



JUDICIAL COUNCIL  
OF CALIFORNIA

TECHNOLOGY COMMITTEE

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**JUDICIAL COUNCIL TECHNOLOGY COMMITTEE**

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))  
THIS MEETING WILL BE CONDUCTED BY TELECONFERENCE  
THIS MEETING WILL BE RECORDED

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**Date:** September 12, 2016  
**Time:** 12:00 noon - 1:00 p.m.  
**Public Call-in Number:** 1-877-820-7831 Passcode: 3511860

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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**I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))**

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**Call to Order and Roll Call**

**Approval of Minutes**

Approve minutes of the August 25, 2016 meeting.

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**II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))**

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**Written Comment**

In accordance with California Rules of Court, rule 10.75(k)(1), public comments about any agenda item must be submitted by September 9, 2016, 12:00 noon. Written comments should be e-mailed to [jctc@jud.ca.gov](mailto:jctc@jud.ca.gov) or mailed or delivered to 2255 N. Ontario Street, Suite 220, Burbank, California 91504, attention: Jessica Craven Goldstein. Only written comments received by September 9, 2016, 12:00 noon will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-5)**

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**Item 1**

**Chair Report**

Provide update on activities of or news from the Judicial Council, advisory bodies, courts, and/or other justice partners.

Presenter: Hon. Marsha G. Slough, Chair, Judicial Council Technology Committee

**Item 2**

**Legislative Proposal to Authorize E-Service and E-Filing in Juvenile Proceedings (Action Required)**

Review ITAC's legislative proposal on proposal to amend the Welfare & Institutions Code to allow for e-service by consent and e-filing in juvenile dependency and delinquency proceedings. This proposal would amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45, and add new section 212.5 to Welfare & Institutions Code.

Presenter: Ms. Diana Glick, Attorney, Center for Families, Children and the Courts

**Item 3**

**Legislative Proposal to Authorize E-Service in Proceedings Under the Probate Code (Action Required)**

Review legislative proposal of the Information Technology Advisory Committee and the Probate Mental Health Advisory Committee to amend the Probate Code and two Probate Code-connected provisions of the Welfare and Institutions Code to allow for e-service in proceedings governed by the Probate Code. This proposal would amend sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222 of the Probate Code; and sections 728 and 5362 of the Welfare and Institutions Code; restate existing section 1265 of the Probate Code as a new section 1266; enact a new Probate Code section 1265; and repeal Probate Code section 1216.

Presenter: Mr. Douglas C. Miller, Attorney, Legal Services

**Item 4**

**Update on Sustain Justice Edition Case Management System**

An update and report on the work related to the Sustain Justice Edition case management system.

Presenters: Mr. Richard Feldstein, JCTC member; and Mr. Jake Chatters, Court Executive Officer, Placer Court Superior Court

**Item 5**

**Request for Funding for Information Technology Infrastructure for Humboldt and Madera Superior Courts for Eventual Elimination of Subsidies from Trial Court Trust Fund (TCTF) and Improvement and Modernization Fund (IMF) for the Interim Case Management System (ICMS or Sustain Justice Edition) and Managed Court Program (Hosting) (Action Required)**


Follow up on request for funding for two courts (Humboldt and Madera) designated for local hosting when the other six Sustain Justice Edition courts migrate to Placer Superior Court for hosting. Possible referral for comment by the Trial Court Budget Advisory Committee (TCBAC) and/or recommendation to the Judicial Council. The Judicial Council Technology Committee in April 2016, TCBAC in May 2016, and the Judicial Council in June 2016, provided approval for funding to migrate six courts to Placer Superior Court for hosting; this request is to provide funding for the two remaining courts to migrate away from the technology center.

Presenters: Mr. Jake Chatters, Court Executive Officer, Placer Superior Court; Ms. Bonnie Thomas, Court Executive Officer, Madera Superior Court; and Ms. Kim Bartleson, Court Executive Officer, Humboldt Superior Court

**A D J O U R N M E N T**

**Adjourn**

# Judicial Council Technology Committee Open Meeting



September 12, 2016

# Call to Order and Roll Call

- Welcome
- Open Meeting Script
- Approve minutes

*Hon. Marsha G. Slough, Chair, Judicial Council Technology  
Committee*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Chair Report

*Hon. Marsha G. Slough*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Action: Legislative Proposal to Authorize E-Service and E- Filing in Juvenile Proceedings

*Ms. Diana Glick, Attorney, Center for Families, Children & the  
Courts*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Action: Legislative Proposal to Authorize E-Service in Proceedings Under the Probate Code

*Mr. Douglas C. Miller, Attorney, Legal Services*



JUDICIAL COUNCIL  
OF CALIFORNIA



# Update: Sustain Justice Edition Case Management System

*Mr. Richard D. Feldstein, JCTC member; and Mr. Jake Chatters, Court Executive Officer, Placer Superior Court*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Action: Request for Funding for Information Technology Infrastructure for Humboldt and Madera Superior Courts for Eventual Elimination of Subsidies from Trial Court Trust Fund (TCTF) and Improvement and Modernization Fund (IMF) for the Interim Case Management System (ICMS or Sustain Justice Edition) and Managed Court Program (Hosting

*Mr. Jake Chatters; Ms. Bonnie Thomas, Court Executive Officer, Madera Superior Court; and Ms. Kim Bartleson, Court Executive Officer, Humboldt Superior Court*



JUDICIAL COUNCIL  
OF CALIFORNIA

# Adjourn

*All*



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# JUDICIAL COUNCIL OF CALIFORNIA

TECHNOLOGY COMMITTEE

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## JUDICIAL COUNCIL TECHNOLOGY COMMITTEE

### MINUTES OF OPEN MEETING

August 25, 2016

9:30 AM – 11:30 AM

Sequoia Room, Judicial Council Conference Center, 455 Golden Gate Avenue,  
San Francisco, CA 94102-3688

**Advisory Body Members Present:** Hon. Marsha G. Slough, Chair; Hon. Daniel J. Buckley, Vice-Chair; Mr. Mark G. Bonino; Hon. Kyle S. Brodie; Hon. Ming W. Chin; Hon. David E. Gunn; Hon. Gary Nadler; Mr. Jake Chatters; Mr. Rick Feldstein; and Ms. Debra Elaine Pole

**Advisory Body and Liaison Members Present:** Hon. Terence L. Bruiniers  
**Absent:**

**Others Present:** Mr. Mark Dusman, Mr. Zlatko Theodorovic; Ms. Virginia Sanders-Hinds; Mr. David Koon; Ms. Kathy Fink; Ms. Brandy Sanborn; Ms. Jessica Goldstein; Mr. Patrick O'Donnell; Ms. Tara Lundstrum; Ms. Kimberly DaSilvas; Ms. Andrea Jaramillo; and Ms. June Agpalza

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order, took roll call, and advised no public comments were received.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the July 27, 2016 and August 8, 2016, Judicial Council Technology Committee meetings.

#### DISCUSSION AND ACTION ITEMS (ITEMS 1 – 9)

##### Item 1

##### Chair Report

**Update:** Hon. Marsha Slough, welcomed and thanked everyone for attending. Justice Slough reviewed the agenda for the meeting, as well as provided updates on recent meetings in which she and other members represented the JCTC or reported on the JCTC activities. She also acknowledged the Information Technology Advisory Committee (ITAC) Chair for his membership and accomplishments as the Chair's term will end in September 2016, as well as outgoing Judicial Council member Mr. Mark Bonino. Justice Slough also announced the incoming Chair and Vice-chair of ITAC.

## Item 2

### **Rules Modernization Project (Phase 2) Rules Proposal: Proposed Amendments to Titles 2, 3, and 5 of the California Rules of Court (Action Required)**

**Update:** Ms. Tara Lundstrom, Attorney, Criminal Justice Services reviewed the Information Technology Advisory Committee's (ITAC) proposed amendments to titles 2, 3, and 5 of the California Rules of Court. The proposed amendments are intended to be substantive changes to the rules to facilitate e-business, e-filing, and e-service. An update was provided on the discussion that took place between the joint groups which included the Civil and Small Claims Advisory Committee and the Family and Juvenile Advisory Committee. On the issue of courtesy copies, the subgroup remained split and did not reach a decision that was satisfactory to all. Thus, the group chose to forward along the two recommendations and a third option (to remove the proposed rule 2.252 amendment from the proposal altogether).

**Action 1:** The committee discussed the report and then voted to remove proposed rule 2.252 amendment from the proposal.

**Action 2:** The committee continued the discussion on the remainder of the report and voted unanimously to approve.

## Item 3

### **Legislative Proposal on E-Filing, E-Service, and E-Signatures (Action Required)**

**Update:** Mr. Patrick O'Donnell and Ms. Tara Lundstrom reviewed the revisions on ITAC's legislative proposal on e-filing, e-service, and e-signatures. This proposal would amend Code of Civil Procedure sections 664.5, 1010.6, and 1110 and would add a new section 1013b.

**Action:** reviewed the revisions

## Item 4

### **Legislative Proposal to Authorize Permissive E-Filing and E-Service in Criminal Proceedings**

**Update:** Ms. Kimberly DaSilva, Attorney, Criminal Justice Services reviewed the revisions on ITAC's legislative proposal that would enact Penal Code section 690.5 to clarify that permissive e-filing and e-service are authorized in criminal matters.

