

Memorandum 2014-20

2014 Legislative Program (Status Report)

The attached table summarizes the status of the Commission's¹ 2014 legislative program. The staff will supplement that information orally, if necessary, at the upcoming meeting.

Two Commission-recommended bills have been amended. Another will likely be amended soon. Those amendments are discussed more fully below.

AB 1798 (Committee on Public Safety). Deadly Weapons

Assembly Bill 1798 (Committee on Public Safety) would implement the Commission's recommendation on *Deadly Weapons: Minor Clean-Up Issues*.²

In order to avoid any conflict with other bills, the staff has suggested to the committee that the bill should perhaps include a "subordination clause." Such a clause provides that, in the event of a bill conflict, the bill containing the clause is "chapters out," regardless of which bill was signed first. This would ensure that our technical amendments do not inadvertently interfere with bills effecting substantive policy changes. Should such a conflict arise, our proposed amendment would not operate. We would then seek its reintroduction in some future bill.

Inclusion of a subordination clause will not require any revision of the Commission's Comments. **Is such an amendment acceptable?**

AB 2747 (Committee on Judiciary). Technical Corrections

Assembly Bill 2747 (Committee on Judiciary) would, among other things, implement the Commission's recommendation on *Technical and Minor Substantive Statutory Corrections*.³

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. 43 Cal. L. Revision Comm'n Reports 63 (2013).

3. 43 Cal. L. Revision Comm'n Reports 35 (2013).

AB 2747 was amended on May 5, 2014. The amendments affected one section that was included pursuant to the Commission's recommendation, Evidence Code Section 1038.2. The amendment was nonsubstantive. **It does not require any revision to the corresponding Commission Comment.**

SB 940 (Jackson). California Conservatorship Jurisdiction Act

Senate Bill 940 (Jackson) would implement the Commission's recommendation on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act ("UAGPPJA").⁴ It would enact the California Conservatorship Jurisdiction Act, a version of UAGPPJA modified to conform to California terminology, protect California policies, and meet California's needs.

Status of the Bill

On May 8, 2014, the full Senate approved the bill unanimously, on the consent calendar. The bill is now set for a June 10, 2014, hearing in the Assembly Committee on Judiciary.

The State Bar Trusts and Estate Section contacted that committee to renew its "support, if amended" position. It is seeking the same amendments it proposed in the Assembly:

- (1) Provide an opportunity to object to a conservatorship registration, require the conservator to inform people of the opportunity to object, and require court approval of the registration if anyone objects to it.
- (2) Impose a 120-day time limit on the effectiveness of a conservatorship registration.

As previously promised, the author, her staff, and Commission staff made efforts to address the Trusts and Estates Section's concerns.

Proposed Amendments

Amendments were proposed to provide stronger education, notice, and an opportunity to be heard for the conservator and interested persons relating to an out-of-state conservatorship that is registered in California under the proposed law.

The proposed amendments would do the following:

4. 43 Cal. L. Revision Comm'n Reports 93 (2013).

- (1) Require a registering conservator to buy the conservatorship handbook that is provided to all California conservators (per Probate Code Sections 1834-1835). In addition, all persons entitled to notice of intent to register would be given instructions on how to download the handbook from the Judicial Council's website.
- (2) Make clear that if a registered conservator proposes to take a specific action that requires court approval or other court action, the conservator must give notice to those entitled to notice of intent to register (as well as anyone else entitled to notice).
- (3) Provide that those persons have standing to be heard in the noticed court proceedings.

Those changes would not impose any new substantive burden on the proposed registration process. Nor would they add any significant new workload for California courts. But they would likely reduce problems that might otherwise arise if a registered conservator is ignorant of the requirements of California law and is operating at a distance from interested persons in the home state (who may wish to monitor and be heard regarding important or irreversible actions).

Because this might be the last convenient opportunity to amend the bill, the staff also proposed that the bill be amended to make a technical revision to proposed Probate Code Section 2033(d), relating to tribal court jurisdiction. The proposed amendment is shown below:

2033. (a) If a petition for the appointment of a conservator has been filed in a court of this state and a conservator has not yet been appointed, any person entitled to notice of a hearing on the petition may move to dismiss the petition on the grounds that the proposed conservatee is a member of an Indian tribe with jurisdiction. The petition shall state the name of the Indian tribe.

(b) If, after communicating with the named tribe, the court of this state finds that the proposed conservatee is a member of an Indian tribe with jurisdiction, it may grant the motion to dismiss if it finds that there is good cause to do so. If the motion is granted, the court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a conservator be filed promptly in the tribal court.

(c) In determining whether there is good cause to grant the motion, the court may consider all relevant factors, including, but not limited to, the following:

- (1) Any expressed preference of the proposed conservatee.
- (2) Whether abuse, neglect, or exploitation of the proposed conservatee has occurred or is likely to occur and which state could best protect the proposed conservatee from the abuse, neglect, or exploitation.

(3) The length of time the proposed conservatee was physically present in or was a legal resident of this or another state.

(4) The location of the proposed conservatee's family, friends, and other persons required to be notified of the conservatorship proceeding.

(5) The distance of the proposed conservatee from the court in each state.

(6) The financial circumstances of the estate of the proposed conservatee.

(7) The nature and location of the evidence.

(8) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence.

(9) The familiarity of the court of each state with the facts and issues in the proceeding.

(10) If an appointment were made, the court's ability to monitor the conduct of the conservator.

(11) The timing of the motion, taking into account the parties' and court's expenditure of time and resources.

(d) Notwithstanding subdivision (b), the court shall not ~~dismiss the petition~~ grant a motion to dismiss pursuant to this section if the tribal court expressly declines to exercise its jurisdiction with regard to the proposed conservatee.

The point of that revision is to clarify the intent of subdivision (d) — i.e., if a tribal court expressly declines to exercise its jurisdiction with regard to a proposed conservatee, a California court could not dismiss a conservatorship petition *on the grounds stated in Section 2033*. The California court would still be free to dismiss the petition on other grounds (e.g., the State of Nevada has jurisdiction of the proceeding).

Senator Jackson decided to amend SB 940 to make the proposed amendments, including the technical amendment proposed by the staff. A copy of the amended bill is attached for reference.

Due to the timing of the upcoming June 10, 2014, hearing, the amendments were made before they could be put before the full Commission for consideration. Pursuant to existing Commission practice in such situations,⁵ the staff contacted the Commission's Chair, Damian Capozzola, before the amendment was made. The Chair gave his provisional assent to the amendments, with the understanding that they would be presented to the full Commission at the earliest opportunity. This memorandum serves that purpose.

The Commission needs to decide whether the amendments are sufficiently compatible with the Commission's recommendation that it is willing to ratify

5. Handbook of Commission Practices and Procedures § 3.3 (2013).

them and make conforming revisions to the Comments on the affected sections.

In the staff's opinion, the amendments do not directly conflict with any Commission recommendation. The only indirect effect is that the amendments would make California law slightly less uniform with the law of other states, by adding details that are not in the uniform act. However, the amendments would not delete or modify any UAGPPJA process.

As a substantive matter, the staff believes that the proposed amendments are modest and sensible. They probably would do some good and we do not see how they could cause any significant problems.

Conforming Comment Revisions

If the Commission decides to ratify the amendments, the staff would recommend that the following Comment revisions be made:

§ 2011. Registration of order appointing conservator of person [UAGPPJA § 401]

Comment. ~~Subdivision (a) of Section 2011 is similar to Section 401 of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (2007) ("UAGPPJA"). Revisions have been made to conform to California terminology for the proceedings in question. See Section 1982 & Comment (definitions); see also Section 1980 Comment. Revisions have also been made to expand and clarify the notice requirement (see subdivisions (b) and (c)) and to clarify the proper filing procedure under California law. The reference to the "appointing court" has been replaced with a reference to the "court supervising the conservatorship," because the court currently supervising a conservatorship might not be the same court that originally appointed the conservator. See Article 3 (transfer of conservatorship).~~

~~Paragraph (1) of subdivision (b) is similar to the notice requirement in UAGPPJA Section 401. Paragraphs (2) and (3) of subdivision (b) provide for additional notice, so as to alert interested persons that the conservatorship is being registered in California and the conservator might take action in California. If a person has concerns about such action, the person can either challenge a proposed action directly in a California court, or seek redress in the court supervising the conservatorship.~~

~~Under subdivision (c), a notice under this section must prominently inform the recipient about key limitations on the effect of registering a conservatorship in this state.~~

For further information on the effect of a registration under this section, see Section 2014 2016 (effect of registration). For the applicable filing fee, see Gov't Code § 70663 (fee for registration

under California Conservatorship Jurisdiction Act). For recordation with a county recorder, see Section ~~2016~~ 2018 (recordation of registration documents). For guidance regarding third party reliance on a conservatorship order registered under this section, see Section ~~2015~~ 2017 (good faith reliance on registration). For a special rule applicable to a California tribe, see Section ~~2017~~ 2019 (California tribal court conservatorship order). For limitations on the scope of this chapter, see Section 1981 & Comment.

**§ 2012. Registration of order appointing conservator of estate
[UAGPPJA § 402]**

Comment. ~~Subdivision (a) of Section 2012 is similar to Section 402 of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (2007) (“UAGPPJA”). Revisions have been made to conform to California terminology for the proceedings in question. See Section 1982 & Comment (definitions); see also Section 1980 Comment. Revisions have also been made to expand and clarify the notice requirement (see subdivisions (b) and (c)) and to clarify the proper filing procedure under California law. The reference to the “appointing court” has been replaced with a reference to the “court supervising the conservatorship,” because the court currently supervising a conservatorship might not be the same court that originally appointed the conservator. See Article 3 (transfer of conservatorship).~~

~~Paragraph (1) of subdivision (b) is similar to the notice requirement in UAGPPJA Section 401. Paragraphs (2) and (3) of subdivision (b) provide for additional notice, so as to alert interested persons that the conservatorship is being registered in California and the conservator might take action in California. If a person has concerns about such action, the person can either challenge a proposed action directly in a California court, or seek redress in the court supervising the conservatorship.~~

~~Under subdivision (c), a notice under this section must prominently inform the recipient about key limitations on the effect of registering a conservatorship in this state.~~

For further information on the effect of a registration under this section, see Section ~~2014~~ 2016 (effect of registration). For the applicable filing fee, see Gov’t Code § 70663 (fee for registration under California Conservatorship Jurisdiction Act). For recordation with a county recorder, see Section ~~2016~~ 2018 (recordation of registration documents). For guidance regarding third party reliance on a conservatorship order registered under this section, see Section ~~2015~~ 2017 (good faith reliance on registration). For a special rule applicable to a California tribe, see Section ~~2017~~ 2019 (California tribal court conservatorship order). For limitations on the scope of this chapter, see Section 1981 & Comment.

§ 2013. Registration of order appointing conservator of person and estate

Comment. ~~Subdivision (a) of Section 2013 is included for the sake of completeness. It serves to clarify the registration procedure applicable to a conservatorship of the person and estate.~~

~~Paragraph (1) of subdivision (b) is similar to the notice requirement in UAGPPJA Section 401. Paragraphs (2) and (3) of subdivision (b) provide for additional notice, so as to alert interested persons that the conservatorship is being registered in California and the conservator might take action in California. If a person has concerns about such action, the person can either challenge a proposed action directly in a California court, or seek redress in the court supervising the conservatorship.~~

~~Under subdivision (c), a notice under this section must prominently inform the recipient about key limitations on the effect of registering a conservatorship in this state.~~

~~For further information on the effect of a registration under this section, see Section 2014 2016 (effect of registration). For the applicable filing fee, see Gov't Code § 70663 (fee for registration under California Conservatorship Jurisdiction Act). For recordation with a county recorder, see Section 2016 2018 (recordation of registration documents). For guidance regarding third party reliance on a conservatorship order registered under this section, see Section 2015 2017 (good faith reliance on registration). For a special rule applicable to a California tribe, see Section 2017 2019 (California tribal court conservatorship order). For limitations on the scope of this chapter, see Section 1981 & Comment.~~

~~See Section 1982 (definitions).~~

§ 2014. Notice of intent to register

Comment. Section 2014 requires notice to specified persons as a prerequisite to registration under this article.

Paragraph (1) of subdivision (a) is similar to the notice requirement in UAGPPJA Section 401. Paragraphs (2) and (3) of subdivision (a) provide for additional notice, so as to alert interested persons that the conservatorship is being registered in California and the conservator might take action in California. If a person has concerns about such action, the person can either challenge a proposed action directly in a California court, or seek redress in the court supervising the conservatorship.

Under subdivision (b), a notice under this section must prominently inform the recipient about key limitations on the effect of registering a conservatorship in this state. The notice must also provide other information on the applicable law and procedures.

§ 2015. Conservator handbook

Comment. Section 2015 requires that specified information be provided to a conservator as a prerequisite to registration under this article.

§ ~~2014~~ 2016. Effect of registration [UAGPPJA § 403]

Comment. Subdivision (a) of Section ~~2014~~ 2016 is similar to Section 403(a) of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (2007) (“UAGPPJA”). Revisions have been made to conform to California terminology for the proceedings in question. See Section 1982 & Comment (definitions); see also Section 1980 Comment. Revisions have also been made to:

- (1) Underscore that any conservatorship registered in California is fully subject to California law while the conservator is acting in the state. For example, if a conservatorship is registered in California and the conservator seeks to exercise a power specified in Section 2356.5 (conservatee with dementia) within the state, the requirements of that section must be satisfied. Similarly, if the conservator of a registered conservatorship wishes to sell the conservatee’s personal residence located in California, the transaction must comply with California’s special requirements for such a sale (see, e.g., Sections 2540(b), 2543, 2591.5).
- (2) Emphasize that registration of an out-of-state conservatorship in one county is sufficient; it is not necessary to register in every county in which the conservator seeks to act.
- (3) Make clear that a registration is only effective while the conservatee resides in another state. If the conservatee becomes a California resident, the conservator cannot act pursuant to a registration under Section 2011, 2012, or 2013, but can petition for transfer of the conservatorship to California under Article 2. For an exception to the rule that a registration is only effective while the conservatee resides in another state, see Section 2017 (California tribal court conservatorship order).

Subdivision Paragraph (1) of subdivision (b) provides guidance on which court is the appropriate forum for purposes of complying with California procedures as required under subdivision (a). Paragraphs (2) and (3) make clear that those entitled to notice under Section 2014 are also entitled to notice and an opportunity to be heard in the proceedings specified in paragraph (1).

Subdivision (c) further underscores that a registration is only effective while the conservatee resides in another jurisdiction. For an exception to this rule, see Section ~~2017~~ 2019 (California tribal court conservatorship order).

Subdivision (d) is the same as Section 403(b) of UAGPPJA.

For limitations on the scope of this chapter, see Section 1981 & Comment.

In addition, a number of Comments would need to be revised to reflect the renumbering of proposed Sections 2014-2017. **The staff recommends that the Commission approve those revisions in concept, with the staff handling the implementation when there is more time for careful review of the entire recommendation.**

Bill Drafting Error

Unfortunately, a technical error was made in implementing the proposed amendments. The amendment of proposed Probate Code Section 2016(a) was placed on the wrong line of the bill and reworded slightly. This was not discovered until the amendments were in print. Corrective language will be offered as an author's technical amendment at the June 10, 2014, hearing.

Respectfully submitted,

Brian Hebert
Executive Director

AMENDED IN ASSEMBLY JUNE 4, 2014

AMENDED IN SENATE APRIL 29, 2014

AMENDED IN SENATE MARCH 10, 2014

SENATE BILL

No. 940

Introduced by Senator Jackson

February 4, 2014

An act to amend Section 1913 of the Code of Civil Procedure, to add Section 70663 to the Government Code, and to amend Sections 1455, 1471, 1821, 1834, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1890, 2107, 2200, 2300, 2352, 2505, 2650, and 3800 of, to add Sections 1301.5 and 1851.1 to, and to add Chapter 8 (commencing with Section 1980) to Part 3 of Division 4 of, the Probate Code, relating to conservatorships.

LEGISLATIVE COUNSEL'S DIGEST

SB 940, as amended, Jackson. California Conservatorship Jurisdiction Act.

The Guardianship-Conservatorship Law generally establishes the standards and procedures for the appointment and termination of an appointment for a guardian or conservator of a person, an estate, or both. The law specifically requires, before the appointment of either a guardian or conservator is effective, the prospective guardian or conservator to take an oath to perform these duties according to the law.

This bill would enact, operative January 1, 2016, except as specified, the California Conservatorship Jurisdiction Act which is intended to be a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. This bill would provide standards and

procedures for establishing the proper jurisdiction for a proceeding to appoint a conservator of a person, an estate, or both. The bill would also establish conditions for the transfer of a conservatorship established within this state to a jurisdiction outside the state, and a transfer of a conservatorship into this state, and for the registration and recognition by this state of a conservatorship established by another state, a United States territory, a federally recognized Indian tribe, or other specified jurisdiction. This bill would establish rules relating to the appeals from orders made under the California Conservatorship Jurisdiction Act. This bill would authorize a \$30 charge for registering a conservatorship established outside this state to be deposited into the Trial Court Trust Fund.

This bill would authorize a court in a conservatorship proceeding to make specific requests of a court of another jurisdiction to take certain actions relating to that proceeding, including, but not limited to, holding an evidentiary hearing or ordering a person to produce testimony, and would further authorize a court in this state to grant similar requests from a court of another jurisdiction. This bill would require the Judicial Council to develop court rules and forms to implement the provisions of this act on or before January 1, 2016.

This bill would modify, limit, and supersede specified portions of the federal Electronic Signatures in Global and National Commerce Act, as it relates to these provisions. This bill would also specify that the scope of the required oath obligates a guardian or conservator to comply with applicable laws, at all times, in any location within or without the state.

This bill would make conforming changes to related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 1913 of the Code of Civil Procedure is
2 amended to read:

3 1913. (a) Subject to subdivision (b), the effect of a judicial
4 record of a sister state is the same in this state as in the state where
5 it was made, except that it can only be enforced in this state by an
6 action or special proceeding.

7 (b) The authority of a guardian, conservator, or committee, or
8 of a personal representative, does not extend beyond the jurisdiction

1 of the government under which that person was invested with
2 authority, except to the extent expressly authorized by Article 4
3 (commencing with Section 2011) of Chapter 8 of Part 3 of Division
4 4 of the Probate Code or another statute.

5 SEC. 2. Section 70663 is added to the Government Code, to
6 read:

7 70663. The fee for registering a conservatorship under Article
8 4 (commencing with Section 2011) of Chapter 8 of Part 3 of
9 Division 4 of the Probate Code is thirty dollars (\$30). The amounts
10 collected shall be distributed to the Trial Court Trust Fund under
11 Section 68085.1.

12 SEC. 3. Section 1301.5 is added to the Probate Code, to read:

13 1301.5. The following rules apply with respect to the California
14 Conservatorship Jurisdiction Act (Chapter 8 (commencing with
15 Section 1980) of Part 3 of Division 4):

16 (a) (1) An appeal may be taken from an order assessing
17 expenses against a party under Section 1997 if the amount exceeds
18 five thousand dollars (\$5,000).

19 (2) An order under Section 1997 assessing expenses of five
20 thousand dollars (\$5,000) or less against a party may be reviewed
21 on an appeal by that party after entry of a final judgment or an
22 appealable order in the conservatorship proceeding. At the
23 discretion of the court of appeal, that type of order may also be
24 reviewed upon petition for an extraordinary writ.

25 (b) An appeal may be taken from an order under Section 2001
26 denying a petition to transfer a conservatorship to another state.

27 (c) An appeal may be taken from a final order under Section
28 2002 accepting a transfer and appointing a conservator in this state.

29 (d) Notwithstanding any other law, an appeal may not be taken
30 from either of the following until the court enters a final order
31 under Section 2002 accepting the proposed transfer and appointing
32 a conservator in this state:

33 (1) An order under Section 2002 determining whether or how
34 to conform a conservatorship to the law of this state.

35 (2) An order that is made pursuant to a court review under
36 Sections 1851.1 and 2002.

37 SEC. 4. Section 1455 of the Probate Code is amended to read:

38 1455. Any petition for instructions or to grant a guardian or a
39 conservator any power or authority under this division, which may
40 be filed by a guardian or conservator, may also be filed by a person

1 who petitions for the appointment of a guardian or conservator,
2 including, but not limited to, a person who petitions under Section
3 2002 for transfer of conservatorship.

4 SEC. 5. Section 1471 of the Probate Code is amended to read:

5 1471. (a) If a conservatee, proposed conservatee, or person
6 alleged to lack legal capacity is unable to retain legal counsel and
7 requests the appointment of counsel to assist in the particular
8 matter, whether or not that person lacks or appears to lack legal
9 capacity, the court shall, at or before the time of the hearing,
10 appoint the public defender or private counsel to represent the
11 interest of that person in the following proceedings under this
12 division:

13 (1) A proceeding to establish or transfer a conservatorship or
14 to appoint a proposed conservator.

15 (2) A proceeding to terminate the conservatorship.

16 (3) A proceeding to remove the conservator.

17 (4) A proceeding for a court order affecting the legal capacity
18 of the conservatee.

19 (5) A proceeding to obtain an order authorizing removal of a
20 temporary conservatee from the temporary conservatee's place of
21 residence.

22 (b) If a conservatee or proposed conservatee does not plan to
23 retain legal counsel and has not requested the court to appoint legal
24 counsel, whether or not that person lacks or appears to lack legal
25 capacity, the court shall, at or before the time of the hearing,
26 appoint the public defender or private counsel to represent the
27 interests of that person in any proceeding listed in subdivision (a)
28 if, based on information contained in the court investigator's report
29 or obtained from any other source, the court determines that the
30 appointment would be helpful to the resolution of the matter or is
31 necessary to protect the interests of the conservatee or proposed
32 conservatee.

33 (c) In any proceeding to establish a limited conservatorship, if
34 the proposed limited conservatee has not retained legal counsel
35 and does not plan to retain legal counsel, the court shall
36 immediately appoint the public defender or private counsel to
37 represent the proposed limited conservatee. The proposed limited
38 conservatee shall pay the cost for that legal service if he or she is
39 able. This subdivision applies irrespective of any medical or

1 psychological inability to attend the hearing on the part of the
2 proposed limited conservatee as allowed in Section 1825.

3 SEC. 6. Section 1821 of the Probate Code is amended to read:

4 1821. (a) The petition shall request that a conservator be
5 appointed for the person or estate, or both, shall specify the name,
6 address, and telephone number of the proposed conservator and
7 the name, address, and telephone number of the proposed
8 conservatee, and state the reasons why a conservatorship is
9 necessary. Unless the petitioner or proposed conservator is a bank
10 or other entity authorized to conduct the business of a trust
11 company, the petitioner or proposed conservator shall also file
12 supplemental information as to why the appointment of a
13 conservator is required. The supplemental information to be
14 submitted shall include a brief statement of facts addressed to each
15 of the following categories:

16 (1) The inability of the proposed conservatee to properly provide
17 for his or her needs for physical health, food, clothing, and shelter.

18 (2) The location of the proposed conservatee's residence and
19 the ability of the proposed conservatee to live in the residence
20 while under conservatorship.

21 (3) Alternatives to conservatorship considered by the petitioner
22 or proposed conservator and reasons why those alternatives are
23 not available.

24 (4) Health or social services provided to the proposed
25 conservatee during the year preceding the filing of the petition,
26 when the petitioner or proposed conservator has information as to
27 those services.

28 (5) The inability of the proposed conservatee to substantially
29 manage his or her own financial resources, or to resist fraud or
30 undue influence.

31 The facts required to address the categories set forth in
32 paragraphs (1) to (5), inclusive, shall be set forth by the petitioner
33 or proposed conservator if he or she has knowledge of the facts or
34 by the declarations or affidavits of other persons having knowledge
35 of those facts.

36 If any of the categories set forth in paragraphs (1) to (5),
37 inclusive, are not applicable to the proposed conservatorship, the
38 petitioner or proposed conservator shall so indicate and state on
39 the supplemental information form the reasons therefor.

1 The Judicial Council shall develop a supplemental information
2 form for the information required pursuant to paragraphs (1) to
3 (5), inclusive, after consultation with individuals or organizations
4 approved by the Judicial Council, who represent public
5 conservators, court investigators, the State Bar, specialists with
6 experience in performing assessments and coordinating
7 community-based services, and legal services for the elderly and
8 disabled.

9 The supplemental information form shall be separate and distinct
10 from the form for the petition. The supplemental information shall
11 be confidential and shall be made available only to parties, persons
12 given notice of the petition who have requested this supplemental
13 information or who have appeared in the proceedings, their
14 attorneys, and the court. The court shall have discretion at any
15 other time to release the supplemental information to other persons
16 if it would serve the interests of the conservatee. The clerk of the
17 court shall make provision for limiting disclosure of the
18 supplemental information exclusively to persons entitled thereto
19 under this section.

20 (b) The petition shall set forth, so far as they are known to the
21 petitioner or proposed conservator, the names and addresses of the
22 spouse or domestic partner, and of the relatives of the proposed
23 conservatee within the second degree. If no spouse or domestic
24 partner of the proposed conservatee or relatives of the proposed
25 conservatee within the second degree are known to the petitioner
26 or proposed conservator, the petition shall set forth, so far as they
27 are known to the petitioner or proposed conservator, the names
28 and addresses of the following persons who, for the purposes of
29 Section 1822, shall all be deemed to be relatives:

30 (1) A spouse or domestic partner of a predeceased parent of a
31 proposed conservatee.

32 (2) The children of a predeceased spouse or domestic partner
33 of a proposed conservatee.

34 (3) The siblings of the proposed conservatee's parents, if any,
35 but if none, then the natural and adoptive children of the proposed
36 conservatee's parents' siblings.

37 (4) The natural and adoptive children of the proposed
38 conservatee's siblings.

39 (c) If the petitioner or proposed conservator is a professional
40 fiduciary, as described in Section 2340, who is required to be

1 licensed under the Professional Fiduciaries Act (Chapter 6
2 (commencing with Section 6500) of Division 3 of the Business
3 and Professions Code), the petition shall include the following:

4 (1) The petitioner's or proposed conservator's proposed hourly
5 fee schedule or another statement of his or her proposed
6 compensation from the estate of the proposed conservatee for
7 services performed as a conservator. The petitioner's or proposed
8 conservator's provision of a proposed hourly fee schedule or
9 another statement of his or her proposed compensation, as required
10 by this paragraph, shall not preclude a court from later reducing
11 the petitioner's or proposed conservator's fees or other
12 compensation.

13 (2) Unless a petition for appointment of a temporary conservator
14 that contains the statements required by this paragraph is filed
15 together with a petition for appointment of a conservator, both of
16 the following:

17 (A) A statement of the petitioner's or proposed conservator's
18 license information.

19 (B) A statement explaining who engaged the petitioner or
20 proposed conservator or how the petitioner or proposed conservator
21 was engaged to file the petition for appointment of a conservator
22 or to agree to accept the appointment as conservator and what prior
23 relationship the petitioner or proposed conservator had with the
24 proposed conservatee or the proposed conservatee's family or
25 friends.

26 (d) If the petition is filed by a person other than the proposed
27 conservatee, the petition shall include a declaration of due diligence
28 showing both of the following:

29 (1) Either the efforts to find the proposed conservatee's relatives
30 or why it was not feasible to contact any of them.

31 (2) Either the preferences of the proposed conservatee
32 concerning the appointment of a conservator and the appointment
33 of the proposed conservator or why it was not feasible to ascertain
34 those preferences.

35 (e) If the petition is filed by a person other than the proposed
36 conservatee, the petition shall state whether or not the petitioner
37 is a creditor or debtor, or the agent of a creditor or debtor, of the
38 proposed conservatee.

39 (f) If the proposed conservatee is a patient in or on leave of
40 absence from a state institution under the jurisdiction of the State

1 Department of State Hospitals or the State Department of
2 Developmental Services and that fact is known to the petitioner
3 or proposed conservator, the petition shall state that fact and name
4 the institution.

5 (g) The petition shall state, so far as is known to the petitioner
6 or proposed conservator, whether or not the proposed conservatee
7 is receiving or is entitled to receive benefits from the Veterans
8 Administration and the estimated amount of the monthly benefit
9 payable by the Veterans Administration for the proposed
10 conservatee.

11 (h) The petition may include an application for any order or
12 orders authorized under this division, including, but not limited
13 to, orders under Chapter 4 (commencing with Section 1870).

14 (i) The petition may include a further statement that the proposed
15 conservatee is not willing to attend the hearing on the petition,
16 does not wish to contest the establishment of the conservatorship,
17 and does not object to the proposed conservator or prefer that
18 another person act as conservator.

19 (j) In the case of an allegedly developmentally disabled adult,
20 the petition shall set forth the following:

21 (1) The nature and degree of the alleged disability, the specific
22 duties and powers requested by or for the limited conservator, and
23 the limitations of civil and legal rights requested to be included in
24 the court's order of appointment.

25 (2) Whether or not the proposed limited conservatee is or is
26 alleged to be developmentally disabled.

27 Reports submitted pursuant to Section 416.8 of the Health and
28 Safety Code meet the requirements of this section, and
29 conservatorships filed pursuant to Article 7.5 (commencing with
30 Section 416) of Chapter 2 of Part 1 of Division 1 of the Health and
31 Safety Code are exempt from providing the supplemental
32 information required by this section, so long as the guidelines
33 adopted by the State Department of Developmental Services for
34 regional centers require the same information that is required
35 pursuant to this section.

36 (k) The petition shall state, so far as is known to the petitioner,
37 whether or not the proposed conservatee is a member of a federally
38 recognized Indian tribe. If so, the petition shall state the name of
39 the tribe, the state in which the tribe is located, whether the
40 proposed conservatee resides on tribal land, and whether the

1 proposed conservatee is known to own property on tribal land. For
2 the purposes of this subdivision, “tribal land” means land that is,
3 with respect to a specific Indian tribe and the members of that
4 tribe, “Indian country” as defined in Section 1151 of Title 18 of
5 the United States Code.

6 SEC. 7. Section 1834 of the Probate Code is amended to read:

7 1834. (a) Before letters are issued in a conservatorship that
8 originates in this state or a conservatorship that is transferred to
9 this state under Chapter 8 (commencing with Section 1980), the
10 conservator (other than a trust company or a public conservator)
11 shall file an acknowledgment of receipt of (1) a statement of duties
12 and liabilities of the office of conservator, and (2) a copy of the
13 conservatorship information required under Section 1835. The
14 acknowledgment and the statement shall be in the form prescribed
15 by the Judicial Council.

16 (b) The court may by local rules require the acknowledgment
17 of receipt to include the conservator’s birth date and driver’s license
18 number, if any, provided that the court ensures their confidentiality.

19 (c) The statement of duties and liabilities prescribed by the
20 Judicial Council shall not supersede the law on which the statement
21 is based.

22 SEC. 8. Section 1840 of the Probate Code is amended to read:

23 1840. Except as otherwise provided in this article, a conservator
24 for an absentee (Section 1403) shall be appointed as provided in
25 Article 3 (commencing with Section 1820) of this chapter or Article
26 3 (commencing with Section 2001) of Chapter 8.

27 SEC. 9. Section 1841 of the Probate Code is amended to read:

28 1841. In addition to the other required contents of the petition,
29 if the proposed conservatee is an absentee:

30 (a) The petition, and any notice required by Section 1822 or
31 2002, or any other law, shall set forth the last known military rank
32 or grade and the social security account number of the proposed
33 conservatee.

34 (b) The petition shall state whether the absentee’s spouse has
35 commenced any action or proceeding against the absentee for
36 judicial or legal separation, dissolution of marriage, annulment,
37 or adjudication of nullity of their marriage.

38 SEC. 10. Section 1842 of the Probate Code is amended to read:

39 1842. In addition to the persons and entities to whom notice
40 of hearing is required under Section 1822 or 2002, if the proposed

1 conservatee is an absentee, a copy of the petition and notice of the
2 time and place of the hearing shall be mailed at least 15 days before
3 the hearing to the secretary concerned or to the head of the United
4 States department or agency concerned, as the case may be. In
5 such case, notice shall also be published pursuant to Section 6061
6 of the Government Code in a newspaper of general circulation in
7 the county in which the hearing will be held.

8 SEC. 11. Section 1843 of the Probate Code is amended to read:

9 1843. (a) No citation is required under Section 1823 to the
10 proposed conservatee if the proposed conservatee is an absentee.

11 (b) No notice is required under Section 2002 to the proposed
12 conservatee if the proposed conservatee is an absentee.

13 SEC. 12. Section 1844 of the Probate Code is amended to read:

14 1844. (a) In a proceeding to appoint a conservator for an
15 absentee under Article 3 (commencing with Section 1820) of this
16 chapter or Article 3 (commencing with Section 2001) of Chapter
17 8, an official written report or record complying with Section 1283
18 of the Evidence Code that a proposed conservatee is an absentee
19 shall be received as evidence of that fact and the court shall not
20 determine the status of the proposed conservatee inconsistent with
21 the status determined as shown by the written report or record.

22 (b) The inability of the proposed conservatee to attend the
23 hearing is established by the official written report or record
24 referred to in subdivision (a).

25 SEC. 13. Section 1845 of the Probate Code is amended to read:

26 1845. (a) Except as otherwise provided in this article, a
27 conservator of the estate of a person who is missing and whose
28 whereabouts is unknown shall be appointed as provided in Article
29 3 (commencing with Section 1820) of this chapter or Article 3
30 (commencing with Section 2001) of Chapter 8.

31 (b) This article does not apply where the proposed conservatee
32 is an absentee as defined in Section 1403.

33 SEC. 14. Section 1846 of the Probate Code is amended to read:

34 1846. In addition to the other required contents of the petition,
35 if the proposed conservatee is a person who is missing and whose
36 whereabouts is unknown, the petition shall state all of the
37 following:

38 (a) The proposed conservatee owns or is entitled to the
39 possession of real or personal property located in this state. In a
40 proceeding to transfer a conservatorship of a missing person to

1 this state under Article 3 (commencing with Section 2001) of
 2 Chapter 8, this requirement is also satisfied if the petition states
 3 that the proposed conservatee owns or is entitled to the possession
 4 of personal property that is to be relocated to this state upon
 5 approval of the transfer.

6 (b) The time and circumstance of the person's disappearance
 7 and that the missing person has not been heard from by the persons
 8 most likely to hear (naming them and their relationship to the
 9 missing person) since the time of disappearance and that the
 10 whereabouts of the missing person is unknown to those persons
 11 and to the petitioner.

12 (c) The last known residence of the missing person.

13 (d) A description of any search or inquiry made concerning the
 14 whereabouts of the missing person.

15 (e) A description of the estate of the proposed conservatee which
 16 requires attention, supervision, and care.

17 SEC. 15. Section 1847 of the Probate Code is amended to read:

18 1847. In addition to the persons and entities to whom notice
 19 of hearing is required under Section 1822 or 2002, if the proposed
 20 conservatee is a person who is missing and whose whereabouts is
 21 unknown:

22 (a) A copy of the petition for appointment of a conservator and
 23 notice of the time and place of the hearing on the petition shall be
 24 mailed at least 15 days before the hearing to the proposed
 25 conservatee at the last known address of the proposed conservatee.

26 (b) Notice of the time and place of the hearing shall also be
 27 published pursuant to Section 6061 of the Government Code in a
 28 newspaper of general circulation in the county in which the
 29 proposed conservatee was last known to reside if the proposed
 30 conservatee's last known address is in this state.

31 (c) Pursuant to Section 1202, the court may require that further
 32 or additional notice of the hearing be given.

33 SEC. 16. Section 1848 of the Probate Code is amended to read:

34 1848. (a) In a proceeding under Article 3 (commencing with
 35 Section 1820) to appoint a conservator of the estate of a person
 36 who is missing and whose whereabouts is unknown, the following
 37 acts are not required:

38 (1) Issuance of a citation to the proposed conservatee pursuant
 39 to Section 1823.

40 (2) Service of a citation and petition pursuant to Section 1824.

1 (3) Production of the proposed conservatee at the hearing
2 pursuant to Section 1825.

3 (4) Performance of the duties of the court investigator pursuant
4 to Section 1826.

5 (5) Performance of any other act that depends upon knowledge
6 of the location of the proposed conservatee.

7 (b) In a proceeding to transfer a conservatorship of a missing
8 person to this state under Article 3 (commencing with Section
9 2001) of Chapter 8, the following acts are not required:

10 (1) Notice to the proposed conservatee pursuant to Section 2002.

11 (2) Production of the proposed conservatee at the hearings
12 pursuant to Section 2002.

13 (3) Performance of the duties of the court investigator pursuant
14 to Section 1851.1.

15 (4) Performance of any other act that depends upon knowledge
16 of the location of the proposed conservatee.

