

Senate Bill No. 961

CHAPTER 165

An act to add Section 2342.5 to the Probate Code, relating to conservatorships.

[Approved by Governor July 22, 1995. Filed with
Secretary of State July 24, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 961, Watson. Conservatorships.

Existing law requires all private professional conservators, including natural persons who are authorized by an entity to perform the functions of a conservator, to annually file a statement with prescribed information, under penalty of perjury, with the county clerk. Existing law requires the county clerk to order a background fingerprint check on each private professional conservator and requires the Department of Justice to provide any subsequent arrest information to the county clerk, as specified. Existing law requires the court to review annual updates to the criminal background check on current private professional conservators, except as specified.

This bill would provide that all natural persons who are authorized by a prescribed private entity to perform the functions of a conservator may annually file this statement only with the county clerk of the county in which the private entity has its primary place of business if specified criteria are met. This bill would require these persons to state the name of the county in which they filed this statement upon filing a petition for appointment. It would also provide that only the county clerk and superior court of the county in which this statement is filed shall be required to comply with the above-described background check for this statement.

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

SECTION 1. Section 2342.5 is added to the Probate Code, to read:

2342.5. (a) Notwithstanding Section 2342, all natural persons who are authorized by a private entity, which is exempt from federal income taxation pursuant to Section 501(C)(3) of the Internal Revenue Code or is exempt from state taxes pursuant to Sections 23701 and 23701d of the Revenue and Taxation Code, to perform the functions of a conservator may elect to annually file a statement required by subdivision (a) of Section 2342 only with the county clerk of the county in which the private entity has its principal place of business if all of the following requirements are met:

(1) The private entity provides conservatorship services to 10 or more conservatees with assets of less than twenty thousand dollars (\$20,000) each.

(2) At least 40 percent of the total number of conservatees served by the private entity in the state have assets of less than twenty thousand dollars (\$20,000) each.

(3) The total annual fees received by the private entity for providing conservatorship services do not exceed 5 percent of the total assets of all the conservatees served by the private entity.

Only the county clerk and superior court of the county in which this statement is filed shall be required to comply with the background check requirements of Section 2342 for this statement.

(b) Upon filing of a petition for appointment, a private professional conservator described in subdivision (a) shall state that he or she is a private professional conservator and the name of the county in which the information required by Section 2342 is on file.

