



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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

March 14, 2006

Hon. Debra Bowen
California State Senate
State Capitol, Room 4040
Sacramento, California 95814

Subject: SB 1716 (Bowen), as introduced February 24, 2006 – Support, if funded.

Dear Senator Bowen:

The Judicial Council is pleased to support SB 1716, which allows the court, on its own motion or upon request, to order a review of a conservatorship at any time. The bill also requires the court investigator's evaluation to include the appropriateness of the conservatee's placement, quality of care, and financial condition. In addition, the bill authorizes the court to consider and take appropriate action in response to ex parte communications regarding a fiduciary's performance of his or her duties and responsibilities or a person who is the subject of a guardianship or conservatorship proceeding, and requires the Judicial Council to adopt a rule of court, by July 1, 2007, to implement this provision.

The Judicial Council supports the bill's approach of keeping the existing schedule of required conservatorship reviews, but instead giving the court discretion, on its own motion or upon request, to set additional review hearings at any time. The council also supports clarifying and expanding the role of court investigators in these cases, provided sufficient funding is appropriated for this purpose, so that their evaluations can focus more specifically on the well-being of the conservatee, rather than simply on whether continuing the conservatorship may still be warranted. Coupling these changes with allowing the court, in appropriate circumstances, to act on ex parte communications regarding a conservatee as well as the performance of the conservator's fiduciary duties and responsibilities should give the courts the tools they need to help detect and deter abuse in the minority of cases where it may be occurring, rather than requiring more reviews in all cases which could have the unintended consequence of depleting conservatees' estates and unnecessarily using precious court resources.

Hon. Debra Bowen
March 14, 2006
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For these reasons, the Judicial Council supports SB 1716. Please feel free to contact me if you have any questions.

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/lb

cc: Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Ms. Sue Blake, Assistant Office of Planning and Research
Ms. Leora Gershenzon, Staff Counsel, Assembly Judiciary Committee
Ms. Gloria Ochoa, Deputy Chief Counsel, Senate Judiciary Committee



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March 23, 2006

Hon. Joseph L. Dunn, Chair
Senate Judiciary Committee
State Capitol, Room 2080
Sacramento, California 95814

Subject: SB 1716 (Bowen), as introduced February 24, 2006 - Support if funded.
Hearing: Senate Judiciary Committee – April 18, 2006

Dear Senator Dunn:

The Judicial Council is pleased to support SB 1716, which allows the court, on its own motion or upon request, to order a review of a conservatorship at any time. The bill also requires the court investigator's evaluation to include the appropriateness of the conservatee's placement, quality of care, and financial condition. In addition, the bill authorizes the court to consider and take appropriate action in response to ex parte communications regarding a fiduciary's performance of his or her duties and responsibilities or a person who is the subject of a guardianship or conservatorship proceeding, and requires the Judicial Council to adopt a rule of court, by July 1, 2007, to implement this provision.

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Hon. Joseph L. Dunn, Chair
March 23, 2006
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Senior Attorney

DP/lb

cc: Members, Senate Judiciary Committee
Hon. Debra Bowen, Member of the Senate
Ms. Sue Blake, Assistant Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Ms. Leora Gershenzon, Staff Counsel, Assembly Judiciary Committee
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June 13, 2006

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3126
Sacramento, California 95814

Subject: SB 1716 (Bowen), as amended May 2, 2006 – Support
Hearing: Assembly Judiciary Committee – June 20, 2006

Dear Assembly Member Jones:

The Judicial Council is pleased to support SB 1716, which allows the court, on its own motion or upon request, to order a review of a conservatorship at any time. The bill also requires the court investigator's evaluation to include the appropriateness of the conservatee's placement, quality of care, and financial condition. In addition, the bill authorizes the court to consider and take appropriate action in response to ex parte communications regarding a fiduciary's performance of his or her duties and responsibilities or a person who is the subject of a guardianship or conservatorship proceeding, and requires the Judicial Council to adopt a rule of court, by July 1, 2007, to implement this provision.

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Hon. Dave Jones, Chair

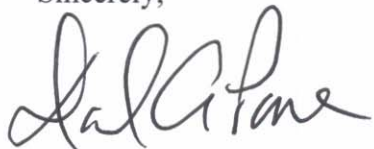
June 13, 2006

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DP/rn

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Hon. Debra Bowen, Member of the Senate
Ms. Sue Blake, Assistant Office of Planning and Research
Mr. Eric Csizmar, Deputy Legislative Secretary, Office of the Governor
Ms. Leora Gershenzon, Staff Counsel, Assembly Judiciary Committee
Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy