

AMENDED IN SENATE MAY 15, 1997

SENATE BILL

No. 628

Introduced by Senator Kopp

February 25, 1997

~~An act to add Chapter 7 (commencing with Section 2000) to Part 3 of Division 4 of the Probate Code, relating to elderly persons. An act to amend Section 1800.3 of the Probate Code, relating to conservatorships.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 628, as amended, Kopp. Conservatorships: ~~elderly persons~~ *nonresidents*.

Under existing law, a conservatorship of the person of a nonresident has the same powers and duties as a conservator of the person of a resident while the nonresident is in this state. A conservator of the estate of a nonresident has the same powers with respect to the property of the nonresident within the state as a conservator of the estate of a resident.

This bill would prohibit establishing a conservatorship of the person in this state ~~for an elderly person, as defined, suffering from dementia~~ if the ~~elderly person~~ is a nonresident and a conservatorship has been established *or a protective order issued* in another state *with respect to that person*, or a proceeding to establish a conservatorship *or obtain a protective order* is pending in another state *with respect to that person, except as specified*. ~~The bill would specify that the court has jurisdiction to establish a conservatorship of the person for an elderly person suffering from dementia when the person is a resident of this state even though a proceeding~~

~~to establish a conservatorship of the person is pending in another state.~~

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. Chapter 7 (commencing with Section~~
2 *SECTION 1. Section 1800.3 of the Probate Code is*
3 *amended to read:*
4 1800.3. (a) If the need therefor is established to the
5 satisfaction of the court and the other requirements of
6 this chapter are satisfied, the court may appoint:
7 ~~(a)~~
8 (1) A conservator of the person or estate of an adult,
9 or both.
10 ~~(b)~~
11 (2) A conservator of the person of a minor who is
12 married or whose marriage has been dissolved.
13 (b) Notwithstanding subdivision (a), a
14 conservatorship of the person may not be established for
15 a nonresident of this state if a conservatorship has been
16 established, or a protective court order has been issued,
17 in another state with respect to that person, or a
18 proceeding to establish a conservatorship or obtain a
19 protective court order is pending in another state with
20 respect to that person, unless both of the following are
21 met:
22 (1) The person who is or would be protected by the
23 conservatorship or protective order is in this state.
24 (2) The out-of-state court in which the
25 conservatorship has been established or the protective
26 order has been issued, or in which there is a proceeding
27 to establish a conservatorship or other protective order,
28 has authorized the permanent removal of the person
29 described in paragraph (1) to this state.
30 ~~2000) is added to Part 3 of Division 4 of the Probate Code,~~
31 ~~to read:~~
32



1 ~~CHAPTER 7. CONSERVATORSHIPS FOR ELDERLY PERSONS~~

2
3 ~~2000. Notwithstanding Section 2107, a~~
4 ~~conservatorship of the person may not be established for~~
5 ~~an elderly person who is suffering from dementia if the~~
6 ~~elderly person although present in this state is a~~
7 ~~nonresident of this state and a conservatorship has been~~
8 ~~established in another state or a proceeding to establish~~
9 ~~a conservatorship is pending in another state.~~

10 ~~2001. The court has jurisdiction to establish a~~
11 ~~conservatorship of the person in this state for an elderly~~
12 ~~person suffering from dementia, who is a resident of this~~
13 ~~state, even though a proceeding to establish a~~
14 ~~conservatorship of the person is pending in another state.~~

15 ~~2002. “Elderly person,” as used in this chapter, means~~
16 ~~any person who is 60 years of age or older.~~

