



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

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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

KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

April 2, 2007

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 1727 (Committee on Judiciary), as amended March 29, 2007 - Support Sections 1-8; no position on Section 9

Hearing: Assembly Judiciary Committee – April 24, 2007

Dear Assembly Member Jones:

The Judicial Council is pleased to support sections 1-8 of AB 1727, which make a number of technical and conforming amendments to the Omnibus Conservatorship and Guardianship Reform Act of 2006. Among other things, the bill:

- Adds the Professional Fiduciary Association of California as one of the groups that the Judicial Council must consult with in connection with the establishment of a rule of court relating to qualifications and educational requirements of court personnel.
- Corrects the due date for the development of an educational program for nonprofessional conservators and guardians, which the Judicial Council must complete by January 1, 2008.

- Corrects the date for the sunset of the provision that requires the Judicial Council to study and report on court effectiveness in conservatorship cases.
- Specifies that the time frame for mailing to the conservatee and his or her relatives the order appointing the conservator and the notice regarding the rights of conservatees is within 30 days of the issuance of the order.
- Provides that notice of the hearing on a petition for termination of a temporary conservatorship shall, unless the court orders otherwise, be given at least five days before the hearing.
- Revises requirements to which a personal representative must conform in selling estate property.
- Makes other technical corrections to fix drafting errors and an incorrect reference.

The above provisions in sections 1-8 of the bill, which are non-controversial and technical in nature, provide needed clean-up of the Omnibus Conservatorship and Guardianship Reform Act of 2006. These changes should help avoid confusion and assist with implementation of the new requirements under the Act.

Section 9 of the bill would also revise the law governing the invalidation of donative transfers to care custodians by disallowing such transfers only in cases where "the instrument creating or modifying the donative transfer is dated after the date that the person receiving the transfer became the care custodian for that transferor." [AB 1727, p. 12, lines 14-17.] The Judicial Council does not have a position on this section of the bill as it presents a policy issue that is outside the council's purview.

For these reasons, the Judicial Council supports sections 1-8 of AB 1727, and takes no position on Section 9 of the bill.

Sincerely,



Daniel A. Pone
Senior Attorney

DP/op

cc: Members, Assembly Judiciary Committee
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Governor's Office of Planning and Research



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Director, Office of Governmental Affairs

April 25, 2007

Hon. Mark Leno, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1727 (Committee on Judiciary), as amended March 29, 2007 - Support Sections 1-8; no position on Section 9

Hearing: Assembly Appropriations Committee – May 2, 2007

Dear Assembly Member Leno:

The Judicial Council is pleased to support sections 1-8 of AB 1727, which make a number of technical and conforming amendments to the Omnibus Conservatorship and Guardianship Reform Act of 2006. Among other things, the bill:

- Adds the Professional Fiduciary Association of California as one of the groups that the Judicial Council must consult with in connection with the establishment of a rule of court relating to qualifications and educational requirements of court personnel.
- Corrects the due date for the development of an educational program for nonprofessional conservators and guardians, which the Judicial Council must complete by January 1, 2008.

- Corrects the date for the sunset of the provision that requires the Judicial Council to study and report on court effectiveness in conservatorship cases.
- Specifies that the time frame for mailing to the conservatee and his or her relatives the order appointing the conservator and the notice regarding the rights of conservatees is within 30 days of the issuance of the order.
- Provides that notice of the hearing on a petition for termination of a temporary conservatorship shall, unless the court orders otherwise, be given at least five days before the hearing.
- Revises requirements to which a personal representative must conform in selling estate property.
- Makes other technical corrections to fix drafting errors and an incorrect reference.

The above provisions in sections 1-8 of the bill, which are non-controversial and technical in nature, provide needed clean-up of the Omnibus Conservatorship and Guardianship Reform Act of 2006. These changes should help avoid confusion and assist with implementation of the new requirements under the Act.

Section 9 of the bill would also revise the law governing the invalidation of donative transfers to care custodians by disallowing such transfers only in cases where “the instrument creating or modifying the donative transfer is dated after the date that the person receiving the transfer became the care custodian for that transferor.” [AB 1727, p. 12, lines 14-17.] The Judicial Council does not have a position on this section of the bill as it presents a policy issue that is outside the council’s purview.

The current version of AB 1727 contains no net fiscal impacts for the judicial branch; none of the tasks described in the bill expand or significantly augment any of the courts’ responsibilities under existing law, and the donative transfer provision does not create any workload issues for the courts.

Hon. Mark Leno, Chair

April 25, 2007

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For the above reasons, the Judicial Council supports sections 1-8 of AB 1727, and takes no position on Section 9 of the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Pone". The signature is fluid and cursive, with the first name "Daniel" and last name "Pone" clearly distinguishable.

