Appendix B
Liability Limits of a Parent or Guardian Having Custody and Control of a Minor for the Torts of a Minor (Civ. Code, § 1714.1)

Formula

Pursuant to Civil Code section 1714.1, the joint and several liability limit of a parent or guardian having custody and control of a minor under subdivisions (a) and (b) for each tort of the minor shall be computed and adjusted as follows:

$$\text{Adjusted limit} = \left[\frac{\text{Current CCPI} - \text{January 1, 1995, CCPI}}{\text{January 1, 1995, CCPI}} + 1 \right] \times \text{January 1, 1995, limit}$$

Definition

"CCPI" means the California Consumer Price Index, as established by the California Department of Industrial Relations.

July 1, 201~~3~~5, calculation and adjustment

The joint and several liability of a parent or guardian having custody and control of a minor under Civil Code section 1714.1, subdivision (a) or (b), effective July 1, 201~~3~~5, shall not exceed **~~$39,300~~** **$40,600** for each tort.

The calculation is as follows:

$$\text{~~\$39,299.50~~ \$40,603.14} = \left[\frac{\text{~~238.155~~ 246.055} - 151.5}{151.5} \right] + 1 \times \$25{,}000$$

Under section 1714.1, subdivision (c), the adjusted limit is rounded to the nearest hundred dollars, so the dollar amount of the adjusted limit is rounded ~~down~~ to ~~$39,300~~ $40,600.

3.50. Application of rules

(a)–(b) * * *

(c) Probate fee waivers

Initial fee waivers in decedents' estate, probate conservatorship, and probate guardianship proceedings or involving guardians or conservators as parties on behalf of their wards or conservatees are governed by rule 7.5.

(Subd (c) adopted effective September 1, 2015.)

Rule 3.50 amended effective September 1, 2015; adopted effective January 1, 2007; previously amended effective July 1, 2009.

3.51. Method of application

(a) * * *

(Subd (a) lettered effective September 1, 2015; adopted as unlettered subd. effective January 1, 2007.)

(b) Applications involving (proposed) wards and conservatees

An application for initial fee waiver under rules 3.55 and 7.5 by a probate guardian or probate conservator or a petitioner for the appointment of a probate guardian or probate conservator for the benefit of a (proposed) ward or conservatee, in the guardianship or conservatorship proceeding or in a civil action or proceeding in which the guardian or conservator is a party on behalf of the ward or conservatee, must be made on *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). An application for initial fee waiver under rule 3.56 by a guardian or conservator or a petitioner for the appointment of a guardian or conservator for the benefit of a (proposed) ward or conservatee must be made on *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC).

(Subd (b) adopted effective September 1, 2015.)

Rule 3.51 amended effective September 1, 2015; adopted effective January 1, 2007; previously amended effective January 1, 2007 and July 1, 2009.

3.52. Procedure for determining application

The procedure for determining an application is as follows:

(1) * * *

(2) An order determining an application for an initial fee waiver must be made on *Order on Court Fee Waiver (Superior Court)* (form FW-003) or, if the application is made for the benefit of a (proposed) ward or conservatee, on *Order on Court Fee Waiver (Superior Court) (Ward or Conservatee)* (form FW-003-GC), except as provided in (6) below.

(3) An order determining an application for an initial fee waiver after a hearing in the trial court must be made on *Order on Court Fee Waiver After Hearing (Superior Court)* (form FW-008) or, if the application is made for the benefit of a (proposed) ward or conservatee, on *Order on Court Fee Waiver After Hearing (Superior Court) (Ward or Conservatee)* (form FW-008-GC).

(4) Any order granting a fee waiver must be accompanied by a blank *Notice of Improved Financial Situation or Settlement* (form FW-010) or, if the application is made for the benefit of a (proposed) ward or conservatee, a *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010(GC).

(5) Any order denying an application without a hearing on the ground that the information on the application conclusively establishes that the applicant is not eligible for a waiver must be accompanied by a blank *Request for Hearing About Fee Waiver Order (Superior Court)* (form FW-006) or, if the application is made for the benefit of a (proposed) ward or conservatee, a *Request for Hearing About Court Fee Waiver Order (Superior Court) (Ward or Conservatee)* (form FW-006-GC).

(6) * * *

Rule 3.52 amended effective September 1, 2015; adopted as rule 3.56 effective January 1, 2007; previously amended and renumbered as rule 3.52 effective July 1, 2009; previously amended effective January 1, 2007 and July 1, 2015.

3.53. Application granted unless acted on by the court

The application for initial fee waiver is deemed granted unless the court gives notice of action on the application within five court days after it is filed. If the application is deemed granted under this provision, the clerk must prepare and serve a *Notice: Waiver of Court Fees (Superior Court)* (form FW-005) or, if the application is made for the benefit of a (proposed) ward or conservatee, a *Notice: Waiver of Court Fees (Superior Court) (Ward or Conservatee)* (form FW-005-GC), five court days after the application is filed.