**Action:** The committee discussed the report and voted unanimously to approve.

## Item 5

### **Update on Sustain Justice Edition Case Management System**

**Update:** Mr. Richard D. Feldstein, Mr. David Koon, and Mr. Jake Chatters provided an update and report on the work related to the Sustain Justice Edition case management system replacement including the request for proposal, budget change proposal, and the Placer Court Hosting Consortium.

**Action:** The committee received the report.

**Item 6**

**Update/Report on Information Technology Advisory Committee (ITAC)**

**Update:** Hon. Terence L. Bruiniers, Chair of ITAC, provided an update and report on the activities of the advisory committee, its subcommittees, and its workstreams.

**Action:** The committee discussed the activities of ITAC and received the report.

**Item 7**

**Update/Report on Future's Commission**

**Update:** Mr. Jake Chatters, JCTC member provided reported on the work of the Future's Commission and indicated that the process continues. Work is being done on the draft reports which is scheduled to be complete in February 2017. It was also noted that Public Comment will take place on Monday, August 29, 2016.

**Action:** The committee discussed the activities of the Future's Commission and received the report.

**Item 8**

**Discussion: Technology Budget Change Proposals**

**Update:** Hon. Daniel J. Buckley, Vice-Chair, Judicial Council Technology Committee opened the discussion on potential technology Budget Change Proposals (BCPs) with FY 18/19 being the target year for funding. The committee discussed many items related to judicial branch technology and will refine this list for future potential technology BCPs.

**Item 9**

**Discussion: Technology Summit**

**Update:** Hon. Marsha G. Slough shared that an inter branch summit is being proposed which would be an overall benefit to all.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned.



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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Date	Action Requested
September 1, 2016	Please review before September 12 meeting
To	Deadline
Judicial Council Technology Committee	September 12, 2016
From	Contact
Diana Glick, Attorney Center for Families, Children and the Courts	Diana Glick 916-643-7012 phone diana.glick@jud.ca.gov
Subject	
LEG16-08 Juvenile Law: Electronic Filing and Service in Juvenile Proceedings	

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#### Executive Summary

Recognizing that courts are swiftly proceeding to a paperless world, the Information Technology Advisory Committee (ITAC) is leading a collaborative, multi-year effort to modernize the statutes and rules so that they will be consistent with and foster modern e-business practices. This year, ITAC has been working with other advisory committees—including the Family and Juvenile Law Advisory Committee, the Civil and Small Claims Advisory Committee, the Probate and Mental Health Advisory Committee, and the Criminal Law Advisory Committee—to propose statutory amendments that would facilitate e-filing and e-service in all case types.

#### Committee Review Process

On February 24, 2016, the Family and Juvenile Law Advisory Committee (FJLAC) reviewed the initial proposal and made several suggestions for change regarding the age of eligibility for receipt of electronic service and language that will ensure confidentiality of juvenile court records. FJLAC approved the proposal to be reviewed by the Rules and Policy Subcommittee of ITAC, with these changes.

On March 4, 2016, the Rules and Policy Subcommittee of ITAC reviewed the proposal and suggested that staff add a question to the Invitation to Comment regarding whether additional details on the required encryption should be written into statute or reserved to the rules. This change was made and the Subcommittee approved the proposal to be reviewed by the Information Technology Advisory Committee at their next meeting on March 18, 2016.

On March 10, 2016, FJLAC reviewed the changes suggested by the Rules and Policy Subcommittee of ITAC and approved the proposal to be reviewed by ITAC at their March 18 meeting.

On March 18, 2016, ITAC reviewed the proposal and approved it to be presented to the Policy Coordination and Liaison Committee for approval of the Invitation to Comment.

On April 7, 2016, the Policy Coordination and Liaison Committee reviewed the proposal and approved it to be circulated for comment in the Spring 2016 invitation-to-comment cycle.

#### Invitation to Comment

This proposal circulated for comment as part of the spring 2016 invitation-to-comment cycle, from April 15, 2016, to June 14, 2016, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other juvenile and family law professionals.

At the close of the comment period, five entities had submitted comments. These comments and proposed Committee responses are reflected in the attached comment chart.

#### Post-ITC Committee Review Process

On August 4, 2016, FJLAC met and discussed comments and proposals for change related to the issues of encryption, the appropriate age for electronic service and restrictions on the electronic transmission of medical and psychological documentation.

On August 19, 2016, the Rules & Policy Subcommittee of ITAC met and discussed the comments and actions taken by FJLAC. The Rules & Policy Subcommittee requested clarification in this memo regarding the impact of federal HIPAA requirements on the proposed language of the bill, particularly with regard to the subdivision addressing the electronic transmission of medical and



psychological documentation. This issue is addressed below in the section titled “Electronic Transmission of Medical Records.”

## Discussion

On August 25, 2016, ITAC met and reviewed the proposal and the clarification regarding HIPAA compliance and approved the proposal to be reviewed by the Judicial Council Technology Committee (JCTC). The substantive issues raised by commentators and discussed by FJLAC, the Rules and Policy Subcommittee of ITAC and ITAC as a whole were the following:

### **Concerns regarding “encryption”**

The proposal would add a new section to the Welfare & Institutions Code that authorizes and sets parameters for electronic service and electronic filing in juvenile court. New section 212.5 includes a subdivision regarding confidentiality, which states: “Electronic service and electronic filing must be conducted in a manner that preserves and ensures the confidentiality of records by encryption.”

Three commentators responded to this language. One indicated that the legislation should state that email should be “encrypted or made available to the recipient(s) via access to a secure web site...” Because the Code of Civil Procedure explicitly allows for these two options in its definition of electronic service (§ 1010.6(a)(1)(A)), staff does not believe there is a need to amend WIC as well, particularly since new Section 212.5 expressly applies this section of the CCP to juvenile matters.

Another commentator recommended that courts implement specific rules on encryption or that the Judicial Council should issue specific guidance on encryption. A third commentator shared the following concerns: “every document in a juvenile case is confidential...Some in our court believe the language in subdivision (h) may not be strong enough.”

Before the ITC was issued, there was significant discussion of this language by FJLAC regarding the use of the word “encryption” to describe the range of possible security technologies that might be employed to preserve the confidentiality of information in juvenile cases. Alternatives proposed included using the phrase “encryption or other electronic means” and the possibility of asking the individual courts to determine what level of security is required by requiring “other electronic means as approved by the court.” After a conversation with the Judicial Council’s IT staff, it was decided that using the term “encryption” alone was sufficient to cover the full range of technologies but precise enough to signal the level of security required without need for individual evaluation by the courts. It was envisioned that standards will be developed and included in future rule proposals or potentially in the Trial Court Records Manual.

At its August 4, 2016 meeting, FJLAC reviewed this issue and the comments received; the committee concluded that the term “encryption” is sufficient to ensure the confidentiality and security of juvenile court records and that legislation is not the venue in which to establish more detailed guidelines. Committee members also expressed that because this is an area of technology that is constantly changing, it is important to use a broad and flexible term.

### **Electronic Transmission of Medical Records**

In drafting new Section 212.5, this Committee added subdivision (e), which expressly prohibits the electronic transmission “of a psychological or medical report of a minor.” One commentator expressed concern that “medical report” may not be sufficient to cover other medical documentation such as test results. A Committee member responding to the comment suggested the use of the term “documentation,” such that the prohibition would apply to the electronic transmission of psychological or medical *documentation* related to a minor.

At the August 4, 2016 meeting, FJLAC engaged in a detailed discussion of the concerns around the electronic transmission and communication of medical and psychological documentation. One committee member indicated that her court already receives these types of documents from agency partners by email and expressed concern about impeding local court efforts to increase the use of technological solutions in the juvenile court. Several members expressed that their concern with the transmission of medical and psychological documents was that documents in an electronic form would be more easily shared and posted to social media. Based on these narrower concerns, committee staff proposed alternative language that would limit the prohibition on the electronic transmission of medical and psychological documentation to situations in which the recipient of service is a minor. This revised language was approved by FJLAC.

The National Center for State Courts has issued a policy brief regarding Health Insurance Portability and Accountability Act (HIPAA) restrictions and the importance of communication with regard to youth in the jurisdiction of the court<sup>1</sup>. This policy brief indicates that courts are not considered “covered entities” under HIPAA and therefore are not subject to the corresponding federal regulations that set forth privacy and security safeguards for protected health information. In addition, the encryption requirement in the proposed legislation would apply to all types of electronic transmission and would legally require that all communications regarding juvenile court matters are protected and maintained strictly confidential. Encryption is a named technical safeguard in the Security Rule corresponding to HIPAA (45 CFR § 164.312).

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<sup>1</sup> Alicia K. Davis, “Understanding HIPAA to Overcome Challenges in Child and Family Cases,” available at: <http://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Privacy-and-Technology/Overcoming-Hipaa-Challenges.aspx>.

### **Appropriate Age for Receiving Electronic Service**

A single commentator suggested that minors as young as 12 are capable of using email. However, FJLAC strongly believes that minors younger than 16 should not be electronically noticed or served and opted to retain the prohibition on electronic service to minors under the age of 16 in proposed section 212.5.