Daniel A. Pone
Senior Attorney

DP/op

cc: Members, Assembly Appropriations Committee
Mr. Chuck Nicol, Consultant, Assembly Appropriations Committee
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Governor's Office of Planning and Research



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KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

June 21, 2007

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

Subject: AB 1727 (Committee on Judiciary), as amended June 20, 2007 - Support
Hearing: Senate Judiciary Committee – June 26, 2007

Dear Senator Corbett:

The Judicial Council supports AB 1727 (Committee on Judiciary), which makes numerous revisions and clarifications to probate conservatorship and guardianship statutes, building upon last year's Omnibus Conservatorship and Guardianship Reform Act. With regard to Section 30 of the bill, dealing with donative transfers to care custodians, the Judicial Council takes no position as it presents a policy issue outside the council's purview.

The bulk of the recent amendments to AB 1727 are consistent with recommendations that are contained in the Judicial Council's Probate Conservatorship Task Force's draft report, which is currently out for public comment. These provisions will help facilitate a court investigator's access to confidential health information, while at the same time protecting the conservatee's confidentiality by requiring such information to be maintained in the confidential portion of the court file and not sent to the conservatee's relatives. The bill will improve the courts' handling of care plans, accountings and other information regarding conservatees and their estates. In addition, AB 1727 will help ensure that conservatorships are only granted by the courts in cases where no less restrictive alternative is available to protect the needs of the proposed conservatee. The bill will also assist the courts in determining the appropriateness of appointments of private professional conservators by requiring those fiduciaries to provide information about their

Hon. Ellen Corbett, Chair
June 21, 2007
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registration status and connections to or contacts with the proposed conservatees and their family members.

These changes are complimentary to the reforms that were enacted in the Omnibus Conservatorship and Guardianship Reform Act of 2006, and will further strengthen the courts' oversight of conservatorship cases. The bill also contains a number of non-controversial and technical amendments that provide needed clean-up of the Omnibus Act, which should help avoid confusion and assist with its implementation.

For all of the above reasons, the Judicial Council supports AB 1727.

Sincerely,

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

Daniel A. Pone
Senior Attorney

DP/op

cc: Members, Senate Judiciary Committee
Hon. Dave Jones, Chair, Assembly Judiciary Committee
Mr. Gloria Megino Ochoa, Deputy Chief Counsel, Senate Judiciary Committee
Mr. Eric Csizmar, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Acting Director of Legislation, Governor's Office of Planning and Research
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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KATHLEEN T. HOWARD
Director, Office of Governmental Affairs

September 12, 2007

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

Subject: AB 1727 – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports AB 1727 (Committee on Judiciary), which makes numerous revisions and clarifications to probate conservatorship and guardianship statutes, and builds upon last year's Omnibus Conservatorship and Guardianship Reform Act. A number of the provisions in AB 1727 are based on recommendations that are contained in the draft report of the Judicial Council's Probate Conservatorship Task Force. The final report of the task force will be considered for adoption by the council at its October 26, 2007, meeting.

In spite of the significant challenges faced by the courts this year in implementing the Omnibus Act without the requisite funding, AB 1727 makes some important changes to the act that should assist the courts in conservatorship matters. Among other things, the bill's provisions will help facilitate a court investigator's access to confidential health information, while at the same time protecting the conservatee's confidentiality by requiring such information to be maintained in the confidential portion of the court file and not sent to the conservatee's relatives. The bill will improve the courts' handling of accountings and other information regarding conservatees and their estates. In addition, AB 1727 will help ensure that conservatorships are only granted by the courts in cases where no less restrictive alternative is available to protect the needs of the proposed conservatee. The bill will also assist the courts in determining the appropriateness of appointments of private professional conservators by requiring those fiduciaries to provide

information about their registration status and connections to or contacts with the proposed conservatees and their family members.

These changes are complimentary to the reforms that were enacted in the Omnibus Conservatorship and Guardianship Reform Act of 2006, and will further strengthen the courts' oversight of conservatorship cases. The bill also contains a number of non-controversial and technical amendments that provide needed clean-up of the Omnibus Act, which should help avoid confusion.

For all of the above reasons, the Judicial Council respectfully requests your signature on AB 1727.

Sincerely,

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

Daniel A. Pone
Senior Attorney

DP/op

cc: Hon. Dave Jones, Chair, Assembly Judiciary Committee
Ms. Leora Gershenzon, Staff Counsel, Assembly Judiciary Committee
Mr. Brent Jamison, Acting Director of Legislation, Governor's Office of Planning and Research
Ms. Gloria Megino Ochoa, Deputy Chief Counsel, Senate Judiciary Committee
Mr. Mark Redmon, Senior Consultant, Assembly Republican Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy