state by filing certified copies of  
25 the order and letters of office and of any bond, and proof of notice  
26 as required herein, together with a cover sheet approved by the  
27 Judicial Council, in the superior court of any county of this state  
28 in which property belonging to the conservatee is located.

29 2013. If a conservator of the person and estate has been  
30 appointed in another state and a petition for a conservatorship of  
31 the person, conservatorship of the estate, or conservatorship of the  
32 person and estate is not pending in this state, the conservator  
33 appointed in the other state, after providing notice pursuant to  
34 Section 2014, may register the conservatorship order in this state  
35 by filing certified copies of the order and letters of office and of  
36 any bond, and proof of notice as required herein, together with a  
37 cover sheet approved by the Judicial Council, in the superior court  
38 of any appropriate county of this state.

1 2014. (a) At least 15 days before registering a conservatorship  
2 in this state, the conservator shall provide notice of an intent to  
3 register to all of the following:

4 (1) The court supervising the conservatorship.

5 (2) Every person who would be entitled to notice of a petition  
6 for the appointment of a conservator in the state where the  
7 conservatorship is being supervised.

8 (3) Every person who would be entitled to notice of a petition  
9 for the appointment of a conservator in this state.

10 (b) Each notice provided pursuant to subdivision (a) shall  
11 comply with all of the following:

12 (1) The notice shall prominently state that when a conservator  
13 acts pursuant to this article, the conservator is subject to the law  
14 of this state governing the action, including, but not limited to, all  
15 applicable procedures, and is not authorized to take any action  
16 prohibited by the law of this state.

17 (2) The notice shall explain that if a conservatorship is registered  
18 pursuant to this article, and the conservator later proposes to take  
19 a specific action pursuant to this article, which, under the law of  
20 this state, requires court approval or other action in court, the  
21 conservator will be required to notify the recipient of the request  
22 for court approval or other court action, and the recipient will have  
23 an opportunity to object or otherwise participate at that time, in  
24 the same manner as other persons are entitled to object or otherwise  
25 participate under the law of this state.

26 (3) The notice shall advise the recipient that information about  
27 a conservator's rights, duties, limitations, and responsibilities under  
28 the law of this state is available, free of charge, on an Internet Web  
29 site maintained by the Judicial Council. The notice shall explain  
30 specifically how to locate that information on the Judicial Council's  
31 Internet Web site.

32 (c) Except as provided in subdivision (c) of Section 2023, each  
33 notice provided pursuant to subdivision (a) shall also prominently  
34 state that the registration is effective only while the conservatee  
35 resides in another jurisdiction and does not authorize the  
36 conservator to take any action while the conservatee is residing in  
37 this state.

38 2015. Upon registration of a conservatorship pursuant to this  
39 article, the court shall provide the conservator with written  
40 information concerning a conservator's rights, duties, limitations,

1 and responsibilities in this state, as specified in Section 1835. To  
2 cover the costs of providing that information, a court may charge  
3 the conservator the fee specified in Section 1835, which shall be  
4 distributed as specified in that section. The conservator shall file  
5 an acknowledgment of receipt of the written information, on a  
6 form prescribed by the Judicial Council.

7 2016. (a) Upon registration of a conservatorship order from  
8 another ~~state~~, *state and the filing by the conservator of an*  
9 *acknowledgment of receipt of the written information required by*  
10 *Section 2015*, the conservator may, while the conservatee resides  
11 out of this state, ~~file an acknowledgment of receipt of the written~~  
12 ~~information required by Section 2015 and~~ exercise in any county  
13 of this state all powers authorized in the order of appointment  
14 except as prohibited under the laws of this state, including  
15 maintaining actions and proceedings in this state and, if the  
16 conservator is not a resident of this state, subject to any conditions  
17 imposed upon nonresident parties. When acting pursuant to  
18 registration, the conservator is subject to the law of this state  
19 governing the action, including, but not limited to, all applicable  
20 procedures, and is not authorized to take any action prohibited by  
21 the law of this state. If a law of this state, including, but not limited  
22 to, Section 2352, 2352.5, 2355, 2356.5, 2540, 2543, 2545, or  
23 2591.5, or Article 2 (commencing with Section 1880) of Chapter  
24 4 of Part 4, mandates compliance with special requirements to  
25 exercise a particular conservatorship power or take a particular  
26 step, the conservator of a registered conservatorship may not  
27 exercise that power or take that step without first complying with  
28 those special requirements.