Rule 3.53 amended effective September 1, 2015; adopted as rule 3.57 effective January 1, 2007; previously amended effective January 1, 2007; previously amended and renumbered as rule 3.53 effective July 1, 2009.

7.5. Waivers of court fees in decedents' estates, conservatorships, and guardianships

(a) Scope of rule

This rule governs initial fee waivers, as defined in rule 3.50(b), that are requested by petitioners for the appointment of fiduciaries, or by fiduciaries after their appointment, in decedents' estates, conservatorships, and guardianships under the Probate Code. The rule also governs initial fee waivers in other civil actions or proceedings in which conservators or guardians are parties representing the interests of their conservatees or wards.

(b) Court fee waiver requested by a petitioner for the appointment of a conservator or guardian of the person, estate, or person and estate of a conservatee or ward

A petitioner for the appointment of a conservator or guardian of the person, estate, or person and estate of a conservatee or ward must base an application for an initial fee waiver on the personal financial condition of the proposed conservatee or ward.

(c) Court fee waiver requested by a petitioner for the appointment of a personal representative of a decedent's estate

A petitioner for the appointment of a personal representative of a decedent's estate must base an application for an initial fee waiver on the petitioner's personal financial condition.

(d) Effect of appointment of a personal representative of a decedent's estate on a court fee waiver

The appointment of a personal representative of a decedent's estate may be a change of financial condition for fee waiver purposes under Government Code section 68636 in accordance with the following:

(1) If the successful petitioner is an appointed personal representative:

(A) The petitioner's continued eligibility for an initial fee waiver must be based on the combined financial condition of the petitioner and the decedent's estate.

(B) Upon marshaling or collecting assets of the decedent's estate following the petitioner's appointment and qualification as personal representative, the petitioner must notify the court of a change in financial condition under Government Code section 68636(a) that may affect his or her ability to pay all or a portion of the waived court fees and costs.

(C) The court may make a preliminary determination under Government Code section 68636(b) that the petitioner's appointment as fiduciary is a change of financial condition that makes the petitioner no longer eligible for an initial fee waiver based, in whole or in part, on the estimates of estate value and income contained in the petitioner's *Petition for Probate*. In that event, the court must give notice and conduct the hearing required by section 68636(b).

(2) If the successful petitioner is not an appointed personal representative:

(A) An initial fee waiver for that petitioner continues in effect according to its terms for subsequent fees incurred by that petitioner in the proceeding solely in his or her individual capacity.

(B) The appointed personal representative may apply for an initial fee waiver. The application must be based on the combined financial condition of the personal representative and the decedent's estate.

(e) Financial condition of the conservatee or ward

(1) The financial condition of the conservatee or ward for purposes of this rule includes:

(A) The financial condition—to the extent of the information known or reasonably available to the conservator or guardian, or the petitioner for the conservator's or guardian's appointment, upon reasonable inquiry—of any person who has a duty to support the conservatee or ward, including a spouse, registered domestic partner, or parent. A divorced spouse's or divorced registered domestic partner's duty to support a conservatee and a parent's duty to support a ward under this subparagraph is limited to the amount of support ordered by a court. Consideration of a support order as an element of the conservatee's or ward's financial condition under this rule is subject to the provisions of Government Code sections 68637(d) and (e), concerning the likelihood that the obligated person will pay all or any portion of the support ordered by the court;

(B) A conservatee's interest in community property that is outside the conservatorship estate and under the management or control of the conservatee's spouse or registered domestic partner; and

(C) The right to receive support, income, or other distributions from a trust or under a contract.

(2) Following the appointment of a conservator or guardian and the grant of an initial fee waiver based on the financial condition of the conservatee or ward, the conservator or guardian is the "person who received the initial fee waiver" for purposes of Government Code section 68636(a), whether or not he or she was the successful applicant for the initial waiver. The conservator or guardian must report to the court any changes in the financial condition of the conservatee or ward that affects his or her ability to pay all or a portion of the court fees and costs that were initially waived, including any changes in the financial condition of the persons or property mentioned in subparagraphs (1)(A) and (1)(B) of this subdivision of which the conservator or guardian becomes aware after reasonable investigation.

(f) Additional discretionary factors in the financial condition or circumstances of a decedent's, conservatee's, or ward's estate

(1) The financial condition of the decedent's, conservatee's, or ward's estate for purposes of this rule may, in the court's discretion, include consideration of:

(A) The estate's liquidity;

(B) Whether estate property or income is necessary for the support of a person entitled to a family allowance from the estate of a decedent, the conservatee or a person entitled to support from the conservatee, or the ward; or

(C) Whether property in a decedent's estate is specifically devised.

(2) If property of the estate is eliminated from consideration for initial court fee waiver purposes because of one or more of the factors listed in (1), the court may determine that the estate can pay a portion of court fees, can pay court fees over time, or can pay court fees at a later time, under an equitable arrangement within the meaning of Government Code sections 68632(c) and 68634(e)(5). An equitable arrangement under this paragraph may include establishment of a lien for initially waived court fees against property distributable from a decedent's estate or payable to the conservatee or ward or other successor in interest at the termination of a conservatorship or guardianship.