17 SEC. 17. Section 1849 of the Probate Code is amended to read:

18 1849. A conservator of the estate of a person who is missing
19 and whose whereabouts is unknown may be appointed only if the
20 court finds all of the following:

21 (a) The proposed conservatee owns or is entitled to the
22 possession of real or personal property located in this state. In a
23 proceeding to transfer a conservatorship of a missing person to
24 this state under Article 3 (commencing with Section 2001) of
25 Chapter 8, this requirement is also satisfied if the court finds that
26 the proposed conservatee owns or is entitled to the possession of
27 personal property that is to be relocated to this state upon approval
28 of the transfer.

29 (b) The proposed conservatee remains missing and his or her
30 whereabouts remains unknown.

31 (c) The estate of the proposed conservatee requires attention,
32 supervision, and care.

33 SEC. 18. Section 1851.1 is added to the Probate Code, to read:

34 1851.1. (a) When a court issues an order provisionally granting
35 a petition under Section 2002, the investigator appointed under
36 Section 2002 shall promptly commence an investigation under this
37 section.

38 (b) In conducting an investigation and preparing a report under
39 this section, the court investigator shall do all of the following:

40 (1) Comply with the requirements of Section 1851.

1 (2) Conduct an interview of the conservator.

2 (3) Conduct an interview of the conservatee’s spouse or
3 registered domestic partner, if any.

4 (4) Inform the conservatee of the nature, purpose, and effect of
5 the conservatorship.

6 (5) Inform the conservatee and all other persons entitled to
7 notice under subdivision (b) of Section 2002 of the right to seek
8 termination of the conservatorship.

9 (6) Determine whether the conservatee objects to the conservator
10 or prefers another person to act as conservator.

11 (7) Inform the conservatee of the right to attend the hearing
12 under subdivision (c).

13 (8) Determine whether it appears that the conservatee is unable
14 to attend the hearing and, if able to attend, whether the conservatee
15 is willing to attend the hearing.

16 (9) Inform the conservatee of the right to be represented by legal
17 counsel if the conservatee so chooses, and to have legal counsel
18 appointed by the court if the conservatee is unable to retain legal
19 counsel.

20 (10) Determine whether the conservatee wishes to be represented
21 by legal counsel and, if so, whether the conservatee has retained
22 legal counsel and, if not, the name of an attorney the conservatee
23 wishes to retain.

24 (11) If the conservatee has not retained legal counsel, determine
25 whether the conservatee desires the court to appoint legal counsel.

26 (12) Determine whether the appointment of legal counsel would
27 be helpful to the resolution of the matter or is necessary to protect
28 the interests of the conservatee in any case where the conservatee
29 does not plan to retain legal counsel and has not requested the
30 appointment of legal counsel by the court.

31 (13) Consider each of the categories specified in paragraphs (1)
32 to (5), inclusive, of subdivision (a) of Section 1821.

33 (14) Consider, to the extent practicable, whether the investigator
34 believes the conservatee suffers from any of the mental function
35 deficits listed in subdivision (a) of Section 811 that significantly
36 impairs the conservatee’s ability to understand and appreciate the
37 consequences of the conservatee’s actions in connection with any
38 of the functions described in subdivision (a) or (b) of Section 1801
39 and identify the observations that support that belief.

1 (c) The court shall review the conservatorship as provided in
2 Section 2002. The conservatee shall attend the hearing unless the
3 conservatee's attendance is excused under Section 1825. The court
4 may take appropriate action in response to the court investigator's
5 report under this section.

6 (d) The court investigator's report under this section shall be
7 confidential as provided in Section 1851.

8 (e) Except as provided in paragraph (2) of subdivision (a) of
9 Section 1850, the court shall review the conservatorship again one
10 year after the review conducted pursuant to subdivision (c), and
11 annually thereafter, in the manner specified in Section 1850.

12 (f) The first time that the need for a conservatorship is
13 challenged by any interested person or raised on the court's own
14 motion after a transfer under Section 2002, whether in a review
15 pursuant to this section or in a petition to terminate the
16 conservatorship under Chapter 3 (commencing with Section 1860),
17 the court shall presume that there is no need for a conservatorship.
18 This presumption is rebuttable, but can only be overcome by clear
19 and convincing evidence. The court shall make an express finding
20 on whether continuation of the conservatorship is the least
21 restrictive alternative needed for the protection of the conservatee.

22 (g) If a duty described in this section is the same as a duty
23 imposed pursuant to the amendments to Sections 1826, 1850, 1851,
24 2250, 2253, and 2620 and the addition of Sections 2250.4 and
25 2250.6 enacted by Chapter 493 of the Statutes of 2006, and the
26 addition of Section 1051 enacted by Chapter 492 of the Statutes
27 of 2006, a superior court shall not be required to perform that duty
28 until the Legislature makes an appropriation identified for this
29 purpose.

30 SEC. 19. Section 1890 of the Probate Code is amended to read:

31 1890. (a) An order of the court under Section 1880 may be
32 included in the order of appointment of the conservator if the order
33 was requested in the petition for the appointment of the conservator
34 or the transfer petition under Section 2002 or, except in the case
35 of a limited conservator, may be made subsequently upon a petition
36 made, noticed, and heard by the court in the manner provided in
37 this article.

38 (b) In the case of a petition filed under this chapter requesting
39 that the court make an order under this chapter or that the court
40 modify or revoke an order made under this chapter, when the order

1 applies to a limited conservatee, the order may only be made upon
 2 a petition made, noticed, and heard by the court in the manner
 3 provided by Article 3 (commencing with Section 1820) of Chapter
 4 1.

5 (c) No court order under Section 1880, whether issued as part
 6 of an order granting the original petition for appointment of a
 7 conservator or issued subsequent thereto, may be granted unless
 8 supported by a declaration, filed at or before the hearing on the
 9 request, executed by a licensed physician, or a licensed
 10 psychologist within the scope of his or her licensure, and stating
 11 that the proposed conservatee or the conservatee, as the case may
 12 be, lacks the capacity to give an informed consent for any form of
 13 medical treatment and the reasons therefor. Nothing in this section
 14 shall be construed to expand the scope of practice of psychologists
 15 as set forth in the Business and Professions Code.

16 SEC. 20. Chapter 8 (commencing with Section 1980) is added
 17 to Part 3 of Division 4 of the Probate Code, to read:

18
 19 CHAPTER 8. INTERSTATE JURISDICTION, TRANSFER, AND
 20 RECOGNITION: CALIFORNIA CONSERVATORSHIP JURISDICTION ACT

21
 22 Article 1. General Provisions

23
 24 1980. (a) By enacting this chapter, it is the Legislature's intent
 25 to enact a modified version of the Uniform Adult Guardianship
 26 and Protective Proceedings Jurisdiction Act.

27 (b) This chapter may be cited as the "California Conservatorship
 28 Jurisdiction Act."

29 1981. (a) (1) This chapter does not apply to a minor, regardless
 30 of whether the minor is or was married.

31 (2) This chapter does not apply to any proceeding in which a
 32 person is appointed to provide personal care or property
 33 administration for a minor, including, but not limited to, a
 34 guardianship under Part 2 (commencing with Section 1500).

35 (b) This chapter does not apply to any proceeding in which a
 36 person is involuntarily committed to a mental health facility or
 37 subjected to other involuntary mental health care, including, but
 38 not limited to, any of the following proceedings or any proceeding
 39 that is similar in substance:

- 1 (1) A proceeding under Sections 1026 to 1027, inclusive, of the
2 Penal Code.
- 3 (2) A proceeding under Chapter 6 (commencing with Section
4 1367) of Title 10 of Part 2 of the Penal Code.
- 5 (3) A proceeding under Article 4 (commencing with Section
6 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.
- 7 (4) A proceeding under Article 6 (commencing with Section
8 1800) of Chapter 1 of Division 2.5 of the Welfare and Institutions
9 Code.
- 10 (5) A proceeding under Article 2 (commencing with Section
11 3050) of Chapter 1 of Division 3 of the Welfare and Institutions
12 Code.
- 13 (6) A proceeding under Article 3 (commencing with Section
14 3100) of Chapter 1 of Division 3 of the Welfare and Institutions
15 Code.
- 16 (7) A proceeding under Part 1 (commencing with Section 5000)
17 of Division 5 of the Welfare and Institutions Code, which is also
18 known as the Lanterman-Petris-Short Act.
- 19 (8) A proceeding under Article 2 (commencing with Section
20 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and
21 Institutions Code.
- 22 (9) A proceeding under Article 4 (commencing with Section
23 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and
24 Institutions Code.
- 25 (c) Article 3 (commencing with Section 2001) does not apply
26 to an adult with a developmental disability, or to any proceeding
27 in which a person is appointed to provide personal care or property
28 administration for an adult with a developmental disability,
29 including, but not limited to, the following types of proceedings:
- 30 (1) A proceeding under Article 7.5 (commencing with Section
31 416) of Chapter 2 of Part 1 of Division 1 of the Health and Safety
32 Code.
- 33 (2) A limited conservatorship under subdivision (d) of Section
34 1801.
- 35 (3) A proceeding under Section 4825 of the Welfare and
36 Institutions Code.
- 37 (4) A proceeding under Article 2 (commencing with Section
38 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and
39 Institutions Code.

1 (d) Application of this chapter to a conservatee with dementia
2 is subject to the express limitations of Sections 2002 and ~~2014,~~
3 *2016*, as well as the other requirements of this chapter.

4 1982. In this chapter:

5 (a) “Adult” means an individual who has attained 18 years of
6 age.

7 (b) “Conservatee” means an adult for whom a conservator of
8 the estate, a conservator of the person, or a conservator of the
9 person and estate has been appointed.

10 (c) “Conservator” means a person appointed by the court to
11 serve as a conservator of the estate, a conservator of the person,
12 or a conservator of the person and estate.

13 (d) “Conservator of the estate” means a person appointed by
14 the court to administer the property of an adult, including, but not
15 limited to, a person appointed for that purpose under subdivision
16 (b) of Section 1801.

17 (e) “Conservator of the person” means a person appointed by
18 the court to make decisions regarding the person of an adult,
19 including, but not limited to, a person appointed for that purpose
20 under subdivision (a) of Section 1801.

21 (f) “Conservator of the person and estate” means a person
22 appointed by the court to make decisions regarding the person of
23 an adult and to administer the property of that adult, including, but
24 not limited to, a person appointed for those purposes under
25 subdivision (c) of Section 1801.

26 (g) “Conservatorship order” means an order appointing a
27 conservator of the estate, a conservator of the person, or a
28 conservator of the person and estate in a conservatorship
29 proceeding.

30 (h) “Conservatorship proceeding” means a judicial proceeding
31 in which an order for the appointment of a conservator of the estate,
32 a conservator of the person, or a conservator of the person and
33 estate is sought or has been issued.

34 (i) “Party” means the conservatee, proposed conservatee,
35 petitioner, conservator, proposed conservator, or any other person
36 allowed by the court to participate in a conservatorship proceeding.

37 (j) “Person” means an individual, corporation, business trust,
38 estate, trust, partnership, limited liability company, association,
39 joint venture, public corporation, government or governmental

1 subdivision, agency, or instrumentality, or any other legal or
2 commercial entity.

3 (k) “Proposed conservatee” means an adult for whom a
4 conservatorship order is sought.

5 (l) “Record” means information that is inscribed on a tangible
6 medium or that is stored in an electronic or other medium and is
7 retrievable in perceivable form.

8 (m) Notwithstanding Section 74, “state” means a state of the
9 United States, the District of Columbia, Puerto Rico, the United
10 States Virgin Islands, a federally recognized Indian tribe, or any
11 territory or insular possession subject to the jurisdiction of the
12 United States.

13 1983. A court of this state may treat a foreign country as if it
14 were a state for the purpose of applying this article and Articles
15 2, 3, and 5.

16 1984. (a) A court of this state may communicate with a court
17 in another state concerning a proceeding arising under this chapter.
18 The court may allow the parties to participate in the
19 communication. Except as otherwise provided in subdivision (b),
20 the court shall make a record of the communication. The record
21 may be limited to the fact that the communication occurred.

22 (b) Courts may communicate concerning schedules, calendars,
23 court records, and other administrative matters without making a
24 record.

25 1985. (a) In a conservatorship proceeding in this state, a court
26 of this state may request the appropriate court of another state to
27 do any of the following:

28 (1) Hold an evidentiary hearing.

29 (2) Order a person in that state to produce evidence or give
30 testimony pursuant to procedures of that state.

31 (3) Order that an evaluation or assessment be made of the
32 proposed conservatee.

33 (4) Order any appropriate investigation of a person involved in
34 a proceeding.

