

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 269

Introduced by Senator Vidak

February 19, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 269, as amended, 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, *as specified*, 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:

3 2640.2. (a) When a conservator *nominated by a third party* is
4 appointed by the court, *but not before the expiration of 90 days*
5 *from the issuance of letters*, the person who has petitioned for the
6 appointment of that conservator and that person’s attorney may
7 petition the court for an order fixing and allowing compensation
8 and reimbursement of costs.

9 (b) Notice of the time and place of the hearing shall be given
10 at least 15 days before the day of the hearing in the manner
11 provided in Chapter 3 (commencing with Section 1460) of Part 1.

12 (c) At the hearing, the court shall make an order to allow both
13 of the following:

14 (1) Any compensation or costs requested in the petition the court
15 determines is just and reasonable to the person who petitioned for
16 the appointment of a conservator for the person’s services rendered
17 in connection with and to facilitate the appointment of the
18 conservator, and costs incurred in connection therewith.

19 (2) Any compensation or costs requested in the petition the court
20 determines is just and reasonable to the attorney for that person,
21 for the attorney’s services rendered in connection with and to
22 facilitate the appointment of the conservator, and costs incurred
23 in connection therewith.

24 (d) Any compensation and costs allowed shall be charged to
25 the estate of the conservatee. If a conservator of the estate is not
26 appointed, but a conservator of the person is appointed, the
27 compensation and costs allowed shall be ordered by the court to
28 be paid from property belonging to the conservatee, whether held
29 outright, in trust, or otherwise.

30 ~~(e) This section is to have retroactive effect.~~

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