

Senate Bill No. 1487

Passed the Senate April 2, 1998

Secretary of the Senate

Passed the Assembly June 18, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 2628, 2942, and 7666 of the Probate Code, relating to estates.

LEGISLATIVE COUNSEL'S DIGEST

SB 1487, Rainey. Guardians, conservators, and administrators: accounting and compensation.

Existing law requires guardians and conservators to periodically present to the court an account relating to the assets of the estate; however, the court may make an order waiving this obligation if, among other things, the value of the estate property is less than \$5,000 and the estate's income during the relevant period is less than \$750.

This bill would authorize the court to waive the account obligation if the value of the estate property is less than \$7,500 and the estate's income during the relevant period is less than \$1,000.

Existing law provides that public administrators are entitled to a minimum compensation of \$600.

This bill would increase the minimum compensation of public administrators to \$750.

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

SECTION 1. Section 2628 of the Probate Code is amended to read:

2628. (a) As used in this section, "public benefit payments" means payments received or to be received under either or both of the following:

(1) Part 3 (commencing with Section 11000) of, Part 4 (commencing with Section 16000) of, or Part 5 (commencing with Section 17000) of, Division 9 of the Welfare and Institutions Code.

(2) Subchapter II (commencing with Section 401) of, or Part A of Subchapter XVI (commencing with Section 1382) of, Chapter 7 of Title 42 of the United States Code.



(b) The court may make an order that the guardian or conservator need not present the accounts otherwise required by this chapter so long as all of the following conditions are satisfied:

(1) The estate at the beginning and end of the accounting period for which an account is otherwise required consisted of property, exclusive of the residence of the ward or conservatee, of a total net value of less than seven thousand five hundred dollars (\$7,500).

(2) The income of the estate for each month of the accounting period, exclusive of public benefit payments, was less than one thousand dollars (\$1,000).

(3) All income of the estate during the accounting period, if not retained, was spent for the benefit of the ward or conservatee.

(c) Notwithstanding that the court has made an order under subdivision (b), the ward or conservatee or any interested person may petition the court for an order requiring the guardian or conservator to present an account as otherwise required by this chapter or the court on its own motion may make that an order. An order under this subdivision may be made ex parte or on such notice of hearing as the court in its discretion requires.

(d) For any accounting period during which all of the conditions of subdivision (b) are not satisfied, the guardian or conservator shall present the account as otherwise required by this chapter.

SEC. 2. Section 2942 of the Probate Code is amended to read:

2942. The public guardian shall be paid from the estate of the ward or conservatee for all of the following:

(a) Reasonable expenses incurred in the execution of the guardianship or conservatorship.

(b) Compensation for services of the public guardian and the attorney of the public guardian, and for the filing and processing services of the county clerk or the clerk of the superior court, in the amount the court determines is just and reasonable.

(c) An annual bond fee in the amount of twenty-five dollars (\$25) plus one-fourth of 1 percent of the amount



of an estate greater than ten thousand dollars (\$10,000). The amount charged shall be deposited in the county treasury. This subdivision does not apply if the ward or conservatee is eligible for Social Security Supplemental Income benefits.

SEC. 3. Section 7666 of the Probate Code is amended to read:

7666. (a) Except as provided in Section 7623 and in subdivision (b), the compensation payable to the public administrator and the attorney, if any, for the public administrator for the filing of an application pursuant to this article and for performance of any duty or service connected therewith is that set out in Part 7 (commencing with Section 10800).

(b) The public administrator is entitled to a minimum compensation of seven hundred fifty dollars (\$750).



Approved _____, 1998

Governor