35 (5) Forward to the court of this state a certified copy of the
36 transcript or other record of a hearing under paragraph (1) or any
37 other proceeding, any evidence otherwise produced under
38 paragraph (2), and any evaluation or assessment prepared in
39 compliance with an order under paragraph (3) or (4).

1 (6) Issue any order necessary to ensure the appearance in the
 2 proceeding of a person whose presence is necessary for the court
 3 to make a determination, including the conservatee or the proposed
 4 conservatee.

5 (7) Issue an order authorizing the release of medical, financial,
 6 criminal, or other relevant information in that state, including
 7 protected health information as defined in Section 160.103 of Title
 8 45 of the Code of Federal Regulations.

9 (b) If a court of another state in which a conservatorship
 10 proceeding is pending requests assistance of the kind provided in
 11 subdivision (a), a court of this state has jurisdiction for the limited
 12 purpose of granting the request or making reasonable efforts to
 13 comply with the request.

14 (c) Travel and other necessary and reasonable expenses incurred
 15 under subdivisions (a) and (b) may be assessed against the parties
 16 according to the law of this state.

17 1986. (a) In a conservatorship proceeding, in addition to other
 18 procedures that may be available, testimony of a witness who is
 19 located in another state may be offered by deposition or other
 20 means allowable in this state for testimony taken in another state.
 21 The court on its own motion may order that the testimony of a
 22 witness be taken in another state and may prescribe the manner in
 23 which and the terms upon which the testimony is to be taken.

24 (b) In a conservatorship proceeding, a court in this state may
 25 permit a witness located in another state to be deposed or to testify
 26 by telephone or audiovisual or other electronic means. A court of
 27 this state shall cooperate with the court of the other state in
 28 designating an appropriate location for the deposition or testimony.

29 30 Article 2. Jurisdiction

31
32 1991. (a) In this article:

33 (1) "Emergency" means a circumstance that likely will result
 34 in substantial harm to a proposed conservatee's health, safety, or
 35 welfare, and for which the appointment of a conservator of the
 36 person is necessary because no other person has authority and is
 37 willing to act on behalf of the proposed conservatee.

38 (2) "Home state" means the state in which the proposed
 39 conservatee was physically present, including any period of
 40 temporary absence, for at least six consecutive months immediately

1 before the filing of a petition for a conservatorship order, or, if
2 none, the state in which the proposed conservatee was physically
3 present, including any period of temporary absence, for at least
4 six consecutive months ending within the six months prior to the
5 filing of the petition.

6 (3) “Significant-connection state” means a state, other than the
7 home state, with which a proposed conservatee has a significant
8 connection other than mere physical presence and in which
9 substantial evidence concerning the proposed conservatee is
10 available.

11 (b) In determining under Section 1993 and subdivision (e) of
12 Section 2001 whether a proposed conservatee has a significant
13 connection with a particular state, the court shall consider all of
14 the following:

15 (1) The location of the proposed conservatee’s family and other
16 persons required to be notified of the conservatorship proceeding.

17 (2) The length of time the proposed conservatee at any time was
18 physically present in the state and the duration of any absence.

19 (3) The location of the proposed conservatee’s property.

20 (4) The extent to which the proposed conservatee has ties to the
21 state such as voting registration, state or local tax return filing,
22 vehicle registration, driver’s license, social relationship, and receipt
23 of services.

24 1992. For a conservatorship proceeding governed by this article,
25 this article provides the exclusive basis for determining whether
26 the courts of this state, as opposed to the courts of another state,
27 have jurisdiction to appoint a conservator of the person, a
28 conservator of the estate, or a conservator of the person and estate.

29 1993. (a) A court of this state has jurisdiction to appoint a
30 conservator for a proposed conservatee if this state is the proposed
31 conservatee’s home state.

32 (b) A court of this state has jurisdiction to appoint a conservator
33 for a proposed conservatee if, on the date the petition is filed, this
34 state is a significant-connection state and the respondent does not
35 have a home state.

36 (c) A court of this state has jurisdiction to appoint a conservator
37 for a proposed conservatee if, on the date the petition is filed, this
38 state is a significant-connection state and a court of the proposed
39 conservatee’s home state has expressly declined to exercise
40 jurisdiction because this state is a more appropriate forum.

1 (d) A court of this state has jurisdiction to appoint a conservator
2 for a proposed conservatee if both of the following conditions are
3 satisfied:

4 (1) On the date the petition is filed, this state is a
5 significant-connection state, the proposed conservatee has a home
6 state, and a conservatorship petition is not pending in a court of
7 the home state or another significant-connection state.

8 (2) Before the court makes the appointment, no conservatorship
9 petition is filed in the proposed conservatee's home state, no
10 objection to the court's jurisdiction is filed by a person required
11 to be notified of the proceeding, and the court in this state
12 concludes that it is an appropriate forum under the factors set forth
13 in Section 1996.

14 (e) A court of this state has jurisdiction to appoint a conservator
15 for a proposed conservatee if all of the following conditions are
16 satisfied:

17 (1) This state does not have jurisdiction under subdivision (a),
18 (b), (c), or (d).

19 (2) The proposed conservatee's home state and all
20 significant-connection states have expressly declined to exercise
21 jurisdiction because this state is the more appropriate forum.

22 (3) Jurisdiction in this state is consistent with the constitutions
23 of this state and the United States.

24 (f) A court of this state has jurisdiction to appoint a conservator
25 for a proposed conservatee if the requirements for special
26 jurisdiction under Section 1994 are met.

27 1994. (a) A court of this state lacking jurisdiction under
28 subdivisions (a) to (e), inclusive, of Section 1993 has special
29 jurisdiction to do any of the following:

30 (1) Appoint a temporary conservator of the person in an
31 emergency for a proposed conservatee who is physically present
32 in this state. In making an appointment under this paragraph, a
33 court shall follow the procedures specified in Chapter 3
34 (commencing with Section 2250) of Part 4. The temporary
35 conservatorship shall terminate in accordance with Section 2257.

36 (2) Appoint a conservator of the estate with respect to real or
37 tangible personal property located in this state.

38 (3) Appoint a conservator of the person, conservator of the
39 estate, or conservator of the person and estate for a proposed
40 conservatee for whom a provisional order to transfer a proceeding

1 from another state has been issued under procedures similar to
2 Section 2001. In making an appointment under this paragraph, a
3 court shall follow the procedures specified in Chapter 3
4 (commencing with Section 2250) of Part 4. The temporary
5 conservatorship shall terminate in accordance with Section 2257.

6 (b) If a petition for the appointment of a conservator of the
7 person in an emergency is brought in this state and this state was
8 not the home state of the proposed conservatee on the date the
9 petition was filed, the court shall dismiss the proceeding at the
10 request of the court of the home state, if any, whether dismissal is
11 requested before or after the emergency appointment of a temporary
12 conservator of the person.

13 1995. Except as otherwise provided in Section 1994, a court
14 that has appointed a conservator consistent with this chapter has
15 exclusive and continuing jurisdiction over the proceeding until it
16 is terminated by the court or the appointment expires by its own
17 terms.

18 1996. (a) (1) A court of this state having jurisdiction under
19 Section 1993 to appoint a conservator may decline to exercise its
20 jurisdiction if it determines at any time that a court of another state
21 is a more appropriate forum.

22 (2) The issue of appropriate forum may be raised upon petition
23 of any interested person, the court's own motion, or the request of
24 another court.

25 (3) The petitioner, or, if there is no petitioner, the court in this
26 state, shall give notice of the petition, motion, or request to the
27 same persons and in the same manner as for a petition for a
28 conservatorship under Section 1801. The notice shall state the
29 basis for the petition, motion, or request, and shall inform the
30 recipients of the date, time, and place of the hearing under
31 paragraph (4). The notice shall also advise the recipients that they
32 have a right to object to the petition, motion, or request. The notice
33 to the potential conservatee shall inform the potential conservatee
34 of the right to be represented by legal counsel if the potential
35 conservatee so chooses, and to have legal counsel appointed by
36 the court if the potential conservatee is unable to retain legal
37 counsel.

38 (4) The court shall hold a hearing on the petition, motion, or
39 request.

1 (b) If a court of this state declines to exercise its jurisdiction
2 under subdivision (a), it shall grant the petition, motion, or request,
3 and either dismiss or stay any conservatorship proceeding pending
4 in this state. The court's order shall be based on evidence presented
5 to the court. The order shall be in a record and shall expressly state
6 that the court declines to exercise its jurisdiction because a court
7 of another state is a more appropriate forum. The court may impose
8 any condition the court considers just and proper, including the
9 condition that a petition for the appointment of a conservator of
10 the person, conservator of the estate, or conservator of the person
11 and estate be filed promptly in another state.

12 (c) In determining whether it is an appropriate forum, the court
13 shall consider all relevant factors, including all of the following:

14 (1) Any expressed preference of the proposed conservatee.

15 (2) Whether abuse, neglect, or exploitation of the proposed
16 conservatee has occurred or is likely to occur and which state could
17 best protect the proposed conservatee from the abuse, neglect, or
18 exploitation.

19 (3) The length of time the proposed conservatee was physically
20 present in or was a legal resident of this or another state.

21 (4) The location of the proposed conservatee's family, friends,
22 and other persons required to be notified of the conservatorship
23 proceeding.

24 (5) The distance of the proposed conservatee from the court in
25 each state.

26 (6) The financial circumstances of the estate of the proposed
27 conservatee.

28 (7) The nature and location of the evidence.

29 (8) The ability of the court in each state to decide the issue
30 expeditiously and the procedures necessary to present evidence.

31 (9) The familiarity of the court of each state with the facts and
32 issues in the proceeding.

33 (10) If an appointment were made, the court's ability to monitor
34 the conduct of the conservator.

35 1997. (a) If at any time a court of this state determines that it
36 acquired jurisdiction to appoint a conservator because of
37 unjustifiable conduct, the court may do any of the following:

38 (1) Decline to exercise jurisdiction.

39 (2) Exercise jurisdiction for the limited purpose of fashioning
40 an appropriate remedy to ensure the health, safety, and welfare of

1 the conservatee or proposed conservatee or the protection of the
2 property of the conservatee or proposed conservatee or to prevent
3 a repetition of the unjustifiable conduct, including staying the
4 proceeding until a petition for the appointment of a conservator
5 of the person, conservator of the estate, or conservator of the person
6 and estate is filed in a court of another state having jurisdiction.

7 (3) Continue to exercise jurisdiction after considering all of the
8 following:

9 (A) The extent to which the conservatee or proposed conservatee
10 and all persons required to be notified of the proceedings have
11 acquiesced in the exercise of the court's jurisdiction.

12 (B) Whether it is a more appropriate forum than the court of
13 any other state under the factors set forth in subdivision (c) of
14 Section 1996.

15 (C) Whether the court of any other state would have jurisdiction
16 under factual circumstances in substantial conformity with the
17 jurisdictional standards of Section 1993.

18 (b) If a court of this state determines that it acquired jurisdiction
19 to appoint a conservator because a party seeking to invoke its
20 jurisdiction engaged in unjustifiable conduct, it may assess against
21 that party necessary and reasonable expenses, including attorney's
22 fees, investigative fees, court costs, communication expenses,
23 medical examination expenses, witness fees and expenses, and
24 travel expenses. The court may not assess fees, costs, or expenses
25 of any kind against this state or a governmental subdivision,
26 agency, or instrumentality of this state unless authorized by law
27 other than this chapter.

28 1998. If a petition for the appointment of a conservator of the
29 person, conservator of the estate, or conservator of the person and
30 estate is brought in this state and this state was not the home state
31 of the proposed conservatee on the date the petition was filed, in
32 addition to complying with the notice requirements of this state,
33 the petitioner shall give notice of the petition or of a hearing on
34 the petition to those persons who would be entitled to notice of
35 the petition or of a hearing on the petition if a proceeding were
36 brought in the home state of the proposed conservatee. The notice
37 shall be given in the same manner as notice is required to be given
38 in this state.

39 1999. Except for a petition for the appointment of a conservator
40 under paragraph (1) or paragraph (2) of subdivision (a) of Section

1 1994, if a petition for the appointment of a conservator is filed in
2 this state and in another state and neither petition has been
3 dismissed or withdrawn, the following rules apply:

4 (a) If the court in this state has jurisdiction under Section 1993,
5 it may proceed with the case unless a court in another state acquires
6 jurisdiction under provisions similar to Section 1993 before the
7 appointment.

8 (b) If the court in this state does not have jurisdiction under
9 Section 1993, whether at the time the petition is filed or at any
10 time before the appointment, the court shall stay the proceeding
11 and communicate with the court in the other state. If the court in
12 the other state has jurisdiction, the court in this state shall dismiss
13 the petition unless the court in the other state determines that the
14 court in this state is a more appropriate forum.

15 16 Article 3. Transfer of Conservatorship

17
18 2001. (a) A conservator appointed in this state may petition
19 the court to transfer the conservatorship to another state.

20 (b) The petitioner shall give notice of a hearing on a petition
21 under subdivision (a) to the persons that would be entitled to notice
22 of a hearing on a petition in this state for the appointment of a
23 conservator.

24 (c) The court shall hold a hearing on a petition filed pursuant
25 to subdivision (a).

26 (d) The court shall issue an order provisionally granting a
27 petition to transfer a conservatorship of the person, and shall direct
28 the conservator of the person to petition for acceptance of the
29 conservatorship in the other state, if the court is satisfied that the
30 conservatorship will be accepted by the court in the other state and
31 the court finds all of the following:

32 (1) The conservatee is physically present in or is reasonably
33 expected to move permanently to the other state.

34 (2) An objection to the transfer has not been made or, if an
35 objection has been made, the court determines that the transfer
36 would not be contrary to the interests of the conservatee.

37 (3) Plans for care and services for the conservatee in the other
38 state are reasonable and sufficient.

39 (e) The court shall issue a provisional order granting a petition
40 to transfer a conservatorship of the estate, and shall direct the

1 conservator of the estate to petition for acceptance of the
2 conservatorship in the other state, if the court is satisfied that the
3 conservatorship will be accepted by the court of the other state
4 and the court finds all of the following:

5 (1) The conservatee is physically present in or is reasonably
6 expected to move permanently to the other state, or the conservatee
7 has a significant connection to the other state considering the
8 factors in subdivision (b) of Section 1991.

9 (2) An objection to the transfer has not been made or, if an
10 objection has been made, the court determines that the transfer
11 would not be contrary to the interests of the conservatee.

12 (3) Adequate arrangements will be made for management of
13 the conservatee's property.

14 (f) The court shall issue a provisional order granting a petition
15 to transfer a conservatorship of the person and estate, and shall
16 direct the conservator to petition for acceptance of the
17 conservatorship in the other state, if the requirements of subdivision
18 (d) and the requirements of subdivision (e) are both satisfied.

19 (g) The court shall issue a final order confirming the transfer
20 and terminating the conservatorship upon its receipt of both of the
21 following:

22 (1) A provisional order accepting the proceeding from the court
23 to which the proceeding is to be transferred which is issued under
24 provisions similar to Section 2002.

25 (2) The documents required to terminate a conservatorship in
26 this state, including, but not limited to, any required accounting.

27 2002. (a) (1) To confirm transfer of a conservatorship
28 transferred to this state under provisions similar to Section 2001,
29 the conservator shall petition the court in this state to accept the
30 conservatorship.

31 (2) The petition shall include a certified copy of the other state's
32 provisional order of transfer.

33 (3) On the first page of the petition, the petitioner shall state
34 that the conservatorship does not fall within the limitations of
35 Section 1981. The body of the petition shall allege facts showing
36 that this chapter applies and the requirements for transfer of the
37 conservatorship are satisfied.

38 (4) The petition shall specify any modifications necessary to
39 conform the conservatorship to the law of this state, and the terms
40 of a proposed final order accepting the conservatorship.

1 (5) A petition for the appointment of a temporary conservator
2 under Section 1994 and Chapter 3 (commencing with Section
3 2250) of Part 4 may be filed while a petition under this section is
4 pending. The petition for the appointment of a temporary
5 conservator shall request the appointment of a temporary
6 conservator eligible for appointment in this state, and shall be
7 limited to powers authorized for a temporary conservator in this
8 state. For purposes of Chapter 3 (commencing with Section 2250)
9 of Part 4, the court shall treat a petition under this section as the
10 equivalent of a petition for a general conservatorship.

11 (b) The petitioner shall give notice of a hearing on a petition
12 under subdivision (a) to those persons that would be entitled to
13 notice if the petition were a petition for the appointment of a
14 conservator in both the transferring state and this state. The
15 petitioner shall also give notice to any attorney of record for the
16 conservatee in the transferring state and to any attorney appointed
17 or appearing for the conservatee in this state. The petitioner shall
18 give the notice in the same manner that notice of a petition for the
19 appointment of a conservator is required to be given in this state,
20 except that notice to the conservatee shall be given by mailing the
21 petition instead of by personal service of a citation.

22 (c) Any person entitled to notice under subdivision (b) may
23 object to the petition on one or more of the following grounds:

24 (1) Transfer of the proceeding would be contrary to the interests
25 of the conservatee.

26 (2) Under the law of the transferring state, the conservator is
27 ineligible for appointment in this state.

28 (3) Under the law of this state, the conservator is ineligible for
29 appointment in this state, and the transfer petition does not identify
30 a replacement who is willing and eligible to serve in this state.

31 (4) This chapter is inapplicable under Section 1981.

32 (d) Promptly after the filing of a petition under subdivision (a),
33 the court shall appoint an investigator under Section 1454. The
34 investigator shall promptly commence a preliminary investigation
35 of the conservatorship, which focuses on the matters described in
36 subdivision (f).

37 (e) The court shall hold a hearing on a petition filed pursuant
38 to subdivision (a).

39 (f) The court shall issue an order provisionally granting a petition
40 filed under subdivision (a) unless any of the following occurs:

1 (1) The court determines that transfer of the proceeding would
2 be contrary to the interests of the conservatee.

3 (2) The court determines that, under the law of the transferring
4 state, the conservator is ineligible for appointment in this state.

5 (3) The court determines that, under the law of this state, the
6 conservator is ineligible for appointment in this state, and the
7 transfer petition does not identify a replacement who is willing
8 and eligible to serve in this state.

9 (4) The court determines that this chapter is inapplicable under
10 Section 1981.

11 (g) If the court issues an order provisionally granting the
12 petition, the investigator shall promptly commence an investigation
13 under Section 1851.1.

14 (h) (1) Not later than 60 days after issuance of an order
15 provisionally granting the petition, the court shall determine
16 whether the conservatorship needs to be modified to conform to
17 the law of this state. The court may take any action necessary to
18 achieve compliance with the law of this state, including, but not
19 limited to, striking or modifying any conservator powers that are
20 not permitted under the law of this state.

21 (2) At the same time that it makes the determination required
22 by paragraph (1), the court shall review the conservatorship as
23 provided in Section 1851.1.

24 (3) The conformity determination and the review required by
25 this subdivision shall occur at a hearing, which shall be noticed as
26 provided in subdivision (b).

27 (i) (1) The court shall issue a final order accepting the
28 proceeding and appointing the conservator in this state upon
29 completion of the conformity determination and review required
30 by subdivision (h), or upon its receipt from the court from which
31 the proceeding is being transferred of a final order issued under
32 provisions similar to Section 2001 transferring the proceeding to
33 this state, whichever occurs later. In appointing a conservator under
34 this paragraph, the court shall comply with Section 1830.

35 (2) A transfer to this state does not become effective unless and
36 until the court issues a final order under paragraph (1). A
37 conservator may not take action in this state pursuant to a transfer
38 petition unless and until the transfer becomes effective and all of
39 the following steps have occurred:

1 (A) The conservator has taken an oath in accordance with
2 Section 2300.

3 (B) The conservator has filed the required bond, if any.

4 (C) The court has provided the information required by Section
5 1835 to the conservator.

6 (D) The conservator has filed an acknowledgment of receipt as
7 required by Section 1834.

8 (E) The clerk of the court has issued the letters of
9 conservatorship.

10 (3) Paragraph (2) does not preclude a person who has been
11 appointed as a temporary conservator pursuant to Chapter 3
12 (commencing with Section 2250) from taking action in this state
13 pursuant to the order establishing the temporary conservatorship.

14 (4) When a transfer to this state becomes effective, the
15 conservatorship is subject to the law of this state and shall
16 thereafter be treated as a conservatorship under the law of this
17 state. If a law of this state, including, but not limited to, Section
18 2356.5, mandates compliance with special requirements to exercise
19 a particular conservatorship power or take a particular step, the
20 conservator of a transferred conservatorship may not exercise that
21 power or take that step without first complying with those special
22 requirements.

23 (j) Except as otherwise provided by Section 1851.1, Chapter 3
24 (commencing with Section 1860), Chapter 9 (commencing with
25 Section 2650) of Part 4, and other law, when the court grants a
26 petition under this section, the court shall recognize a
27 conservatorship order from the other state, including the
28 determination of the conservatee's incapacity and the appointment
29 of the conservator.

30 (k) The denial by a court of this state of a petition to accept a
31 conservatorship transferred from another state does not affect the
32 ability of the conservator to seek appointment as conservator in
33 this state under Chapter 1 (commencing with Section 1800) of Part
34 3 if the court has jurisdiction to make an appointment other than
35 by reason of the provisional order of transfer.

36 2003. If a conservatorship is transferred under this article from
37 a court of this state to the court of a California tribe or from the
38 court of a California tribe to a court of this state, the order that
39 provisionally grants the transfer may expressly provide that
40 specified powers of the conservator will not be transferred.

1 Jurisdiction over the specified powers will be retained by the
2 transferring state and will not be included in the powers that are
3 granted to the conservator in the state that accepts the transfer.

4
5 Article 4. Registration and Recognition of Orders from Other
6 States
7

8 2011. ~~(a)~~ If a conservator of the person has been appointed in
9 another state and a petition for the appointment of a conservator
10 of the person is not pending in this state, the conservator of the
11 person appointed in the other state, after providing notice pursuant
12 to ~~subdivisions (b) and (e)~~, *Section 2014*, may register the
13 conservatorship order in this state by filing certified copies of the
14 order and letters of office, and proof of notice as required herein,
15 together with a cover sheet approved by the Judicial Council, in
16 the superior court of any appropriate county of this state.

17 ~~(b)~~ At least 15 days before registering a conservatorship in this
18 state, the conservator shall provide notice of an intent to register
19 to all of the following:

20 (1) The court supervising the conservatorship.

21 (2) Every person who would be entitled to notice of a petition
22 for the appointment of a conservator in the state where the
23 conservatorship is being supervised.

24 (3) Every person who would be entitled to notice of a petition
25 for the appointment of a conservator in this state.

26 ~~(e)~~ Each notice provided pursuant to subdivision (b) shall
27 prominently state that when a conservator acts pursuant to
28 registration, the conservator is subject to the law of this state
29 governing the action, including, but not limited to, all applicable
30 procedures, and is not authorized to take any action prohibited by
31 the law of this state. Except as provided in subdivision (c) of
32 *Section 2023*, each notice shall also prominently state that the
33 registration is effective only while the conservatee resides in
34 another jurisdiction and does not authorize the conservator to take
35 any action while the conservatee is residing in this state.

36 2012. ~~(a)~~ If a conservator of the estate has been appointed in
37 another state and a petition for a conservatorship of the estate is
38 not pending in this state, the conservator appointed in the other
39 state, after providing notice pursuant to ~~subdivisions (b) and (e)~~,
40 *Section 2014*, may register the conservatorship order in this state

1 by filing certified copies of the order and letters of office and of
 2 any bond, and proof of notice as required herein, together with a
 3 cover sheet approved by the Judicial Council, in the superior court
 4 of any county of this state in which property belonging to the
 5 conservatee is located.

