

Assembly Bill No. 1152

CHAPTER 866

An act to amend Section 2942 of the Probate Code, relating to courts.

[Approved by Governor October 8, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1152, Ackerman. Courts: funding: public guardians.

Existing law requires a probate court to determine the just and reasonable compensation of the public guardian, the attorney of the public guardian and the processing and filing services of the county clerk or clerk of the superior court, to be paid from the estate of a ward or conservatee.

This bill would require the court, in making this determination, to consider specified factors, but would not require a public guardian to base a request for compensation upon an hourly rate.

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

SECTION 1. 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. In determining what constitutes just and reasonable compensation, the court shall, among other factors, take into consideration the actual costs of the services provided, the amount of the estate involved, the special value of services provided in relation to the estate, and whether the compensation requested might impose an economic hardship on the estate. Nothing in this section shall require a public guardian to base a request for compensation upon an hourly rate of service.

(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.

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