### **Redundant Language in Section 293**

Subdivision (e) of Section 293 of the Welfare & Institutions Code contains two apparent redundancies:

1. "...personal service on the person..."
2. "Service of the notice shall be by first-class mail addressed to the last known address of the person to be noticed or by personal service on the person. Service of a copy of the notice shall be by personal service or by certified mail, return receipt requested, or any other form of notice that is equivalent to service by first-class mail."

A commentator pointed out these issues and suggested that the words "on the person" could be deleted, as well as the second sentence of the subdivision (referencing "service of a *copy* of the notice."). After a review of the legislative history of this statute, staff was unable to unearth any discussion specific to this subdivision or any explanation of the language. While there are several other instances in this article in which a "copy of the petition" is required to be provided to a party, there are no other references to a "copy of the notice." The language was originally drafted in these exact terms and was never altered, discussed or addressed during the legislative process.

At its August 4, 2016 meeting, FJLAC members were unable to identify any legal reason to retain this language and approved the removal of both redundancies in code.

### Committee's Task

The Committee is tasked with reviewing the attached mock-up and comment chart, and the deliberations in FJLAC, RPS/ITAC and ITAC and:

- Providing specific feedback to the other committees if there are concerns about the language of the proposal;
- Approving the proposal for review by the Policy Coordination and Liaison Committee; or
- Asking staff for further information and analysis.

Attachments

1. Draft Report to the Judicial Council
2. Mock-Up of Legislative Amendments
3. Comment chart



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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 15-16, 2016

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Title

Juvenile Law: Electronic Filing and Service  
in Juvenile Proceedings

Agenda Item Type

Action Required

Effective Date

January 1, 2018

Date of Report

September 1, 2016

Contact

Diana Glick, 916-643-7012

[diana.glick@jud.ca.gov](mailto:diana.glick@jud.ca.gov)

Rules, Forms, Standards, or Statutes Affected  
Enact Section 212.5 of the Welfare and  
Institutions Code and amend sections 248,  
248.5, 290.1, 290.2, 291, 292, 293, 294, 295,  
297, 302, 316.1, 342, 362.4, 364.05, 366.05,  
366.21, 366.26, 387, 607.2, 630, 658, 660,  
661, 727.4, 777, 778, 779, 785, and 903.45

Recommended by

Family and Juvenile Law Advisory  
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Information Technology Advisory Committee

Hon. Terence L. Bruiniers, Chair

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### Executive Summary

Recognizing that courts are swiftly proceeding to a paperless world, the Information Technology Advisory Committee (ITAC) is leading a collaborative, multi-year effort to modernize the statutes and rules so that they will be consistent with and foster modern e-business practices. This year, ITAC has coordinated with the Family and Juvenile Law Advisory Committee to propose statutory amendments that would facilitate e-filing and e-service in juvenile law proceedings.

## Recommendation

The Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee jointly recommend:

1. Enacting Section 212.5 of the Welfare and Institutions Code; and
2. Amending sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45.

The text of new Section 212.5 and the amended statutes are attached at pages 10–13.

## Previous Council Action

The Judicial Council has authorized electronic filing, but not electronic service, in juvenile proceedings. It has not taken any prior action related to e-mailing notices of hearings in juvenile dependency cases.

Code of Civil Procedure section 1010.6 and trial court rules 2.250–2.261 authorize electronic filing and electronic service in civil matters. Effective July 1, 2014, the Judicial Council amended rule 5.522 to enable the electronic filing of juvenile court documents in accordance with the trial court rules, specifically rules 2.252, et seq. However, the council expressly excluded the application of trial court rule 2.251 to juvenile proceedings. (See Cal. Rules of Court, rule 5.522(b)(4) [“This rule does not incorporate the electronic service provisions in rule 2.251”].) Rule 2.251 authorizes electronic service and sets forth technical requirements for electronic service.

Effective January 1, 2016, Assembly Bill 879 (Stats. 2015, ch. 219) authorizes e-mailing notices of hearings in juvenile court under Welfare & Institutions Code sections 290.1–295. At its February 2016 meeting, the Judicial Council approved a joint proposal by the Family & Juvenile Law Advisory Committee and the Information Technology Advisory Committee to implement AB 879. The proposal (1) amended rules 5.524, 5.534, and 5.708 of the California Rules of Court; (2) adopted mandatory form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)*; and (3) renumbered form EFS-005 to EFS-005-CV.

## Rationale for Recommendation

The provisions of AB 879 applied to a defined set of hearings conducted for children in the juvenile dependency system and authorized notice by e-mail for those hearings specified in sections 290.1–295. The legislation established important parameters for electronic service in the juvenile context and codified protections for parties and other persons who may consent to receive an e-mail notice of hearing.

This proposal seeks to apply the electronic filing and service provisions contained in section 1010.6 of the Code of Civil Procedure to juvenile dependency *and* delinquency proceedings, while

preserving—and in some cases expanding upon—the conditions and limitations on electronic service set forth in AB 879.

Specifically, the proposal would add a new section 212.5 to the Welfare and Institutions Code, which would expressly apply the provisions of section 1010.6 of the Code of Civil Procedure to all juvenile proceedings, while setting limitations and conditions on the electronic service of parties and other persons. The limitations on electronic service include the following:

- Electronic service is authorized only if the county and the court choose to permit electronic service.
- Electronic service on a party or other person is permitted only upon consent to receive electronic service by the party or other person.
- A party or other person may withdraw prior consent to electronic service.
- Consent or withdrawal of prior consent to receive electronic service may be filed with the court only by a party or other person, or that person’s attorney.
- Electronic service is not permitted on minors who are under the age of 16.
- If the party or other person to be served is a minor who is 16 years old or older, electronic service is permitted only upon consent by both the minor and the minor’s attorney.
- The party or other person must be served by both electronic means and by other means specified in the statute if (1) the document to be served is the notice of hearing at which the social worker will recommend the termination of parental rights, or the appellate advisements required pursuant to Welfare and Institutions Code section 366.26(l)(3)(A); or (2) there is a citation issued pursuant to section 661, or a hearing is noticed under section 777(d).
- If the minor is an Indian child, or the court has reason to know that an Indian child is involved, service shall be provided exclusively in accordance with Welfare and Institutions Code section 224.2.

In addition, the proposed new section 212.5 codifies paragraph (3) of subdivision (b) of rule 5.522 of the California Rules of Court, which provides that the confidentiality of juvenile records shall be preserved when these records are transmitted electronically through encryption. The requirement to use encryption to ensure the confidentiality of records would apply to both electronic filing and electronic service. The committees explored the issue of encryption of documents and determined that the term “encryption” is unlikely to become obsolete in the near to mid-term future because it does not denote a specific technological application; rather, it applies broadly to technology that preserves the confidentiality of documents.

Lastly, proposed new section 212.5 would prohibit the electronic service on a minor of psychological and medical documentation related to a minor.

## **Comments, Alternatives Considered, and Policy Implications**

This proposal circulated for comment as part of the Spring 2016 invitation to comment cycle, from April 15, 2016 to June 14, 2016, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, social workers, probation officers, and other juvenile law professionals. A chart with the full text of the comments received and the committees' responses is attached at pages 14–20.

Comments were received from five distinct entities, including superior courts and bar associations. One commentator rejected the entire proposal as an affront to the changes implemented through AB 879. Another commentator fully supported the proposal. Two commentators supported the proposal if amended and provided valuable feedback. One commentator declined to indicate support or opposition to the proposal.

Substantive comments focused on three main areas: 1) the use of the term “encryption” to ensure confidentiality of documents; 2) the age at which it is appropriate for minors to receive electronic service in juvenile matters; and 3) the importance of prohibiting certain documents from being electronically served on a minor.

### **Concerns regarding “encryption”**

The proposal would add a new section to the Welfare & Institutions Code that would expressly authorize and set parameters for electronic service and electronic filing in juvenile court. New section 212.5 includes a subdivision regarding confidentiality, which states: “Electronic service and electronic filing must be conducted in a manner that preserves and ensures the confidentiality of records by encryption.”

Three commentators responded to this language. One indicated that the legislation should state that email should be “encrypted or made available to the recipient(s) via access to a secure web site...” Because the Code of Civil Procedure explicitly allows for these two options in its definition of electronic service (§ 1010.6(a)(1)(A)), staff does not believe there is a need to amend WIC as well, particularly since new Section 212.5 expressly applies this section of the CCP to juvenile matters.

Another commentator recommended that courts implement specific rules on encryption or that the Judicial Council should issue specific guidance on encryption. The Committees discussed this and determined that specific standards on encryption may be appropriate for a California Rule of Court or the Trial Court Records Manual.



Finally, a third commentator shared the following concerns: “every document in a juvenile case is confidential...Some in our court believe the language in subdivision (h) may not be strong enough.”

There was significant discussion by both Committees regarding the use of the word “encryption” to describe the range of possible security technologies that might be employed to preserve the confidentiality of information in juvenile cases. Ultimately, it was decided that the term is sufficiently broad to cover the full range of technologies but precise enough to signal the level of security required. It is envisioned that standards will be developed and included in future rule proposals or potentially in the Trial Court Records Manual.