29 (b) (1) When subdivision (a) requires a conservator to comply  
30 with a law of this state that makes it necessary to obtain court  
31 approval or take other action in court, the conservator shall seek  
32 that approval or proceed as needed in an appropriate court of this  
33 state. In handling the matter, that court shall communicate and  
34 cooperate with the court that is supervising the conservatorship,  
35 in accordance with Sections 1984 and 1985.

36 (2) In addition to providing any other notice required by law,  
37 the conservator shall provide notice of a court proceeding under  
38 paragraph (1) to all of the following:

39 (A) The court supervising the conservatorship.

1 (B) Every person who would be entitled to notice of a petition  
2 for the appointment of a conservator in the state where the  
3 conservatorship is being supervised.

4 (C) Every person who would be entitled to notice of a petition  
5 for the appointment of a conservator in this state.

6 (3) Any person entitled to notice under paragraph (2) may raise  
7 an objection or otherwise participate in the proceeding in the same  
8 manner as other persons are allowed to do under the law of this  
9 state.

10 (c) Subdivision (a) applies only when the conservatee resides  
11 out of this state. When the conservatee resides in this state, a  
12 conservator may not exercise any powers pursuant to a registration  
13 under this article.

14 (d) A court of this state may grant any relief available under  
15 this chapter and other law of this state to enforce a registered order.

16 2017. (a) A third person who acts in good faith reliance on a  
17 conservatorship order registered under this article is not liable to  
18 any person for so acting if all of the following requirements are  
19 satisfied:

20 (1) The conservator presents to the third person a file-stamped  
21 copy of the registration documents required by Section 2011, 2012,  
22 or 2013, including, but not limited to, the certified copy of the  
23 conservatorship order.

24 (2) Each of the registration documents, including, but not limited  
25 to, the conservatorship order and the file-stamped cover sheet,  
26 appears on its face to be valid.

27 (3) The conservator presents to the third person a form approved  
28 by the Judicial Council, in which the conservator attests that the  
29 conservatee does not reside in this state and the conservator  
30 promises to promptly notify the third person if the conservatee  
31 becomes a resident of this state. The form shall also prominently  
32 state that the registration is effective only while the conservatee  
33 resides in another jurisdiction and does not authorize the  
34 conservator to take any action while the conservatee is residing in  
35 this state.

36 (4) The third person has not received any actual notice that the  
37 conservatee is residing in this state.

38 (b) Nothing in this section is intended to create an implication  
39 that a third person is liable for acting in reliance on a  
40 conservatorship order registered under this article under

1 circumstances where the requirements of subdivision (a) are not  
2 satisfied. Nothing in this section affects any immunity that may  
3 otherwise exist apart from this section.

4 2018. (a) A file-stamped copy of the registration documents  
5 required by Section 2011, 2012, or 2013 may be recorded in the  
6 office of any county recorder in this state.

7 (b) A county recorder may charge a reasonable fee for  
8 recordation under subdivision (a).

9 2019. Notwithstanding any other provision of this article:

10 (a) A conservatorship order of a court of a California tribe can  
11 be registered under Section 2011, 2012, or 2013, regardless of  
12 whether the conservatee resides in California.

13 (b) The effect of a conservatorship order of a court of a  
14 California tribe that is registered under Section 2011, 2012, or  
15 2013 is not contingent on whether the conservatee resides in  
16 California.

17 (c) Paragraphs (3) and (4) of subdivision (a) of Section 2017  
18 do not apply to a conservatorship order of a court of a California  
19 tribe.

20

21

#### Article 5. Miscellaneous Provisions

22

23 2021. In applying and construing this uniform act, consideration  
24 shall be given to the need to promote uniformity of the law with  
25 respect to its subject matter among states that enact it, consistent  
26 with the need to protect individual civil rights and in accordance  
27 with due process.