6 ~~(b) At least 15 days before registering a conservatorship in this~~
 7 ~~state, the conservator shall provide notice of an intent to register~~
 8 ~~to all of the following:~~

9 ~~(1) The court supervising the conservatorship.~~

10 ~~(2) Every person who would be entitled to notice of a petition~~
 11 ~~for the appointment of a conservator in the state where the~~
 12 ~~conservatorship is being supervised.~~

13 ~~(3) Every person who would be entitled to notice of a petition~~
 14 ~~for the appointment of a conservator in this state.~~

15 ~~(e) Each notice provided pursuant to subdivision (b) shall~~
 16 ~~prominently state that when a conservator acts pursuant to~~
 17 ~~registration, the conservator is subject to the law of this state~~
 18 ~~governing the action, including, but not limited to, all applicable~~
 19 ~~procedures, and is not authorized to take any action prohibited by~~
 20 ~~the law of this state. Except as provided in subdivision (c) of~~
 21 ~~Section 2023, each notice shall also prominently state that the~~
 22 ~~registration is effective only while the conservatee resides in~~
 23 ~~another jurisdiction and does not authorize the conservator to take~~
 24 ~~any action while the conservatee is residing in this state.~~

25 2013. ~~(a) If a conservator of the person and estate has been~~
 26 ~~appointed in another state and a petition for a conservatorship of~~
 27 ~~the person, conservatorship of the estate, or conservatorship of the~~
 28 ~~person and estate is not pending in this state, the conservator~~
 29 ~~appointed in the other state, after providing notice pursuant to~~
 30 ~~subdivisions (b) and (e), Section 2014, may register the~~
 31 ~~conservatorship order in this state by filing certified copies of the~~
 32 ~~order and letters of office and of any bond, and proof of notice as~~
 33 ~~required herein, together with a cover sheet approved by the~~
 34 ~~Judicial Council, in the superior court of any appropriate county~~
 35 ~~of this state.~~

36 ~~(b) At least 15 days before registering a conservatorship in this~~
 37 ~~state, the conservator shall provide notice of an intent to register~~
 38 ~~to all of the following:~~

39 ~~(1) The court supervising the conservatorship.~~

1 ~~(2) Every person who would be entitled to notice of a petition~~
2 ~~for the appointment of a conservator in the state where the~~
3 ~~conservatorship is being supervised.~~

4 ~~(3) Every person who would be entitled to notice of a petition~~
5 ~~for the appointment of a conservator in this state.~~

6 ~~(e) Each notice provided pursuant to subdivision (b) shall~~
7 ~~prominently state that when a conservator acts pursuant to~~
8 ~~registration, the conservator is subject to the law of this state~~
9 ~~governing the action, including, but not limited to, all applicable~~
10 ~~procedures, and is not authorized to take any action prohibited by~~
11 ~~the law of this state. Except as provided in subdivision (e) of~~
12 ~~Section 2023, each notice shall also prominently state that the~~
13 ~~registration is effective only while the conservatee resides in~~
14 ~~another jurisdiction and does not authorize the conservator to take~~
15 ~~any action while the conservatee is residing in this state.~~

16 *2014. (a) At least 15 days before registering a conservatorship*
17 *in this state, the conservator shall provide notice of an intent to*
18 *register to all of the following:*

19 *(1) The court supervising the conservatorship.*

20 *(2) Every person who would be entitled to notice of a petition*
21 *for the appointment of a conservator in the state where the*
22 *conservatorship is being supervised.*

23 *(3) Every person who would be entitled to notice of a petition*
24 *for the appointment of a conservator in this state.*

25 *(b) Each notice provided pursuant to subdivision (a) shall*
26 *comply with all of the following:*

27 *(1) The notice shall prominently state that when a conservator*
28 *acts pursuant to this article, the conservator is subject to the law*
29 *of this state governing the action, including, but not limited to, all*
30 *applicable procedures, and is not authorized to take any action*
31 *prohibited by the law of this state.*

32 *(2) The notice shall explain that if a conservatorship is*
33 *registered pursuant to this article, and the conservator later*
34 *proposes to take a specific action pursuant to this article, which,*
35 *under the law of this state, requires court approval or other action*
36 *in court, the conservator will be required to notify the recipient of*
37 *the request for court approval or other court action, and the*
38 *recipient will have an opportunity to object or otherwise participate*
39 *at that time, in the same manner as other persons are entitled to*
40 *object or otherwise participate under the law of this state.*

1 (3) *The notice shall advise the recipient that information about*
 2 *a conservator's rights, duties, limitations, and responsibilities*
 3 *under the law of this state is available, free of charge, on an*
 4 *Internet Web site maintained by the Judicial Council. The notice*
 5 *shall explain specifically how to locate that information on the*
 6 *Judicial Council's Internet Web site.*

7 (c) *Except as provided in subdivision (c) of Section 2023, each*
 8 *notice provided pursuant to subdivision (a) shall also prominently*
 9 *state that the registration is effective only while the conservatee*
 10 *resides in another jurisdiction and does not authorize the*
 11 *conservator to take any action while the conservatee is residing*
 12 *in this state.*

13 2015. *Upon registration of a conservatorship pursuant to this*
 14 *article, the court shall provide the conservator with written*
 15 *information concerning a conservator's rights, duties, limitations,*
 16 *and responsibilities in this state, as specified in Section 1835. To*
 17 *cover the costs of providing that information, a court may charge*
 18 *the conservator the fee specified in Section 1835, which shall be*
 19 *distributed as specified in that section. The conservator shall file*
 20 *an acknowledgment of receipt of the written information, on a*
 21 *form prescribed by the Judicial Council.*

22 ~~2014.~~

23 2016. (a) Upon registration of a conservatorship order from
 24 another state, the conservator may, while the conservatee resides
 25 out of this state, *file an acknowledgment of receipt of the written*
 26 *information required by Section 2015 and exercise in any county*
 27 *of this state all powers authorized in the order of appointment*
 28 *except as prohibited under the laws of this state, including*
 29 *maintaining actions and proceedings in this state and, if the*
 30 *conservator is not a resident of this state, subject to any conditions*
 31 *imposed upon nonresident parties. When acting pursuant to*
 32 *registration, the conservator is subject to the law of this state*
 33 *governing the action, including, but not limited to, all applicable*
 34 *procedures, and is not authorized to take any action prohibited by*
 35 *the law of this state. If a law of this state, including, but not limited*
 36 *to, Section 2352, 2352.5, 2355, 2356.5, 2540, 2543, 2545, or*
 37 *2591.5, or Article 2 (commencing with Section 1880) of Chapter*
 38 *4 of Part 4, mandates compliance with special requirements to*
 39 *exercise a particular conservatorship power or take a particular*
 40 *step, the conservator of a registered conservatorship may not*

1 exercise that power or take that step without first complying with
2 those special requirements.

3 (b) (1) When subdivision (a) requires a conservator to comply
4 with a law of this state that makes it necessary to obtain court
5 approval or take other action in court, the conservator shall seek
6 that approval or proceed as needed in an appropriate court of this
7 state. In handling the matter, that court shall communicate and
8 cooperate with the court that is supervising the conservatorship,
9 in accordance with Sections 1984 and 1985.

10 (2) *In addition to providing any other notice required by law,*
11 *the conservator shall provide notice of a court proceeding under*
12 *paragraph (1) to all of the following:*

13 (A) *The court supervising the conservatorship.*

14 (B) *Every person who would be entitled to notice of a petition*
15 *for the appointment of a conservator in the state where the*
16 *conservatorship is being supervised.*

17 (C) *Every person who would be entitled to notice of a petition*
18 *for the appointment of a conservator in this state.*

19 (3) *Any person entitled to notice under paragraph (2) may raise*
20 *an objection or otherwise participate in the proceeding in the same*
21 *manner as other persons are allowed to do under the law of this*
22 *state.*

23 (c) Subdivision (a) applies only when the conservatee resides
24 out of this state. When the conservatee resides in this state, a
25 conservator may not exercise any powers pursuant to a registration
26 under this article.

27 (d) A court of this state may grant any relief available under
28 this chapter and other law of this state to enforce a registered order.

29 ~~2015.~~

30 2017. (a) A third person who acts in good faith reliance on a
31 conservatorship order registered under this article is not liable to
32 any person for so acting if all of the following requirements are
33 satisfied:

34 (1) The conservator presents to the third person a file-stamped
35 copy of the registration documents required by Section 2011, 2012,
36 or 2013, including, but not limited to, the certified copy of the
37 conservatorship order.

38 (2) Each of the registration documents, including, but not limited
39 to, the conservatorship order and the file-stamped cover sheet,
40 appears on its face to be valid.

1 (3) The conservator presents to the third person a form approved
 2 by the Judicial Council, in which the conservator attests that the
 3 conservatee does not reside in this state and the conservator
 4 promises to promptly notify the third person if the conservatee
 5 becomes a resident of this state. The form shall also prominently
 6 state that the registration is effective only while the conservatee
 7 resides in another jurisdiction and does not authorize the
 8 conservator to take any action while the conservatee is residing in
 9 this state.

10 (4) The third person has not received any actual notice that the
 11 conservatee is residing in this state.

12 (b) Nothing in this section is intended to create an implication
 13 that a third person is liable for acting in reliance on a
 14 conservatorship order registered under this article under
 15 circumstances where the requirements of subdivision (a) are not
 16 satisfied. Nothing in this section affects any immunity that may
 17 otherwise exist apart from this section.

18 ~~2016.~~

19 ~~2018.~~ (a) A file-stamped copy of the registration documents
 20 required by Section 2011, 2012, or 2013 may be recorded in the
 21 office of any county recorder in this state.

22 (b) A county recorder may charge a reasonable fee for
 23 recordation under subdivision (a).

24 ~~2017.~~

25 ~~2019.~~ Notwithstanding any other provision of this article:

26 (a) A conservatorship order of a court of a California tribe can
 27 be registered under Section 2011, 2012, or 2013, regardless of
 28 whether the conservatee resides in California.

29 (b) The effect of a conservatorship order of a court of a
 30 California tribe that is registered under Section 2011, 2012, or
 31 2013 is not contingent on whether the conservatee resides in
 32 California.

33 (c) Paragraphs (3) and (4) of subdivision (a) of Section ~~2015~~
 34 ~~2017~~ do not apply to a conservatorship order of a court of a
 35 California tribe.

36 Article 5. Miscellaneous Provisions

37
 38
 39 2021. In applying and construing this uniform act, consideration
 40 shall be given to the need to promote uniformity of the law with

1 respect to its subject matter among states that enact it, consistent
2 with the need to protect individual civil rights and in accordance
3 with due process.

4 2022. This chapter modifies, limits, and supersedes the federal
5 Electronic Signatures in Global and National Commerce Act (Title
6 15 (commencing with Section 7001) of the United States Code),
7 but does not modify, limit, or supersede subdivision (c) of Section
8 101 of that act, which is codified as subdivision (c) of Section
9 7001 of Title 15 of the United States Code, or authorize electronic
10 delivery of any of the notices described in subdivision (b) of
11 Section 103 of that act, which is codified as subdivision (b) of
12 Section 7003 of Title 15 of the United States Code.

13 2023. (a) On or before January 1, 2016, the Judicial Council
14 shall develop court rules and forms as necessary for the
15 implementation of this chapter.

16 (b) The materials developed pursuant to this section shall
17 include, but not be limited to, all of the following:

18 (1) A cover sheet for registration of a conservatorship under
19 Section 2011, 2012, or 2013. The cover sheet shall explain that a
20 proceeding may not be registered under Section 2011, 2012, or
21 2013 if the proceeding relates to a minor. The cover sheet shall
22 further explain that a proceeding in which a person is subjected to
23 involuntary mental health care may not be registered under Section
24 2011, 2012, or 2013. The cover sheet shall require the conservator
25 to initial each of these explanations. The cover sheet shall also
26 prominently state that when a conservator acts pursuant to
27 registration, the conservator is subject to the law of this state
28 governing the action, including, but not limited to, all applicable
29 procedures, and is not authorized to take any action prohibited by
30 the law of this state. Except as provided in subdivision (c), the
31 cover sheet shall also prominently state that the registration is
32 effective only while the conservatee resides in another jurisdiction
33 and does not authorize the conservator to take any action while
34 the conservatee is residing in this state. Directly beneath these
35 statements, the cover sheet shall include a signature box in which
36 the conservator attests to these matters.

37 (2) The form required by paragraph (3) of subdivision (a) of
38 Section ~~2015~~ 2017. If the Judicial Council deems it advisable, this
39 form may be included in the civil cover sheet developed under
40 paragraph (1).

1 (3) A form for providing notice of intent to register a proceeding
2 under Section 2011, 2012, or 2013.

3 (4) *A form for a conservator to acknowledge receipt of the*
4 *written information required by Section 2015.*

5 (c) The materials prepared pursuant to this section shall be
6 consistent with Section ~~2017~~ 2019.

7 2024. (a) This chapter applies to conservatorship proceedings
8 begun on or after January 1, 2016.

9 (b) Articles 1, 3, and 4 and Sections 2021 and 2022 apply to
10 proceedings begun before January 1, 2016, regardless of whether
11 a conservatorship order has been issued.

12 Article 6. Federally Recognized Indian Tribe

13 2031. For the purposes of this chapter:

14 (a) “California tribe” means an Indian tribe with jurisdiction
15 that has tribal land located in California.

16 (b) “Indian tribe with jurisdiction” means a federally recognized
17 Indian tribe that has a court system that exercises jurisdiction over
18 proceedings that are substantially equivalent to conservatorship
19 proceedings.