### **Electronic Transmission of Medical Records**

In drafting new Section 212.5, the FJLAC Committee added subdivision (e), which expressly prohibits the electronic transmission “of a psychological or medical report of a minor.” One commentator expressed concern that “medical report” may not be sufficient to cover other medical documentation such as test results.

The Committees agreed that “psychological or medical documentation” better encompasses the types of medical reports and test results that are meant to be included in the prohibition on electronic service.

The Committees also agreed to rephrase the subdivision to prohibit electronic service on a minor “of psychological or medical documentation related to a minor.”

### **Appropriate Age for Receiving Electronic Service**

Assembly Bill 879 established a two-tiered system in which minors ages 14-15 are able to consent to e-mail notice of hearings; however, the consent of their attorney is required and e-mail notice is supplemented with paper notice. Minors ages 16-17 may also consent to e-mail notice of hearings; the consent of their attorney is also required, but e-mail notice is the only notice and there is no follow-up paper notice.

In drafting the proposed legislation, FJLAC proposed to limit electronic service to minors age 16 and above with their consent and with the consent of their attorneys. A single commentator suggested that minors as young as 12 are capable of using email. The Committees considered this feedback but ultimately decided to propose a minimum age for electronic service of 16 years old.

There were also a number of comments from the San Diego Superior Court highlighting drafting errors or suggesting ways to improve the language of the proposal that were gratefully accepted by the Committees.

## **Implementation Requirements, Costs, and Operational Impacts**

Implementation may require changes in court procedures and training in those courts that choose to allow for notice of hearings by e-mail. One commentator noted that “Savings would be realized in postage, paper, copying, and the labor involved with non-electronic forms of service.” This commentator also indicated that it is unclear “whether courts have the capacity to safeguard against hacking into their systems for the purpose of obtaining protected information.”

## **Attachments and Links**

1. Welfare & Institutions Code, new Section 212.5 and proposed amendments to Sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45
2. Chart of comments, at pages 14–20

Section 212.5 of the Welfare and Institutions Code would be enacted and sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 would be amended, effective January 1, 2018, to read:

1 **§ 212.5.**

2  
3 Unless otherwise provided by law, Section 1010.6 of the Code of Civil Procedure shall apply to  
4 juvenile matters, with the following exceptions and conditions:

5 (a) Electronic service is authorized only if the county and the court choose to permit electronic  
6 service.

7 (b) Electronic service on a party or other person shall be permitted only upon consent to receive  
8 electronic service by the party or other person. A party or other person may withdraw prior  
9 consent to electronic service. The Judicial Council shall create a form designed to implement this  
10 section.

11 (c) Consent or withdrawal of prior consent to receive electronic service may be filed with the  
12 court only by a party or other person entitled to service, or that person's attorney.

13 (d) Electronic service is not permitted on any party or person who is under the age of 16 years  
14 old.

15 (e) If the party or other person to be served is a minor, age 16 or above:

16 (1) Electronic service shall be permitted only upon consent by the minor and by the minor's  
17 attorney.

18 (2) Electronic service is not permitted of psychological or medical documentation related to a  
19 minor.

20 (f) The party or other person shall be served both by electronic means and by other means  
21 specified in the relevant statute if:

22 (1) The document to be served is the notice of hearing, or the appellate advisements required  
23 pursuant to subparagraph (A) of paragraph (3) of subdivision (I) of Section 366.26, for a hearing  
24 at which the social worker will recommend the termination of parental rights; or

25 (2) The document to be served is a citation pursuant to Section 661, or a notice of hearing  
26 pursuant to subdivision (d) of Section 777.

27 (g) If the minor is an Indian child, or the court has reason to know that an Indian child is  
28 involved, service shall be provided exclusively in accordance with Section 224.2.

29 (h) Electronic service and electronic filing must be conducted in a manner that preserves and  
30 ensures the confidentiality of records by encryption.

31  
32 **§ 248.**

33  
34 (a) \* \* \*

35 (b) Service, as provided in this section, shall be made as follows:

36 (1) \* \* \*

37 (2) If paragraph (1) is not applicable, service shall be made by mail or by electronic service  
38 pursuant to Section 212.5, within the time period specified in Section 248.5, to the last known  
39 address of those persons or to the address designated by those persons appearing at the hearing  
40 before the referee and the mailing documents served shall include, if applicable, the written  
41 explanation of the right to seek review of the order. If the parent or guardian does not have a last

1 known address or electronic service address designated, then service ~~by mail~~ shall be to that  
2 party in care of his or her counsel.

3  
4 **§ 248.5.**

5  
6 All written findings and orders of the court shall be served by the clerk of the court personally, ~~or~~  
7 by first-class mail, or by electronic service pursuant to Section 212.5, within three judicial days  
8 of their issuance on the petitioner, the minor or the minor's counsel, the parent or the parent's  
9 counsel, and the guardian or the guardian's counsel.

10  
11 **§ 290.1.**

12  
13 If the probation officer or social worker determines that the child shall be retained in custody, he  
14 or she shall immediately file a petition pursuant to Section 332 with the clerk of the juvenile  
15 court, who shall set the matter for hearing on the detention hearing calendar. The probation  
16 officer or social worker shall serve notice as prescribed in this section.

17 (a)-(d) \* \* \*

18 (e) Service of the notice shall be written or oral. If the person being served cannot read, notice  
19 shall be given orally. ~~Except as provided in subdivisions (f), (g), and (h), written notice may be~~  
20 ~~served by electronic mail if the county, or city and county, and the court choose to permit service~~  
21 ~~by electronic mail and the person to be served has consented to service by electronic mail by~~  
22 ~~signing Judicial Council Form EFS-005. Notice shall not be served electronically under this~~  
23 ~~section.~~

24 (f) \* \* \*

25 (g) ~~Except as provided in subdivision (h), if notice is required to be provided to a child pursuant~~  
26 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~  
27 ~~mail only if all of the following requirements are satisfied:~~

28 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

29 (2) ~~The child is 16 years of age or older.~~

30 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
31 ~~005.~~

32 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
33 ~~Judicial Council Form EFS-005.~~

34 (h) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~  
35 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~  
36 ~~of the following requirements are satisfied:~~

37 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

38 (2) ~~The child is 14 or 15 years of age.~~

39 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
40 ~~005.~~

41 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
42 ~~Judicial Council Form EFS-005.~~

1 (i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,  
2 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.  
3

4 **§ 290.2.**

5  
6 Upon the filing of a petition by a probation officer or social worker, the clerk of the juvenile  
7 court shall issue notice, to which shall be attached a copy of the petition, and he or she shall  
8 cause the same to be served as prescribed in this section.

9 (a)-(b) \* \* \*

10 (c) Notice shall be served as follows:

11 (1)-(2) \* \* \*

12 (3) ~~Except as provided in subdivisions (e), (f), and (g), notice may be served by electronic mail~~  
13 ~~in lieu of notice by first class mail if the county, or city and county, and the court choose to~~  
14 ~~permit service by electronic mail and the person to be served has consented to service by~~  
15 ~~electronic mail by signing Judicial Council Form EFS-005. Notice shall not be served~~  
16 ~~electronically under this section.~~

17 (d)-(e) \* \* \*

18 (f) ~~Except as provided in subdivision (g), if notice is required to be provided to a child pursuant~~  
19 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~  
20 ~~mail only if all of the following requirements are satisfied:~~

21 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

22 (2) ~~The child is 16 years of age or older.~~

23 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
24 ~~005.~~

25 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
26 ~~Judicial Council Form EFS-005.~~

27 (g) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~  
28 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~  
29 ~~of the following requirements are satisfied:~~

30 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

31 (2) ~~The child is 14 or 15 years of age.~~

32 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
33 ~~005.~~

34 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
35 ~~Judicial Council Form EFS-005.~~

36 (h) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,  
37 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.  
38

39 **§ 291.**

40  
41 After the initial petition hearing, the clerk of the court shall cause the notice to be served in the  
42 following manner:

Commented [GD1]: San Diego Comment #1

1 (a)-(d) \* \* \*

2 (e) Service of the notice of the hearing shall be given in the following manner:

3 (1) If the child is detained and the persons required to be noticed are not present at the initial  
4 petition hearing, they shall be noticed by personal service or by certified mail, return receipt  
5 requested.

6 (2) If the child is detained and the persons required to be noticed are present at the initial petition  
7 hearing, they shall be noticed by personal service, ~~or by first-class mail,~~ or by electronic service  
8 pursuant to Section 212.5.

9 (3) If the child is not detained, the persons required to be noticed shall be noticed by personal  
10 service, ~~or by first-class mail,~~ or by electronic service pursuant to Section 212.5, unless the  
11 person to be served is known to reside outside the county, in which case service shall be by first-  
12 class mail or by electronic service pursuant to Section 212.5.