28 2022. This chapter modifies, limits, and supersedes the federal  
29 Electronic Signatures in Global and National Commerce Act (Title  
30 15 (commencing with Section 7001) of the United States Code),  
31 but does not modify, limit, or supersede subdivision (c) of Section  
32 101 of that act, which is codified as subdivision (c) of Section  
33 7001 of Title 15 of the United States Code, or authorize electronic  
34 delivery of any of the notices described in subdivision (b) of  
35 Section 103 of that act, which is codified as subdivision (b) of  
36 Section 7003 of Title 15 of the United States Code.

37 2023. (a) On or before January 1, 2016, the Judicial Council  
38 shall develop court rules and forms as necessary for the  
39 implementation of this chapter.

1 (b) The materials developed pursuant to this section shall  
2 include, but not be limited to, all of the following:

3 (1) A cover sheet for registration of a conservatorship under  
4 Section 2011, 2012, or 2013. The cover sheet shall explain that a  
5 proceeding may not be registered under Section 2011, 2012, or  
6 2013 if the proceeding relates to a minor. The cover sheet shall  
7 further explain that a proceeding in which a person is subjected to  
8 involuntary mental health care may not be registered under Section  
9 2011, 2012, or 2013. The cover sheet shall require the conservator  
10 to initial each of these explanations. The cover sheet shall also  
11 prominently state that when a conservator acts pursuant to  
12 registration, the conservator is subject to the law of this state  
13 governing the action, including, but not limited to, all applicable  
14 procedures, and is not authorized to take any action prohibited by  
15 the law of this state. Except as provided in subdivision (c), the  
16 cover sheet shall also prominently state that the registration is  
17 effective only while the conservatee resides in another jurisdiction  
18 and does not authorize the conservator to take any action while  
19 the conservatee is residing in this state. Directly beneath these  
20 statements, the cover sheet shall include a signature box in which  
21 the conservator attests to these matters.

22 (2) The form required by paragraph (3) of subdivision (a) of  
23 Section 2017. If the Judicial Council deems it advisable, this form  
24 may be included in the civil cover sheet developed under paragraph  
25 (1).

26 (3) A form for providing notice of intent to register a proceeding  
27 under Section 2011, 2012, or 2013.

28 (4) A form for a conservator to acknowledge receipt of the  
29 written information required by Section 2015.

30 (c) The materials prepared pursuant to this section shall be  
31 consistent with Section 2019.

32 2024. (a) This chapter applies to conservatorship proceedings  
33 begun on or after January 1, 2016.

34 (b) Articles 1, 3, and 4 and Sections 2021 and 2022 apply to  
35 proceedings begun before January 1, 2016, regardless of whether  
36 a conservatorship order has been issued.

37  
38 Article 6. Federally Recognized Indian Tribe

39  
40 2031. For the purposes of this chapter:

1 (a) “California tribe” means an Indian tribe with jurisdiction  
2 that has tribal land located in California.

3 (b) “Indian tribe with jurisdiction” means a federally recognized  
4 Indian tribe that has a court system that exercises jurisdiction over  
5 proceedings that are substantially equivalent to conservatorship  
6 proceedings.

7 (c) “Tribal land” means land that is, with respect to a specific  
8 Indian tribe and the members of that tribe, “Indian country” as  
9 defined in Section 1151 of Title 18 of the United States Code.

10 2032. Article 2 (commencing with Section 1991) does not  
11 apply to a proposed conservatee who is a member of an Indian  
12 tribe with jurisdiction.

13 2033. (a) If a petition for the appointment of a conservator has  
14 been filed in a court of this state and a conservator has not yet been  
15 appointed, any person entitled to notice of a hearing on the petition  
16 may move to dismiss the petition on the grounds that the proposed  
17 conservatee is a member of an Indian tribe with jurisdiction. The  
18 petition shall state the name of the Indian tribe.

