



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

March 20, 2008

Hon. Dave Jones
Member of the Assembly
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 1340 (Jones), as amended January 10, 2008 - Support

Dear Assembly Member Jones:

The Judicial Council supports AB 1340, which requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account as of, rather than through, the closing date of the first court accounting. Some courts were interpreting the existing accounting statute to require non-professional conservators and guardians to provide all bank account statements for the period of the first accounting, instead of just the statements showing account balances at the start and end of the accounting period. The Judicial Council supports AB 1340 because the bill will help avoid confusion and should minimize noncritical paperwork being submitted to the courts.

For these reasons, the Judicial Council supports AB 1340.

Sincerely,

Daniel Pone
Senior Attorney

cc: Members, Senate Judiciary Committee
Ms. Leora Gershenson, Counsel, Assembly Judiciary Committee
Ms. Gloria Ochoa, Deputy Chief Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research



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May 15, 2008

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 3092
Sacramento, California 95814

Subject: AB 1340 (Jones), as amended January 10, 2008 - Support
Hearing: Senate Judiciary Committee – June 10, 2008

Dear Senator Corbett:

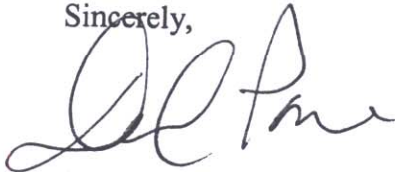
The Judicial Council supports AB 1340, which requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account as of, rather than through, the closing date of the first court accounting.

Some courts were interpreting the existing accounting statute to require non-professional conservators and guardians to provide all bank account statements for the period of the first accounting, instead of just the statements showing account balances at the start and end of the accounting period. The Judicial Council supports AB 1340 because the bill's clarification that a non-professional guardian or conservator must only provide the court account statements showing the account as of, rather than through, the closing date of the first court accounting will help avoid confusion and should minimize noncritical paperwork being submitted to the courts.

Hon. Ellen Corbett, Chair
May 15, 2008
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For these reasons, the Judicial Council supports AB 1340.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pone", written in a cursive style.

Daniel Pone
Senior Attorney

DP/op

cc: Members, Senate Judiciary Committee
Hon. Dave Jones, Member of the Assembly
Ms. Gloria Ochoa, Deputy Chief Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
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Director, Office of Governmental Affairs

June 3, 2008

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 3092
Sacramento, California 95814

Subject: AB 1340 (Jones), as amended June 2, 2008 - Support
Hearing: Senate Judiciary Committee – June 10, 2008

Dear Senator Corbett:

The Judicial Council supports AB 1340, which requires that the notice for a hearing on the appointment of a temporary guardian or temporary conservator be given at least 5 court days before the hearing. AB 1340 also requires a guardian or conservator, in a first accounting filed with the court, to provide all account statements showing the account as of, rather than through, the closing date of the first court accounting.

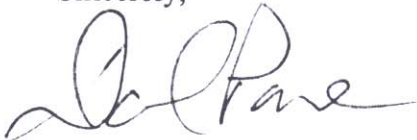
The Judicial Council supports the change in AB 1340 that requires notice to be given 5 *court* days prior to the hearing on a temporary guardianship or temporary conservatorship because it will increase the ability of court investigators to complete their investigations prior to any such appointments being made by the court. Under the Omnibus Conservatorship and Guardianship Reform Act of 2006, a court investigator is now required to conduct an investigation of all temporary guardianships and temporary conservatorships either before the hearing or, if it is not feasible to do so, within two court days after the hearing. (Probate Code sec. 2250.6.) However, the Omnibus Act did not change the pre-existing requirement that notice of the hearing on the appointment of a temporary guardian or temporary conservator be given at least 5 days before

the hearing on the petition (unless the court for good cause otherwise orders). (Probate Code sec. 2250(e).) The existing time constraints make it extremely difficult for court investigators to complete their investigations prior to these hearings, especially when the petition for the appointment of a temporary guardian or temporary conservator is filed on a Thursday or Friday. Expanding the required notice to 5 *court* days will make it more feasible for investigations to be completed prior to the hearings, which will assist the courts in determining the appropriateness of granting temporary guardianships and temporary conservatorships at the outset, consistent with the overall intent of the Omnibus Act.

The Omnibus Act also made various changes in the law governing accountings that must be submitted to the courts in connection with guardianships and conservatorships. Some courts were interpreting the existing accounting statute to require non-professional conservators and guardians to provide all bank account statements for the period of the first accounting, instead of just the statements showing account balances at the start and end of the accounting period. The Judicial Council supports AB 1340 because the bill's clarification that a non-professional guardian or conservator must only provide the court account statements showing the account as of, rather than through, the closing date of the first court accounting will help avoid confusion and should minimize noncritical paperwork being submitted to the courts.

For these reasons, the Judicial Council supports AB 1340.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pone", with a stylized, flowing script.

Daniel Pone
Senior Attorney

DP/op

cc: Members, Senate Judiciary Committee
Hon. Dave Jones, Member of the Assembly
Ms. Gloria Ochoa, Deputy Chief Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
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CURTIS L. CHILD
Director, Office of Governmental Affairs

August 29, 2008

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 1340 (Jones) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports AB 1340, which makes several non-controversial changes to improve court oversight of conservatorship cases. Among other things, AB 1340 clarifies that the time for giving notice of a hearing on a petition for temporary conservatorship is five court days, which will increase the ability of court investigators to complete their investigations prior to any such appointments being made by the court. The bill also clarifies that the first court accounting from a non-professional conservator or guardian must include account statements from financial institutions as of the closing date of the accounting period.

If a conservatee's estate is valued above a minimal threshold, AB 1340 clarifies that a conservator must provide a bond unless the court determines that there is good cause not to provide such a bond. The bill further clarifies that a court may not permit a person, who either is not licensed as a professional fiduciary or is not exempt from the licensing requirements, from continuing to act as a professional fiduciary. And, the bill establishes a process to deem an individual, who files petitions that are unmeritorious or intended to harass or annoy in a conservatorship case, a vexatious litigant. Moreover, the bill clarifies the procedure to obtain court permission to establish the residence of a ward or conservatee outside of California. AB also 1340 allows the court, where an incapacitated spouse's community property is sought to be

Hon. Arnold Schwarzenegger

August 29, 2008

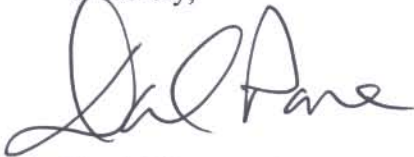
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transferred, to appoint an investigator or counsel to review the proposed transaction, if warranted.

A number of the provisions in AB 1340 are based on recommendations from the Judicial Council's Probate Conservatorship Task Force. The Judicial Council supports AB 1340 because the bill will help avoid confusion, minimize noncritical paperwork being submitted to the courts, and improve the overall administration of conservatorship cases.

For these reasons, the Judicial Council requests your signature on AB 1340.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone", written in a cursive style.

Daniel Pone
Senior Attorney

DP/ljb

cc: Hon. Dave Jones, Member of the Assembly

Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research