13 ~~Except as provided in subdivisions (g), (h), and (i), notice may be served by electronic mail in~~  
14 ~~lieu of notice by first class mail if the county, or city and county, and the court choose to permit~~  
15 ~~service by electronic mail and the person to be served has consented to service by electronic mail~~  
16 ~~by signing Judicial Council Form EFS-005.~~

17 (f)-(g) \* \* \*

18 ~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~  
19 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~  
20 ~~mail only if all of the following requirements are satisfied:~~

21 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

22 ~~(2) The child is 16 years of age or older.~~

23 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
24 ~~005.~~

25 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
26 ~~Judicial Council Form EFS-005.~~

27 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~  
28 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~  
29 ~~of the following requirements are satisfied:~~

30 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

31 ~~(2) The child is 14 or 15 years of age.~~

32 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
33 ~~005.~~

34 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
35 ~~Judicial Council Form EFS-005.~~

36 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~  
37 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

38

39 **§ 292.**

40

41 The social worker or probation officer shall give notice of the review hearing held pursuant to  
42 Section 364 in the following manner:

1 (a)-(d) \* \* \*  
2 (e) Service of the notice shall be by personal service, by first-class mail (first-class mail or  
3 certified mail with return receipt requested), or by certified mail, return receipt requested,  
4 addressed to the last known address of the person to be noticed, or by electronic service pursuant  
5 to Section 212.5. Except as provided in subdivisions (f), (g), and (h), notice may be served by  
6 electronic mail if the county, or city and county, and the court choose to permit service by  
7 electronic mail and the person to be served has consented to service by electronic mail by signing  
8 Judicial Council Form EFS-005.

Commented [GD2]: San Diego Comment #2

9 (f) \* \* \*  
10 (g) Except as provided in subdivision (h), if notice is required to be provided to a child pursuant  
11 to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic  
12 mail only if all of the following requirements are satisfied:

13 (1) The county, or city and county, and the court choose to permit service by electronic mail.

14 (2) The child is 16 years of age or older.

15 (3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-  
16 005.

17 (4) The attorney for the child has consented to service of the minor by electronic mail by signing  
18 Judicial Council Form EFS-005.

19 (h) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision  
20 (a), written notice may be served on the child by electronic mail as well as by regular mail if all  
21 of the following requirements are satisfied:

22 (1) The county, or city and county, and the court choose to permit service by electronic mail.

23 (2) The child is 14 or 15 years of age.

24 (3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-  
25 005.

26 (4) The attorney for the child has consented to service of the minor by electronic mail by signing  
27 Judicial Council Form EFS-005.

28 (i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,  
29 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

30  
31 **§ 293.**

32  
33 The social worker or probation officer shall give notice of the review hearings held pursuant to  
34 Section 366.21, 366.22, or 366.25 in the following manner:

35 (a)-(d) \* \* \*

36 (e) Service of the notice shall be by first-class mail addressed to the last known address of the  
37 person to be noticed, or by personal service on the person, or by electronic service pursuant to  
38 Section 212.5. Service of a copy of the notice shall be by personal service, or by certified mail,  
39 return receipt requested, by electronic service under Section 212.5, or any other form of notice  
40 that is equivalent to service by first class mail. Except as provided in subdivisions (g), (h), and  
41 (i), notice may be served by electronic mail in lieu of notice by first class mail if the county, or

Commented [GD3]: San Diego Comment #3

Commented [GD4]: San Diego Comment #4

1 city and county, and the court choose to permit service by electronic mail and the person to be  
2 served has consented to service by electronic mail by signing Judicial Council Form EFS-005.

3 (f) \* \* \*

4 (g) \* \* \*

5 ~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant  
6 to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic  
7 mail only if all of the following requirements are satisfied:~~

8 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

9 ~~(2) The child is 16 years of age or older.~~

10 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-  
11 005.~~

12 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing  
13 Judicial Council Form EFS-005.~~

14 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision  
15 (a), written notice may be served on the child by electronic mail as well as by regular mail if all  
16 of the following requirements are satisfied:~~

17 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

18 ~~(2) The child is 14 or 15 years of age.~~

19 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-  
20 005.~~

21 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing  
22 Judicial Council Form EFS-005.~~

23 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,  
24 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

25  
26 **§ 294.**

27  
28 The social worker or probation officer shall give notice of a selection and implementation  
29 hearing held pursuant to Section 366.26 in the following manner:

30 (a)-(d) \* \* \*

31 (d) Regardless of the type of notice required, or the manner in which it is served, once the court  
32 has made the initial finding that notice has properly been given to the parent, or to any person  
33 entitled to receive notice pursuant to this section, subsequent notice for any continuation of a  
34 Section 366.26 hearing may be by first-class mail to any last known address, by an order made  
35 pursuant to Section 296, ~~by electronic service pursuant to Section 212.5, except as provided in~~  
36 ~~paragraphs (2) and (3) of subdivision (h) and subdivision (i), by electronic mail if the county, or~~  
37 ~~city and county, and the court choose to permit service by electronic mail and the person to be~~  
38 ~~served has consented to service by electronic mail by signing Judicial Council Form EFS-005, or~~  
39 by any other means that the court determines is reasonably calculated, under any circumstance,  
40 to provide notice of the continued hearing. However, if the recommendation changes from the  
41 recommendation contained in the notice previously found to be proper, notice shall be provided



1 to the parent, and to any person entitled to receive notice pursuant to this section, regarding that  
2 subsequent hearing.

3 (e) \* \* \*

4 (f) Notice to the parents may be given in any one of the following manners:

5 (1) If the parent is present at the hearing at which the court schedules a hearing pursuant to  
6 Section 366.26, the court shall advise the parent of the date, time, and place of the proceedings,  
7 their right to counsel, the nature of the proceedings, and the requirement that at the proceedings  
8 the court shall select and implement a plan of adoption, legal guardianship, or long-term foster  
9 care for the child. The court shall direct the parent to appear for the proceedings and then direct  
10 that the parent be notified thereafter only by first-class mail to the parent's usual place of  
11 residence or business ~~only or by electronic service pursuant to Section 212.5. In lieu of notice by~~  
12 ~~first class mail, notice may be served by electronic mail if the county, or city and county, and the~~  
13 ~~court choose to permit service by electronic mail and the person to be served has consented to~~  
14 ~~service by electronic mail by signing Judicial Council Form EFS-005.~~

15 (2)-(3) \* \* \*

16 (4) Delivery to a competent person who is at least 18 years of age at the parent's usual place of  
17 residence or business, and thereafter ~~mailed to~~ served on the parent named in the notice by first-  
18 class mail at the place where the notice was delivered or by electronic service pursuant to Section  
19 212.5.

20 (5) If the residence of the parent is outside the state, service may be made as described in  
21 paragraph (1), (3), or (4) or by certified mail, return receipt requested.

22 (6) If the recommendation of the probation officer or social worker is legal guardianship or long-  
23 term foster care, service may be made by first-class mail to the parent's usual place of residence  
24 or business or by electronic service pursuant to Section 212.5. or, i In the case of an Indian child,  
25 if the recommendation of the probation officer or social worker tribal customary adoption,  
26 service may be made by first-class mail to the parent's usual place of residence or business. ~~In~~  
27 ~~lieu of notice by first class mail, notice may be serviced by electronic mail if the county, or city~~  
28 ~~and county, and the court choose to permit service by electronic mail and the person to be served~~  
29 ~~has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

Commented [GD5]: San Diego Comment #5

30 (7) If a parent's identity is known but his or her whereabouts are unknown and the parent cannot,  
31 with reasonable diligence, be served in any manner specified in paragraphs (1) to (6), inclusive,  
32 the petitioner shall file an affidavit with the court at least 75 days before the hearing date, stating  
33 the name of the parent and describing the efforts made to locate and serve the parent.

34 (A) If the court determines that there has been due diligence in attempting to locate and serve the  
35 parent and the probation officer or social worker recommends adoption, service shall be to that  
36 parent's attorney of record, if any, by certified mail, return receipt requested. If the parent does  
37 not have an attorney of record, the court shall order that service be made by publication of  
38 citation requiring the parent to appear at the date, time, and place stated in the citation, and that  
39 the citation be published in a newspaper designated as most likely to give notice to the parent.  
40 Publication shall be made once a week for four consecutive weeks. Whether notice is to the  
41 attorney of record or by publication, the court shall also order that notice be given to the

1 grandparents of the child, if their identities and addresses are known, by first-class mail or by  
2 electronic service pursuant to Section 212.5.

3 (B) If the court determines that there has been due diligence in attempting to locate and serve the  
4 parent and the probation officer or social worker recommends legal guardianship or long-term  
5 foster care, no further notice is required to the parent, but the court shall order that notice be  
6 given to the grandparents of the child, if their identities and addresses are known, by first-class  
7 mail or by electronic service pursuant to Section 212.5.

8 (C) \* \* \*

9 (g)(1) \* \* \*

10 (h)(~~l~~) Notice to all counsel of record shall be by first-class mail; or by electronic service  
11 pursuant to Section 212.5. ~~by electronic mail if the county, or city and county, and the court~~  
12 ~~choose to permit service by electronic mail and the person to be served has consented to service~~  
13 ~~by electronic mail by signing Judicial Council Form EFS-005.~~

14 (2) ~~Except as provided in paragraph (3), if notice is required to be provided to a child, written~~  
15 ~~notice may be served on the child by electronic mail only if all of the following requirements are~~  
16 ~~satisfied:~~

17 (A) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

18 (B) ~~The child is 16 years of age or older.~~

19 (C) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
20 ~~005.~~

21 (D) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
22 ~~Judicial Council Form EFS-005.~~

23 (3) ~~If notice is required to be provided to a child, written notice may be served on the child by~~  
24 ~~electronic mail as well as by regular mail if all of the following requirements are satisfied:~~

25 (A) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

26 (B) ~~The child is 14 or 15 years of age.~~

27 (C) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
28 ~~005.~~

29 (D) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
30 ~~Judicial Council Form EFS-005.~~

31 (i)-(l) \* \* \*

32 (m) ~~Notwithstanding any choice by a county, or city and county, and the court to permit service~~  
33 ~~of written notice of court proceedings by electronic mail, or consent by any person to service of~~  
34 ~~written notice by electronic mail by signing Judicial Council Form EFS-005, notice of any~~  
35 ~~hearing at which the county welfare department is recommending the termination of parental~~  
36 ~~rights may only be served electronically by electronic mail only if notice is also given by another~~  
37 ~~means of service provided for in this section.~~

38 (n) ~~This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~  
39 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

40  
41 § 295.  
42

Commented [GD6]: San Diego Comment #6

1 The social worker or probation officer shall give notice of review hearings held pursuant to  
2 Sections 366.3 and 366.31 and for termination of jurisdiction hearings held pursuant to Section  
3 391 in the following manner:

4 (a)-(d) \* \* \*

5 (e) Service of notice shall be by first-class mail addressed to the last known address of the person  
6 to be provided notice or by electronic service pursuant to Section 212.5. ~~Except as provided in~~  
7 ~~subdivisions (g), (h), and (i), notice may be served by electronic mail in lieu of notice by first-~~  
8 ~~class mail if the county, or city and county, and the court choose to permit service by electronic~~  
9 ~~mail and the person to be served has consented to service by electronic mail by signing Judicial~~  
10 ~~Council Form EFS-005~~. In the case of an Indian child, notice shall be by registered mail, return  
11 receipt requested.

12 (f)-(g) \* \* \*

13 (h) ~~Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~  
14 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~  
15 ~~mail only if all of the following requirements are satisfied:~~

16 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

17 (2) ~~The child is 16 years of age or older.~~

18 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
19 ~~005.~~

20 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
21 ~~Judicial Council Form EFS-005.~~

22 (i) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~  
23 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~  
24 ~~of the following requirements are satisfied:~~

25 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

26 (2) ~~The child is 14 or 15 years of age.~~

27 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
28 ~~005.~~

29 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~  
30 ~~Judicial Council Form EFS-005.~~

31 (j) ~~This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~  
32 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

33  
34 **§ 297.**  
35

36 (a) ~~Notice required for an initial petition filed pursuant to Section 300 is applicable to a~~  
37 ~~subsequent petition filed pursuant to Section 342. A subsequent petition filed pursuant to Section~~  
38 ~~342 shall be noticed pursuant to Sections 290.1 and 290.2, except that service may be electronic~~  
39 ~~service pursuant to Section 212.5.~~

40 (b) Upon the filing of a supplemental petition pursuant to Section 387, the clerk of the juvenile  
41 court shall immediately set the matter for hearing within 30 days of the date of the filing, and the  
42 social worker or probation officer shall cause notice thereof to be served upon the persons

1 required by, and in the manner prescribed by, Sections 290.1, 290.2, and 291, except that service  
2 may be electronic service pursuant to Section 212.5.

3 (c)-(d) \* \* \*

4  
5 **§ 302.**

6  
7 (a) \* \* \*

8 (b) Unless their parental rights have been terminated, both parents shall be notified of all  
9 proceedings involving the child. In any case where the social worker is required to provide a  
10 parent or guardian with notice of a proceeding at which the social worker intends to present a  
11 report, the social worker shall also provide both parents, whether custodial or noncustodial, or  
12 any guardian, or the counsel for the parent or guardian a copy of the report prior to the hearing,  
13 ~~either personally by personal service, or by first-class mail, or by electronic service pursuant to~~  
14 Section 212.5. The social worker shall not charge any fee for providing a copy of a report  
15 required by this subdivision. The social worker shall keep confidential the address of any parent  
16 who is known to be the victim of domestic violence.

17 (c)-(d) \* \* \*

18  
19 **§ 316.1.**

20  
21 (a)(1) \* \* \*

22 (2) ~~Except as provided in subdivisions (b) and (c), in addition to providing his or her permanent~~  
23 ~~mailing address, the court may, if the county, or city and county, and the court choose to permit~~  
24 ~~service by electronic mail, permit any party who is entitled to notice of court proceedings, upon~~  
25 ~~his or her consent to service by electronic mail by signing Judicial Council Form EFS 005, to~~  
26 ~~voluntarily provide the court with a designated electronic mail address for the purpose of~~  
27 ~~receiving notice by electronic mail.~~ Upon his or her appearance before the court, each party who  
28 consents to electronic service pursuant to Section 212.5 ~~by electronic mail~~ shall designate for the  
29 court his or her electronic mail service address. The court shall advise each party that the  
30 electronic mail service address will be used by the court and the social services agency for  
31 purposes of providing notice pursuant to Sections ~~290.1, 290.2,~~ 291, 292, 293, 294, 295, 297,  
32 and 342, unless and until the party notifies the court or the social services agency of a new  
33 electronic mail service address in writing or unless the party withdraws consent to electronic  
34 service.

35 (b) ~~Except as provided in subdivision (c), the court may permit a child who appears before the~~  
36 ~~court and who is entitled to notice of court proceedings to voluntarily provide the court with a~~  
37 ~~designated electronic mail address for the purpose of receiving notice by electronic mail only~~  
38 ~~under the following circumstances:~~

39 (1) ~~If the child is 16 years of age or older, notice shall be served by first class mail, or if all of the~~  
40 ~~following requirements are satisfied, by electronic mail:~~

41 (A) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

- 1 ~~(B) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
2 ~~005.~~  
3 ~~(C) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
4 ~~Judicial Council Form EFS-005.~~  
5 ~~(2) If the child is 14 or 15 years of age, written notice may be served on the child by electronic~~  
6 ~~mail as well as by regular mail if all of the following requirements are satisfied:~~  
7 ~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~  
8 ~~(B) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
9 ~~005.~~  
10 ~~(C) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
11 ~~Judicial Council Form EFS-005.~~  
12 ~~(e) Notice of court proceedings by electronic mail is not permitted in any of the following~~  
13 ~~circumstances:~~  
14 ~~(1) For notice of any hearing at which the county welfare department is recommending~~  
15 ~~termination of parental rights, in which case notice may only be served by electronic mail if~~  
16 ~~supplemental and in addition to first class mail.~~  
17 ~~(2) If the social worker or probation officer knows or has reason to know that an Indian child is~~  
18 ~~involved, in which case notice shall be given in accordance with Section 224.2.~~  
19 ~~(3) If the person entitled to notice is a child under 14 years of age.~~  
20 ~~(d) The Judicial Council may develop a form for the designation of a permanent mailing address~~  
21 ~~by parents and guardians for use by the courts and social services agencies.~~  
22 ~~(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~  
23 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

24  
25 **§ 342.**

26  
27 In any case in which a minor has been found to be a person described by Section 300 and the  
28 petitioner alleges new facts or circumstances, other than those under which the original petition  
29 was sustained, sufficient to state that the minor is a person described in Section 300, the  
30 petitioner shall file a subsequent petition. This section does not apply if the jurisdiction of the  
31 juvenile court has been terminated prior to the new allegations.  
32 Unless otherwise provided by law, aAll procedures and hearings required for an original petition  
33 are applicable to a subsequent petition filed under this section.  
34

35 **§ 362.4.**

36  
37 When the juvenile court terminates its jurisdiction over a minor who has been adjudged a  
38 dependent child of the juvenile court prior to the minor's attainment of the age of 18 years, and  
39 proceedings for dissolution of marriage, for nullity of marriage, or for legal separation, of the  
40 minor's parents, or proceedings to establish the paternity of the minor child brought under the  
41 Uniform Parentage Act, Part 3 (commencing with Section 7600) of Division 12 of the Family  
42 Code, are pending in the superior court of any county, or an order has been entered with regard

1 to the custody of that minor, the juvenile court on its own motion, may issue a protective order as  
2 provided for in Section 213.5 or as defined in Section 6218 of the Family Code, and an order  
3 determining the custody of, or visitation with, the child.

4 Any order issued pursuant to this section shall continue until modified or terminated by a  
5 subsequent order of the superior court. The order of the juvenile court shall be filed in the  
6 proceeding for nullity, dissolution, or legal separation, or in the proceeding to establish paternity,  
7 at the time the juvenile court terminates its jurisdiction over the minor, and shall become a part  
8 thereof.

9 If no action is filed or pending relating to the custody of the minor in the superior court of any  
10 county, the juvenile court order may be used as the sole basis for opening a file in the superior  
11 court of the county in which the parent, who has been given custody, resides. The court may  
12 direct the parent or the clerk of the juvenile court to transmit the order to the clerk of the superior  
13 court of the county in which the order is to be filed. The clerk of the superior court shall,  
14 immediately upon receipt, open a file, without a filing fee, and assign a case number.

15 The clerk of the superior court shall, upon the filing of any juvenile court custody order, send a  
16 copy of the order with the case number by first-class mail or by electronic means pursuant to  
17 Section 212.5 ~~a copy of the order with the case number~~ to the juvenile court and to the parents at  
18 the address listed on the order. The Judicial Council shall adopt forms for any custody or  
19 restraining order issued under this section. These form orders shall not be confidential.