19 (b) If, after communicating with the named tribe, the court of  
20 this state finds that the proposed conservatee is a member of an  
21 Indian tribe with jurisdiction, it may grant the motion to dismiss  
22 if it finds that there is good cause to do so. If the motion is granted,  
23 the court may impose any condition the court considers just and  
24 proper, including the condition that a petition for the appointment  
25 of a conservator be filed promptly in the tribal court.

26 (c) In determining whether there is good cause to grant the  
27 motion, the court may consider all relevant factors, including, but  
28 not limited to, the following:

29 (1) Any expressed preference of the proposed conservatee.

30 (2) Whether abuse, neglect, or exploitation of the proposed  
31 conservatee has occurred or is likely to occur and which state could  
32 best protect the proposed conservatee from the abuse, neglect, or  
33 exploitation.

34 (3) The length of time the proposed conservatee was physically  
35 present in or was a legal resident of this or another state.

36 (4) The location of the proposed conservatee’s family, friends,  
37 and other persons required to be notified of the conservatorship  
38 proceeding.

39 (5) The distance of the proposed conservatee from the court in  
40 each state.

1 (6) The financial circumstances of the estate of the proposed  
2 conservatee.

3 (7) The nature and location of the evidence.

4 (8) The ability of the court in each state to decide the issue  
5 expeditiously and the procedures necessary to present evidence.

6 (9) The familiarity of the court of each state with the facts and  
7 issues in the proceeding.

8 (10) If an appointment were made, the court’s ability to monitor  
9 the conduct of the conservator.

10 (11) The timing of the motion, taking into account the parties’  
11 and court’s expenditure of time and resources.

12 (d) Notwithstanding subdivision (b), the court shall not grant a  
13 motion to dismiss pursuant to this section if the tribal court  
14 expressly declines to exercise its jurisdiction with regard to the  
15 proposed conservatee.

16 SEC. 21. Section 2107 of the Probate Code is amended to read:

17 2107. (a) Unless limited by court order, when a court of this  
18 state appoints a guardian or conservator of the person of a  
19 nonresident, the appointee has the same powers and duties as a  
20 guardian or conservator of the person of a resident while the  
21 nonresident is in this state.

22 (b) When a court of this state appoints a guardian or conservator  
23 of the estate of a nonresident, the appointee has, with respect to  
24 the property of the nonresident within this state, the same powers  
25 and duties as a guardian or conservator of the estate of a resident.  
26 The responsibility of such a guardian or conservator with regard  
27 to inventory, accounting, and disposal of the estate is confined to  
28 the property that comes into the hands of the guardian or  
29 conservator in this state.

30 SEC. 22. Section 2200 of the Probate Code is amended to read:

31 2200. (a) The superior court has jurisdiction of guardianship  
32 and conservatorship proceedings.

33 (b) Chapter 8 (commencing with Section 1980) of Part 3 governs  
34 which state has jurisdiction of a conservatorship proceeding.

35 SEC. 23. Section 2300 of the Probate Code is amended to read:

36 2300. Before the appointment of a guardian or conservator is  
37 effective, including, but not limited to, the appointment of a  
38 conservator under Section 2002, the guardian or conservator shall:

39 (a) Take an oath to perform the duties of the office according  
40 to law. The oath obligates the guardian or conservator to comply

1 with the law of this state, as well as other applicable law, at all  
2 times, in any location within or without the state. If the conservator  
3 petitions for transfer of the conservatorship to another state  
4 pursuant to Section 2001, the conservator shall continue to comply  
5 with the law of this state until the court issues a final order  
6 confirming the transfer and terminating the conservatorship  
7 pursuant to Section 2001. The oath shall be attached to or endorsed  
8 upon the letters.

9 (b) File the required bond if a bond is required.

10 SEC. 24. Section 2352 of the Probate Code is amended to read:

11 2352. (a) The guardian may establish the residence of the ward  
12 at any place within this state without the permission of the court.  
13 The guardian shall select the least restrictive appropriate residence  
14 that is available and necessary to meet the needs of the ward, and  
15 that is in the best interests of the ward.