20 (c) “Tribal land” means land that is, with respect to a specific
21 Indian tribe and the members of that tribe, “Indian country” as
22 defined in Section 1151 of Title 18 of the United States Code.

23 2032. Article 2 (commencing with Section 1991) does not
24 apply to a proposed conservatee who is a member of an Indian
25 tribe with jurisdiction.

26 2033. (a) If a petition for the appointment of a conservator has
27 been filed in a court of this state and a conservator has not yet been
28 appointed, any person entitled to notice of a hearing on the petition
29 may move to dismiss the petition on the grounds that the proposed
30 conservatee is a member of an Indian tribe with jurisdiction. The
31 petition shall state the name of the Indian tribe.

32 (b) If, after communicating with the named tribe, the court of
33 this state finds that the proposed conservatee is a member of an
34 Indian tribe with jurisdiction, it may grant the motion to dismiss
35 if it finds that there is good cause to do so. If the motion is granted,
36 the court may impose any condition the court considers just and
37 proper, including the condition that a petition for the appointment
38 of a conservator be filed promptly in the tribal court.
39
40

1 (c) In determining whether there is good cause to grant the
 2 motion, the court may consider all relevant factors, including, but
 3 not limited to, the following:

4 (1) Any expressed preference of the proposed conservatee.

5 (2) Whether abuse, neglect, or exploitation of the proposed
 6 conservatee has occurred or is likely to occur and which state could
 7 best protect the proposed conservatee from the abuse, neglect, or
 8 exploitation.

9 (3) The length of time the proposed conservatee was physically
 10 present in or was a legal resident of this or another state.

11 (4) The location of the proposed conservatee's family, friends,
 12 and other persons required to be notified of the conservatorship
 13 proceeding.

14 (5) The distance of the proposed conservatee from the court in
 15 each state.

16 (6) The financial circumstances of the estate of the proposed
 17 conservatee.

18 (7) The nature and location of the evidence.

19 (8) The ability of the court in each state to decide the issue
 20 expeditiously and the procedures necessary to present evidence.

21 (9) The familiarity of the court of each state with the facts and
 22 issues in the proceeding.

23 (10) If an appointment were made, the court's ability to monitor
 24 the conduct of the conservator.

25 (11) The timing of the motion, taking into account the parties'
 26 and court's expenditure of time and resources.

27 (d) Notwithstanding subdivision (b), the court shall not ~~dismiss~~
 28 ~~the petition~~ *grant a motion to dismiss pursuant to this section* if
 29 the tribal court expressly declines to exercise its jurisdiction with
 30 regard to the proposed conservatee.

31 SEC. 21. Section 2107 of the Probate Code is amended to read:

32 2107. (a) Unless limited by court order, when a court of this
 33 state appoints a guardian or conservator of the person of a
 34 nonresident, the appointee has the same powers and duties as a
 35 guardian or conservator of the person of a resident while the
 36 nonresident is in this state.

37 (b) When a court of this state appoints a guardian or conservator
 38 of the estate of a nonresident, the appointee has, with respect to
 39 the property of the nonresident within this state, the same powers
 40 and duties as a guardian or conservator of the estate of a resident.

1 The responsibility of such a guardian or conservator with regard
2 to inventory, accounting, and disposal of the estate is confined to
3 the property that comes into the hands of the guardian or
4 conservator in this state.

5 SEC. 22. Section 2200 of the Probate Code is amended to read:

6 2200. (a) The superior court has jurisdiction of guardianship
7 and conservatorship proceedings.

8 (b) Chapter 8 (commencing with Section 1980) of Part 3 governs
9 which state has jurisdiction of a conservatorship proceeding.

10 SEC. 23. Section 2300 of the Probate Code is amended to read:

11 2300. Before the appointment of a guardian or conservator is
12 effective, including, but not limited to, the appointment of a
13 conservator under Section 2002, the guardian or conservator shall:

14 (a) Take an oath to perform the duties of the office according
15 to law. The oath obligates the guardian or conservator to comply
16 with the law of this state, as well as other applicable law, at all
17 times, in any location within or without the state. If the conservator
18 petitions for transfer of the conservatorship to another state
19 pursuant to Section 2001, the conservator shall continue to comply
20 with the law of this state until the court issues a final order
21 confirming the transfer and terminating the conservatorship
22 pursuant to Section 2001. The oath shall be attached to or endorsed
23 upon the letters.

24 (b) File the required bond if a bond is required.

25 SEC. 24. Section 2352 of the Probate Code is amended to read:

26 2352. (a) The guardian may establish the residence of the ward
27 at any place within this state without the permission of the court.

28 The guardian shall select the least restrictive appropriate residence
29 that is available and necessary to meet the needs of the ward, and
30 that is in the best interests of the ward.

31 (b) The conservator may establish the residence of the
32 conservatee at any place within this state without the permission
33 of the court. The conservator shall select the least restrictive
34 appropriate residence, as described in Section 2352.5, that is
35 available and necessary to meet the needs of the conservatee, and
36 that is in the best interests of the conservatee.

37 (c) If permission of the court is first obtained, a guardian or
38 conservator may establish the residence of a ward or conservatee
39 at a place not within this state. Notice of the hearing on the petition
40 to establish the residence of the ward or conservatee out of state,

1 together with a copy of the petition, shall be given in the manner
2 required by subdivision (a) of Section 1460 to all persons entitled
3 to notice under subdivision (b) of Section 1511 or subdivision (b)
4 of Section 1822.

5 (d) (1) An order under subdivision (c) relating to a ward shall
6 require the guardian either to return the ward to this state, or to
7 cause a guardianship proceeding or its equivalent to be commenced
8 in the place of the new residence, when the ward has resided in
9 the place of new residence for a period of four months or a longer
10 or shorter period specified in the order.

11 (2) An order under subdivision (c) relating to a conservatee
12 shall require the conservator to do one of the following when the
13 conservatee has resided in the other state for a period of four
14 months or a longer or shorter period specified in the order:

15 (A) Return the conservatee to this state.

16 (B) Petition for transfer of the conservatorship to the other state
17 under Article 3 (commencing with Section 2001) of Chapter 8 of
18 Part 3 and corresponding law of the other state.

19 (C) Cause a conservatorship proceeding or its equivalent to be
20 commenced in the other state.

21 (e) (1) The guardian or conservator shall file a notice of change
22 of residence with the court within 30 days of the date of the change.
23 The guardian or conservator shall include in the notice of change
24 of residence a declaration stating that the ward's or conservatee's
25 change of residence is consistent with the standard described in
26 subdivision (b).

27 (2) The guardian or conservator shall mail a copy of the notice
28 to all persons entitled to notice under subdivision (b) of Section
29 1511 or subdivision (b) of Section 1822 and shall file proof of
30 service of the notice with the court. The court may, for good cause,
31 waive the mailing requirement pursuant to this paragraph in order
32 to prevent harm to the conservatee or ward.

33 (3) If the guardian or conservator proposes to remove the ward
34 or conservatee from his or her personal residence, except as
35 provided by subdivision (c), the guardian or conservator shall mail
36 a notice of his or her intention to change the residence of the ward
37 or conservatee to all persons entitled to notice under subdivision
38 (b) of Section 1511 and subdivision (b) of Section 1822. In the
39 absence of an emergency, that notice shall be mailed at least 15
40 days before the proposed removal of the ward or conservatee from

1 his or her personal residence. If the notice is served less than 15
2 days prior to the proposed removal of the ward or conservatee, the
3 guardian or conservator shall set forth the basis for the emergency
4 in the notice. The guardian or conservator shall file proof of service
5 of that notice with the court.

6 (f) This section does not apply where the court has made an
7 order under Section 2351 pursuant to which the conservatee retains
8 the right to establish his or her own residence.

9 (g) As used in this section, “guardian” or “conservator” includes
10 a proposed guardian or proposed conservator and “ward” or
11 “conservatee” includes a proposed ward or proposed conservatee.

12 (h) This section does not apply to a person with developmental
13 disabilities for whom the Director of Developmental Services or
14 a regional center, established pursuant to Chapter 5 (commencing
15 with Section 4620) of Division 4.5 of the Welfare and Institutions
16 Code, acts as the conservator.

17 SEC. 25. Section 2505 of the Probate Code is amended to read:

18 2505. (a) Subject to subdivision (c), where the claim or matter
19 is the subject of a pending action or proceeding, the court approval
20 required by this article shall be obtained from the court in which
21 the action or proceeding is pending.

22 (b) Where the claim or matter is not the subject of a pending
23 action or proceeding, the court approval required by this article
24 shall be obtained from one of the following:

25 (1) The court in which the guardianship or conservatorship
26 proceeding is pending.

27 (2) The superior court of the county where the ward or
28 conservatee or guardian or conservator resides at the time the
29 petition for approval is filed.

30 (3) The superior court of any county where a suit on the claim
31 or matter properly could be brought.

32 (c) Where the claim or matter is the subject of a pending action
33 or proceeding that is not brought in a court of this state, court
34 approval required by this article shall be obtained from either of
35 the following:

36 (1) The court in which the action or proceeding is pending.

37 (2) The court in which the guardianship or conservatorship
38 proceeding is pending.

1 (d) (1) Subdivisions (a), (b), and (c) do not apply to a
2 conservatorship that is registered in this state pursuant to Article
3 4 (commencing with Section 2011) of Chapter 8 of Part 3.

4 (2) Except as provided in paragraph (3), when a conservatorship
5 is registered in this state pursuant to Article 4 (commencing with
6 Section 2011) of Chapter 8 of Part 3, the court approval required
7 by this article shall be obtained in accordance with Section ~~2014~~
8 *2016*.

9 (3) Notwithstanding Section ~~2014~~, *2016*, when a conservatorship
10 is registered in this state pursuant to Article 4 (commencing with
11 Section 2011) of Chapter 8 of Part 3, and the claim or matter in
12 question is the subject of a pending action or proceeding that is
13 not brought in a court of this state, the court approval required by
14 this article may be obtained from the court in which the action or
15 proceeding is pending.

16 SEC. 26. Section 2650 of the Probate Code is amended to read:
17 2650. A guardian or conservator may be removed for any of
18 the following causes:

19 (a) Failure to use ordinary care and diligence in the management
20 of the estate.

21 (b) Failure to file an inventory or an account within the time
22 allowed by law or by court order.

23 (c) Continued failure to perform duties or incapacity to perform
24 duties suitably.

25 (d) Conviction of a felony, whether before or after appointment
26 as guardian or conservator.

27 (e) Gross immorality.

28 (f) Having such an interest adverse to the faithful performance
29 of duties that there is an unreasonable risk that the guardian or
30 conservator will fail faithfully to perform duties.

31 (g) In the case of a guardian of the person or a conservator of
32 the person, acting in violation of any provision of Section 2356.

33 (h) In the case of a guardian of the estate or a conservator of
34 the estate, insolvency or bankruptcy of the guardian or conservator.

35 (i) In the case of a conservator appointed by a court in another
36 jurisdiction, removal because that person would not have been
37 appointed in this state despite being eligible to serve under the law
38 of this state.

39 (j) In any other case in which the court in its discretion
40 determines that removal is in the best interests of the ward or

1 conservatee; but, in considering the best interests of the ward, if
2 the guardian was nominated under Section 1500 or 1501, the court
3 shall take that fact into consideration.

4 SEC. 27. Section 3800 of the Probate Code is amended to read:

5 3800. (a) If a nonresident has a duly appointed, qualified, and
6 acting guardian, conservator, committee, or comparable fiduciary
7 in the place of residence and if no proceeding for guardianship or
8 conservatorship of the nonresident is pending or contemplated in
9 this state, the nonresident fiduciary may petition to have property
10 owned by the nonresident removed to the place of residence.

11 (b) The petition for removal of property of the nonresident shall
12 be filed in the superior court of the county in which the nonresident
13 is or has been temporarily present or in which the property of the
14 nonresident, or the principal part thereof, is located.

15 (c) If a conservatorship was transferred from this state to another
16 state pursuant to Article 3 (commencing with Section 2001) of
17 Chapter 8 of Part 3, the foreign conservator may remove the
18 conservatee's personal property from this state without seeking a
19 petition under this chapter.

20 SEC. 28. The provisions of this act are severable. If any
21 provision of this act or its application is held invalid, that invalidity
22 shall not affect other provisions or applications that can be given
23 effect without the invalid provision or application.

24 SEC. 29. (a) Section 2023 of the Probate Code, as added by
25 this act, becomes operative on January 1, 2015.

26 (b) The remainder of this act becomes operative on January 1,
27 2016.