20  
21 **§ 364.05.**

22  
23 Notwithstanding Section 364, in a county of the first class, a copy of the report required pursuant  
24 to subdivision (b) of Section 364 shall be provided to all parties at least 10 calendar days prior to  
25 the hearing. This may be accomplished by mailing or electronically serving pursuant to Section  
26 212.5 the report at least 15 calendar days prior to the hearing to a party whose address is within  
27 the State of California, or at least 20 calendar days prior to the hearing to a party whose address  
28 is outside the State of California. The court shall grant a reasonable continuance, not to exceed  
29 10 calendar days, upon request by any party or his or her counsel on the ground that the report  
30 was not provided at least 10 calendar days prior to the hearing as required by this section, unless  
31 the party or his or her counsel has expressly waived the requirement that the report be provided  
32 within the 10-day period or the court finds that the party's ability to proceed at the hearing is not  
33 prejudiced by the lack of timely service of the report. In making this determination, the court  
34 shall presume that a party is prejudiced by the lack of timely service of the report, and may find  
35 that the party is not prejudiced only by clear and convincing evidence to the contrary.

36  
37 **§ 366.05.**

38  
39 Notwithstanding subdivision (c) of Section 366.21, in a county of the first class, any  
40 supplemental report filed in connection with a status review hearing held pursuant to subdivision  
41 (a) of Section 366 shall be provided to the parent or legal guardian and to counsel for the child at  
42 least 10 calendar days prior to the hearing. This may be accomplished by mailing or

1 electronically serving pursuant to Section 212.5 the report at least 15 calendar days prior to the  
2 hearing to a party whose address is within the State of California, or at least 20 calendar days  
3 prior to the hearing to a party whose address is outside the State of California. The court shall  
4 grant a reasonable continuance, not to exceed 10 calendar days, upon request by any party or his  
5 or her counsel on the ground that the report was not provided at least 10 calendar days prior to  
6 the hearing as required by this section, unless the party or his or her counsel has expressly  
7 waived the requirement that the report be provided within the 10-day period or the court finds  
8 that the party's ability to proceed at the hearing is not prejudiced by the lack of timely service of  
9 the report. In making this determination, the court shall presume that a party is prejudiced by the  
10 lack of timely service of the report, and may find that the party is not prejudiced only by clear  
11 and convincing evidence to the contrary.

12  
13 **§ 366.21.**

14  
15 (a)-(b) \* \* \*

16 (c) At least 10 calendar days prior to the hearing, the social worker shall file a supplemental  
17 report with the court regarding the services provided or offered to the parent or legal guardian to  
18 enable him or her to assume custody and the efforts made to achieve legal permanence for the  
19 child if efforts to reunify fail, including, but not limited to, efforts to maintain relationships  
20 between a child who is 10 years of age or older and has been in out-of-home placement for six  
21 months or longer and individuals who are important to the child, consistent with the child's best  
22 interests; the progress made; and, where relevant, the prognosis for return of the child to the  
23 physical custody of his or her parent or legal guardian; and shall make his or her  
24 recommendation for disposition. If the child is a member of a sibling group described in  
25 subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, the report and  
26 recommendation may also take into account those factors described in subdivision (e) relating to  
27 the child's sibling group. If the recommendation is not to return the child to a parent or legal  
28 guardian, the report shall specify why the return of the child would be detrimental to the child.  
29 The social worker shall provide the parent or legal guardian, counsel for the child, and any court-  
30 appointed child advocate with a copy of the report, including his or her recommendation for  
31 disposition, at least 10 calendar days prior to the hearing. The report may be served  
32 electronically pursuant to Section 212.5. In the case of a child removed from the physical  
33 custody of his or her parent or legal guardian, the social worker shall, at least 10 calendar days  
34 prior to the hearing, provide a summary of his or her recommendation for disposition to any  
35 foster parents, relative caregivers, and certified foster parents who have been approved for  
36 adoption by the State Department of Social Services when it is acting as an adoption agency or  
37 by a county adoption agency, community care facility, or foster family agency having the  
38 physical custody of the child. The social worker shall include a copy of the Judicial Council  
39 Caregiver Information Form (JV-290) with the summary of recommendations to the child's  
40 foster parents, relative caregivers, or foster parents approved for adoption, in the caregiver's  
41 primary language when available, along with information on how to file the form with the court.  
42 The summary of the recommendation may be served electronically pursuant to Section 212.5.

1 (d)-(l) \* \* \*

2  
3

4 **§ 366.26.**

5

6 (a)-(k) \* \* \*

7 (l)(1)-(2) \* \* \*

8 (3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the  
9 following:

10 (A) A trial court, after issuance of an order directing a hearing pursuant to this section be held,  
11 shall advise all parties of the requirement of filing a petition for extraordinary writ review as set  
12 forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall  
13 be made orally to a party if the party is present at the time of the making of the order, ~~or~~ If the  
14 party is not present at the time of making the order, this notice shall be made by the clerk of the  
15 court by first-class mail by the clerk of the court to the last known address of a party not present  
16 at the time of making the order or by electronic service pursuant to Section 212.5. If the notice is  
17 for a hearing at which the social worker will recommend the termination of parental rights,  
18 service may be electronic service only in addition to service by first-class mail.

19 (B)-(D) \* \* \*

20 (4) \* \* \*

21 (5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this  
22 section is issued on or after January 1, 1995.

23 (m)-(n) \* \* \*

24

25 **§ 387.**

26

27 (a)-(c) \* \* \*

28 (d) Upon the filing of the supplemental petition, the clerk of the juvenile court shall immediately  
29 set the same for hearing within 30 days, and the social worker shall cause notice thereof to be  
30 served upon the persons and in the manner prescribed by Sections 290.1 and 291, except that  
31 service under this subdivision may be electronic service pursuant to Section 212.5.

32 (e) \* \* \*

33

34 **§ 607.2.**

35

36 (a) On and after January 1, 2012, the court shall hold a hearing prior to terminating jurisdiction  
37 over a ward who satisfies any of the following criteria:

38 (1)-(3) \* \* \*

39 (4) Service of the notice of hearing may be electronic service pursuant to Section 212.5.

40 (b) At a hearing during which termination of jurisdiction over a ward described in subdivision (a)  
41 is being considered, the court shall take one of the following actions:

42 (1) \* \* \*

Commented [GD7]: San Diego Comment #7



1 (2)(A) \* \* \*

2 (B) The court shall set a hearing within 20 judicial days of the date of the order described in  
3 subparagraph (A) to review the child welfare services department's decision and may either  
4 affirm its decision not to file a petition pursuant to Section 300 or order the child welfare  
5 services department to file a petition pursuant to Section 300. Service of the notice of hearing  
6 may be electronic service pursuant to Section 212.5.

7 (3)-(6) \* \* \*

8 (c)-(d) \* \* \*

9

10 **§ 630.**

11

12 (a) If the probation officer determines that the minor shall be retained in custody, he shall  
13 immediately proceed in accordance with Article 16 (commencing with Section 650) to cause the  
14 filing of a petition pursuant to Section 656 with the clerk of the juvenile court who shall set the  
15 matter for hearing on the detention calendar. Immediately upon filing the petition with the clerk  
16 of the juvenile court, if the minor is alleged to be a person described in Section 601 or 602, the  
17 probation officer or the prosecuting attorney, as the case may be, shall serve such minor with a  
18 copy of the petition and notify him of the time and place of the detention hearing. The probation  
19 officer, or the prosecuting attorney, as the case may be, shall thereupon notify each parent or  
20 each guardian of the minor of the time and place of such hearing if the whereabouts of each  
21 parent or guardian can be ascertained by due diligence. Such notice may be given orally. Service  
22 under this subdivision shall not be made electronically.

23 (b) \* \* \*

24

25 **§ 658.**

26

27 (a) Except as provided in subdivision (b), upon the filing of the petition, the clerk of the juvenile  
28 court shall issue a notice, to which shall be attached a copy of the petition, and he or she shall  
29 cause the same to be served upon the minor, if the minor is eight or more years of age, and upon  
30 each of the persons described in subdivision (e) of Section 656 whose residence addresses are set  
31 forth in the petition and thereafter before the hearing upon all persons whose residence addresses  
32 become known to the clerk. If the court has ordered the care, custody, and control of the minor to  
33 be under the supervision of the probation officer for foster care placement pursuant to  
34 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster  
35 parents, preadoptive parents, legal guardians or relatives providing care to the minor. The clerk  
36 shall issue a copy of the petition, to the minor's attorney and to the district attorney, if the district  
37 attorney has notified the clerk of the court that he or she wishes to receive the petition,  
38 containing the time, date, and place of the hearing. Service under this subdivision may be  
39 electronic service pursuant to Section 212.5 except that electronic service is not authorized if the  
40 minor is detained and those persons entitled to notice are not present at the initial detention  
41 hearing.

