

**Introduced by Senator Vidak**

February 19, 2015

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An act to add Section 2640.2 to the Probate Code, relating to conservatorship.

LEGISLATIVE COUNSEL'S DIGEST

SB 269, as introduced, Vidak. Conservator appointments: compensation.

Existing law permits a conservator of the estate to petition the probate court for an order fixing and allowing compensation to the conservator for services rendered and to the attorney for services rendered. Existing law also permits a person who unsuccessfully petitioned for the appointment of a conservator to petition the probate court for an order fixing and allowing compensation to the person and the person's attorney for services rendered in connection with the appointment of a conservator.

This bill would permit a person who successfully petitioned for the appointment of a conservator to petition the probate court for an order fixing and allowing compensation to the person and the person's attorney for services rendered in connection with the appointment of a conservator. The bill would have retroactive effect.

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

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

1 SECTION 1. Section 2640.2 is added to the Probate Code, to  
2 read:

- 1     2640.2. (a) When a conservator is appointed by the court, the  
2 person who has petitioned for the appointment of that conservator  
3 and that person’s attorney may petition the court for an order fixing  
4 and allowing compensation and reimbursement of costs.
- 5     (b) Notice of the time and place of the hearing shall be given  
6 at least 15 days before the day of the hearing in the manner  
7 provided in Chapter 3 (commencing with Section 1460) of Part 1.
- 8     (c) At the hearing, the court shall make an order to allow both  
9 of the following:
- 10    (1) Any compensation or costs requested in the petition the court  
11 determines is just and reasonable to the person who petitioned for  
12 the appointment of a conservator for the person’s services rendered  
13 in connection with and to facilitate the appointment of the  
14 conservator, and costs incurred in connection therewith.
- 15    (2) Any compensation or costs requested in the petition the court  
16 determines is just and reasonable to the attorney for that person,  
17 for the attorney’s services rendered in connection with and to  
18 facilitate the appointment of the conservator, and costs incurred  
19 in connection therewith.
- 20    (d) Any compensation and costs allowed shall be charged to  
21 the estate of the conservatee. If a conservator of the estate is not  
22 appointed, but a conservator of the person is appointed, the  
23 compensation and costs allowed shall be ordered by the court to  
24 be paid from property belonging to the conservatee, whether held  
25 outright, in trust, or otherwise.
- 26    (e) This section is to have retroactive effect.