(g) Payment of previously waived court fees by a decedent's estate

If the financial condition of a decedent's estate is a change of financial condition of a fee waiver applicant under this rule that results in withdrawal of a previously granted initial waiver of fees in favor of a petitioner for the appointment of a personal representative, the estate must pay to the court, as an allowable expense of administration, the fees and costs previously waived.

(h) Termination or modification of previously granted initial fee waivers

(1) *Conservatorships and guardianships of the estate or person and estate*

Upon establishment of a conservatorship or guardianship of the estate or person and estate, the court may collect all or a portion of court fees previously waived from the estate of the conservatee or ward if the court finds that the estate has the ability to pay the fees, or a portion thereof, immediately, over a period of time, or under some other equitable agreement, without using moneys that normally would pay for the common necessaries of life for the conservatee or ward and his or her family. The court must comply with the notice and hearing requirements of the second paragraph of

Government Code section 68634(e)(5) to make the findings authorized in this paragraph.

(2) *Conservatorships and guardianships of the person*

In a conservatorship or guardianship of the person, if the court seeks to reconsider or modify a court fee waiver previously granted based on collection, application, or consideration of support, assets, or income described in (e), it must proceed as provided in Government Code section 68636 and comply with the notice and hearing requirements of the second paragraph of Government Code section 68634(e)(5), including notice to the conservator or guardian, any support obligor, and any person in possession of the assets or income. The conservator or guardian must appear at the hearing on behalf of the conservatee or ward, and the court may also appoint counsel for the conservatee or ward under Probate Code section 1470.

(i) Civil actions in which a conservator or guardian is a party representing the interests of a conservatee or ward

In a civil action in which a conservator or guardian is a party representing the interests of a conservatee or ward against another party or parties, for purposes of Government Code sections 68631.5, 68636, and 68637:

(1) The conservator or guardian is the person with a duty to notify the court of a change of financial condition under section 68636(a) and the person the court may require to appear at a court hearing under sections 68636(b) and (c);

(2) The conservatee or ward and the persons identified in subparagraphs (1)(A) and (B) of subdivision (e) of this rule is the person or persons whose change of financial condition or circumstances of which the court is to be notified under section 68636(a); and

(3) The conservatee or ward is the person or party whose initial fees and costs were initially waived under sections 68636(c) and 68637.

(j) Advances of court fees and costs by legal counsel

(1) Government Code section 68633(g)—concerning agreements between applicants for initial court fee waivers and their legal counsel for counsel to advance court fees and costs and court hearings to determine the effect of the

presence or absence of such agreements on the applications—applies to proceedings described in this rule.

(2) Conservators, guardians, and petitioners for their appointment applying for initial fee waivers under this rule represented by legal counsel, and their counsel, must complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC), including items 2a and 2b, and, if a request to waive additional court fees is made, the *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC), including items 2a and 2b. The reference to "legal-aid type services" in these forms refers to legal services provided to an applicant by counsel for or affiliated with a qualified legal services project defined in Business and Professions Code section 6213.

(k) Expiration of initial court fee waivers in decedents' estates, conservatorships, and guardianships

"Final disposition of the case" in decedent's estate, conservatorship, and guardianship proceedings for purposes of determining the expiration of fee waivers under Government Code section 68639 occurs on the later of the following events:

(1) Termination of the proceedings by order of court or under operation of law in conservatorships and guardianships of the person; or

(2) Discharge of personal representatives of decedents' estates and discharge of conservators or guardians of estates.

Rule 7.5 adopted effective September 1, 2015.

Rule 8.26. Waiver of fees and costs

(a) Application form

An application for initial waiver of court fees and costs in the Supreme Court or Court of Appeal must be made on *Request to Waive Court Fees* (form FW-001) or, if the application is made for the benefit of a (proposed) ward or conservatee, on *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). The clerk must provide *Request to Waive Court Fees* (form FW-001) or *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC) and the *Information Sheet on Waiver of Fees and Costs (Supreme Court, Court of Appeal, or Appellate Division)* (form APP-015/FW-015-INFO) without charge to any person who

requests any fee waiver application or states that he or she is unable to pay any court fee or cost.

(Subd (a) amended effective September 1, 2015.)

(b) * * *

(c) Procedure for determining application

The application must be considered and determined as required by Government Code section 68634.5. An order from the Supreme Court or Court of Appeal determining the application for initial fee waiver or setting a hearing on the application in the Supreme Court or Court of Appeal may be made on *Order on Court Fee Waiver (Court of Appeal or Supreme Court)* (form APP-016/FW-016) or, if the application is made for the benefit of a (proposed) ward or conservatee, on *Order on Court Fee Waiver (Court of Appeal or Supreme Court) (Ward or Conservatee)* (form APP-016-GC/FW-016-GC).

(Subd (c) amended effective September 1, 2015.)

(d)–(g) * * *

Rule 8.26 amended effective September 1, 2015; adopted effective July 1, 2009; previously amended effective October 28, 2011.