16 (b) The conservator may establish the residence of the  
17 conservatee at any place within this state without the permission  
18 of the court. The conservator shall select the least restrictive  
19 appropriate residence, as described in Section 2352.5, that is  
20 available and necessary to meet the needs of the conservatee, and  
21 that is in the best interests of the conservatee.

22 (c) If permission of the court is first obtained, a guardian or  
23 conservator may establish the residence of a ward or conservatee  
24 at a place not within this state. Notice of the hearing on the petition  
25 to establish the residence of the ward or conservatee out of state,  
26 together with a copy of the petition, shall be given in the manner  
27 required by subdivision (a) of Section 1460 to all persons entitled  
28 to notice under subdivision (b) of Section 1511 or subdivision (b)  
29 of Section 1822.

30 (d) (1) An order under subdivision (c) relating to a ward shall  
31 require the guardian either to return the ward to this state, or to  
32 cause a guardianship proceeding or its equivalent to be commenced  
33 in the place of the new residence, when the ward has resided in  
34 the place of new residence for a period of four months or a longer  
35 or shorter period specified in the order.

36 (2) An order under subdivision (c) relating to a conservatee  
37 shall require the conservator to do one of the following when the  
38 conservatee has resided in the other state for a period of four  
39 months or a longer or shorter period specified in the order:

40 (A) Return the conservatee to this state.

1 (B) Petition for transfer of the conservatorship to the other state  
2 under Article 3 (commencing with Section 2001) of Chapter 8 of  
3 Part 3 and corresponding law of the other state.

4 (C) Cause a conservatorship proceeding or its equivalent to be  
5 commenced in the other state.

6 (e) (1) The guardian or conservator shall file a notice of change  
7 of residence with the court within 30 days of the date of the change.  
8 The guardian or conservator shall include in the notice of change  
9 of residence a declaration stating that the ward's or conservatee's  
10 change of residence is consistent with the standard described in  
11 subdivision (b).

12 (2) The guardian or conservator shall mail a copy of the notice  
13 to all persons entitled to notice under subdivision (b) of Section  
14 1511 or subdivision (b) of Section 1822 and shall file proof of  
15 service of the notice with the court. The court may, for good cause,  
16 waive the mailing requirement pursuant to this paragraph in order  
17 to prevent harm to the conservatee or ward.

18 (3) If the guardian or conservator proposes to remove the ward  
19 or conservatee from his or her personal residence, except as  
20 provided by subdivision (c), the guardian or conservator shall mail  
21 a notice of his or her intention to change the residence of the ward  
22 or conservatee to all persons entitled to notice under subdivision  
23 (b) of Section 1511 and subdivision (b) of Section 1822. In the  
24 absence of an emergency, that notice shall be mailed at least 15  
25 days before the proposed removal of the ward or conservatee from  
26 his or her personal residence. If the notice is served less than 15  
27 days prior to the proposed removal of the ward or conservatee, the  
28 guardian or conservator shall set forth the basis for the emergency  
29 in the notice. The guardian or conservator shall file proof of service  
30 of that notice with the court.

31 (f) This section does not apply where the court has made an  
32 order under Section 2351 pursuant to which the conservatee retains  
33 the right to establish his or her own residence.

34 (g) As used in this section, "guardian" or "conservator" includes  
35 a proposed guardian or proposed conservator and "ward" or  
36 "conservatee" includes a proposed ward or proposed conservatee.

37 (h) This section does not apply to a person with developmental  
38 disabilities for whom the Director of Developmental Services or  
39 a regional center, established pursuant to Chapter 5 (commencing

1 with Section 4620) of Division 4.5 of the Welfare and Institutions  
2 Code, acts as the conservator.

3 SEC. 25. Section 2505 of the Probate Code is amended to read:

4 2505. (a) Subject to subdivision (c), where the claim or matter  
5 is the subject of a pending action or proceeding, the court approval  
6 required by this article shall be obtained from the court in which  
7 the action or proceeding is pending.

8 (b) Where the claim or matter is not the subject of a pending  
9 action or proceeding, the court approval required by this article  
10 shall be obtained from one of the following:

11 (1) The court in which the guardianship or conservatorship  
12 proceeding is pending.

13 (2) The superior court of the county where the ward or  
14 conservatee or guardian or conservator resides at the time the  
15 petition for approval is filed.

16 (3) The superior court of any county where a suit on the claim  
17 or matter properly could be brought.

18 (c) Where the claim or matter is the subject of a pending action  
19 or proceeding that is not brought in a court of this state, court  
20 approval required by this article shall be obtained from either of  
21 the following:

22 (1) The court in which the action or proceeding is pending.

23 (2) The court in which the guardianship or conservatorship  
24 proceeding is pending.

25 (d) (1) Subdivisions (a), (b), and (c) do not apply to a  
26 conservatorship that is registered in this state pursuant to Article  
27 4 (commencing with Section 2011) of Chapter 8 of Part 3.

28 (2) Except as provided in paragraph (3), when a conservatorship  
29 is registered in this state pursuant to Article 4 (commencing with  
30 Section 2011) of Chapter 8 of Part 3, the court approval required  
31 by this article shall be obtained in accordance with Section 2016.

32 (3) Notwithstanding Section 2016, when a conservatorship is  
33 registered in this state pursuant to Article 4 (commencing with  
34 Section 2011) of Chapter 8 of Part 3, and the claim or matter in  
35 question is the subject of a pending action or proceeding that is  
36 not brought in a court of this state, the court approval required by  
37 this article may be obtained from the court in which the action or  
38 proceeding is pending.

39 SEC. 26. Section 2650 of the Probate Code is amended to read:

1 2650. A guardian or conservator may be removed for any of  
2 the following causes:

3 (a) Failure to use ordinary care and diligence in the management  
4 of the estate.

5 (b) Failure to file an inventory or an account within the time  
6 allowed by law or by court order.

7 (c) Continued failure to perform duties or incapacity to perform  
8 duties suitably.

9 (d) Conviction of a felony, whether before or after appointment  
10 as guardian or conservator.

11 (e) Gross immorality.

12 (f) Having such an interest adverse to the faithful performance  
13 of duties that there is an unreasonable risk that the guardian or  
14 conservator will fail faithfully to perform duties.

15 (g) In the case of a guardian of the person or a conservator of  
16 the person, acting in violation of any provision of Section 2356.

17 (h) In the case of a guardian of the estate or a conservator of  
18 the estate, insolvency or bankruptcy of the guardian or conservator.

19 (i) In the case of a conservator appointed by a court in another  
20 jurisdiction, removal because that person would not have been  
21 appointed in this state despite being eligible to serve under the law  
22 of this state.

23 (j) In any other case in which the court in its discretion  
24 determines that removal is in the best interests of the ward or  
25 conservatee; but, in considering the best interests of the ward, if  
26 the guardian was nominated under Section 1500 or 1501, the court  
27 shall take that fact into consideration.

28 SEC. 27. Section 3800 of the Probate Code is amended to read:

29 3800. (a) If a nonresident has a duly appointed, qualified, and  
30 acting guardian, conservator, committee, or comparable fiduciary  
31 in the place of residence and if no proceeding for guardianship or  
32 conservatorship of the nonresident is pending or contemplated in  
33 this state, the nonresident fiduciary may petition to have property  
34 owned by the nonresident removed to the place of residence.

35 (b) The petition for removal of property of the nonresident shall  
36 be filed in the superior court of the county in which the nonresident  
37 is or has been temporarily present or in which the property of the  
38 nonresident, or the principal part thereof, is located.

39 (c) If a conservatorship was transferred from this state to another  
40 state pursuant to Article 3 (commencing with Section 2001) of

1 Chapter 8 of Part 3, the foreign conservator may remove the  
2 conservatee’s personal property from this state without seeking a  
3 petition under this chapter.

4 SEC. 28. The provisions of this act are severable. If any  
5 provision of this act or its application is held invalid, that invalidity  
6 shall not affect other provisions or applications that can be given  
7 effect without the invalid provision or application.

8 SEC. 29. (a) Section 2023 of the Probate Code, as added by  
9 this act, becomes operative on January 1, 2015.

10 (b) The remainder of this act becomes operative on January 1,  
11 2016.