Commented [GD8]: San Diego Comment #8

1 (b) Upon the filing of a supplemental petition where the minor has been declared a ward of the  
2 court or a probationer under Section 602 in the original matter, the clerk of the juvenile court  
3 shall issue a notice, to which shall be attached a copy of the petition, and he or she shall cause  
4 the notice to be served upon the minor, if the minor is eight or more years of age, and upon each  
5 of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth  
6 in the supplemental petition and thereafter known to the clerk. The clerk shall issue a copy of the  
7 supplemental petition to the minor's attorney, and to the district attorney if the probation officer  
8 is the petitioner, or, to the probation officer if the district attorney is the petitioner, containing the  
9 time, date, and place of the hearing. If the court has ordered the care, custody, and control of the  
10 minor to be under the supervision of the probation officer for foster care placement pursuant to  
11 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster  
12 parents, preadoptive parents, legal guardians, or relatives providing care to the minor. Service  
13 under this subdivision may be electronic service pursuant to Section 212.5.

14  
15 **§ 660.**

16  
17 (a) Except as provided in subdivision (b), if the minor is detained, the clerk of the juvenile court  
18 shall cause the notice and copy of the petition to be served on all persons required to receive that  
19 notice and copy of the petition pursuant to subdivision (e) of Section 656 and Section 658, either  
20 personally or by certified mail with request for return receipt, as soon as possible after filing of  
21 the petition and at least five days prior to the time set for hearing, unless the hearing is set less  
22 than five days from the filing of the petition, in which case, the notice and copy of the petition  
23 shall be served at least 24 hours prior to the time set for hearing. Service under this subdivision  
24 shall not be made electronically.

25 (b) If the minor is detained, and all persons entitled to notice pursuant to subdivision (e) of  
26 Section 656 and Section 658 were present at the detention hearing, the clerk of the juvenile court  
27 shall cause the notice and copy of the petition to be served on all persons required to receive the  
28 notice and copy of the petition, ~~either personally by personal service, or by first-class mail, or by~~  
29 electronic service pursuant to Section 212.5, as soon as possible after the filing of the petition  
30 and at least five days prior to the time set for hearing, unless the hearing is set less than five days  
31 from the filing of the petition, in which case the notice and copy of the petition shall be served at  
32 least 24 hours prior to the time set for the hearing. Service under this subdivision may be  
33 electronic service pursuant to Section 212.5 except that electronic service is not authorized if the  
34 minor is detained and those persons entitled to notice are not present at the detention hearing.

35 (c) If the minor is not detained, the clerk of the juvenile court shall cause the notice and copy of  
36 the petition to be served on all persons required to receive the notice and copy of the petition,  
37 ~~either personally by personal service, or by first-class mail, or by electronic service pursuant to~~  
38 Section 212.5, at least 10 days prior to the time set for hearing. If that person is known to reside  
39 outside of the county, the clerk of the juvenile court shall ~~mail-serve~~ the notice and copy of the  
40 petition, by first-class mail or by electronic service pursuant to Section 212.5, to that person, as  
41 soon as possible after the filing of the petition and at least 10 days before the time set for hearing.  
42 Failure to respond to the notice shall in no way result in arrest or detention. In the instance of

1 failure to appear after notice by first-class mail or electronic service pursuant to Section 212.5,  
2 the court shall direct that the notice and copy of the petition is to be personally served on all  
3 persons required to receive the notice and a copy of the petition. However, if the whereabouts of  
4 the minor are unknown, personal service of the notice and a copy of the petition is not required  
5 and a warrant for the arrest of the minor may be issued pursuant to Section 663. Personal service  
6 of the notice and copy of the petition outside of the county at least 10 days before the time set for  
7 hearing is equivalent to service by first-class mail or electronic service. Service may be waived  
8 by any person by a voluntary appearance entered in the minutes of the court or by a written  
9 waiver of service filed with the clerk of the court at or prior to the hearing.

Commented [GD9]: San Diego Comment #9

10 (d) \* \* \*

11  
12 **§ 661.**

13  
14 In addition to the notice provided in Sections 658 and 659, the juvenile court may issue its  
15 citation directing any parent, guardian, or foster parent of the person concerning whom a petition  
16 has been filed to appear at the time and place set for any hearing or financial evaluation under the  
17 provisions of this chapter, including a hearing under the provisions of Section 257, and directing  
18 any person having custody or control of the minor concerning whom the petition has been filed  
19 to bring the minor with him or her. The notice shall in addition state that a parent, guardian, or  
20 foster parent may be required to participate in a counseling or education program with the minor  
21 concerning whom the petition has been filed. If the proceeding is one alleging that the minor  
22 comes within the provisions of Section 601, the notice shall in addition contain notice to the  
23 parent, guardian, or other person having control or charge of the minor that failure to comply  
24 with the compulsory school attendance laws is an infraction, which may be charged and  
25 prosecuted before the juvenile court judge sitting as a superior court judge. In those cases, the  
26 notice shall also include notice that the parent, guardian, or other person having control or charge  
27 of the minor has the right to a hearing on the infraction before a judge different than the judge  
28 who has heard or is to hear the proceeding pursuant to Section 601. The notice shall explain the  
29 provisions of Section 170.6 of the Code of Civil Procedure. Personal service of the citation shall  
30 be made at least 24 hours before the time stated therein for the appearance. Service under this  
31 section may be electronic service pursuant to Section 212.5 only in addition to other forms of  
32 service required by law.

Commented [GD10]: San Diego Comment #10

33  
34 **§ 727.4.**

35  
36 (a)(1) Notice of any hearing pursuant to Section 727, 727.2, or 727.3 shall be ~~mailed~~ served by  
37 the probation officer to the minor, the minor's parent or guardian, any adult provider of care to  
38 the minor including, but not limited to, foster parents, relative caregivers, preadoptive parents,  
39 community care facility, or foster family agency, and to the counsel of record if the counsel of  
40 record was not present at the time that the hearing was set by the court, by first-class  
41 mail addressed to the last known address of the person to be notified, ~~or shall be personally~~  
42 ~~served~~ by personal service on those persons, or by electronic service pursuant to Section 212.5,

1 not earlier than 30 days nor later than 15 days preceding the date of the hearing. The notice shall  
2 contain a statement regarding the nature of the status review or permanency planning hearing and  
3 any change in the custody or status of the minor being recommended by the probation  
4 department. The notice shall also include a statement informing the foster parents, relative  
5 caregivers, or preadoptive parents that he or she may attend all hearings or may submit any  
6 information he or she deems relevant to the court in writing. The foster parents, relative  
7 caregiver, and preadoptive parents are entitled to notice and opportunity to be heard but need not  
8 be made parties to the proceedings. Proof of notice shall be filed with the court.

9 (2) \* \* \*

10 (b)-(d) \* \* \*

11  
12 **§ 777.**

13  
14 An order changing or modifying a previous order by removing a minor from the physical  
15 custody of a parent, guardian, relative, or friend and directing placement in a foster home, or  
16 commitment to a private institution or commitment to a county institution, or an order changing  
17 or modifying a previous order by directing commitment to the Youth Authority shall be made  
18 only after a noticed hearing.

19 (a) \* \* \*

20 (b) Upon the filing of such notice, the clerk of the juvenile court shall immediately set the same  
21 for hearing within 30 days, and the probation officer shall cause notice of it to be served upon the  
22 persons and in the manner prescribed by Sections 658 and 660. Service under this subdivision  
23 may be electronic service pursuant to Section 212.5.

24 (c) \* \* \*

25 (d) An order for the detention of the minor pending adjudication of the alleged violation may be  
26 made only after a hearing is conducted pursuant to Article 15 (commencing with Section 625) of  
27 this chapter. Service under this subdivision may be electronic service pursuant to Section 212.5  
28 only in addition to other forms of service required by law.

Commented [GD11]: San Diego Comment #11

29  
30 **§ 778.**

31  
32 (a)(1) \* \* \*

33 (2) If it appears that the best interests of the child may be promoted by the proposed change of  
34 order or termination of jurisdiction, the court shall order that a hearing be held and shall give  
35 prior notice, or cause prior notice to be given, to such persons and by such means as prescribed  
36 by Sections 776 and 779, by electronic service pursuant to Section 212.5, and, in such instances  
37 as the means of giving notice is not prescribed by such sections, then by such means as the court  
38 prescribes.

39 (b)(1)-(4) \* \* \*

40  
41 **§ 779.**

1  
2 The court committing a ward to the Youth Authority may thereafter change, modify, or set aside  
3 the order of commitment. Ten days' notice of the hearing of the application therefor shall be  
4 served ~~by United States mail~~ upon the Director of the Youth Authority. In changing, modifying,  
5 or setting aside the order of commitment, the court shall give due consideration to the effect  
6 thereof upon the discipline and parole system of the Youth Authority or of the correctional  
7 school in which the ward may have been placed by the Youth Authority. Except as provided in  
8 this section, nothing in this chapter shall be deemed to interfere with the system of parole and  
9 discharge now or hereafter established by law, or by rule of the Youth Authority, for the parole  
10 and discharge of wards of the juvenile court committed to the Youth Authority, or with the  
11 management of any school, institution, or facility under the jurisdiction of the Youth Authority.  
12 Except as provided in this section, this chapter does not interfere with the system of transfer  
13 between institutions and facilities under the jurisdiction of the Youth Authority. This section  
14 does not limit the authority of the court to change, modify, or set aside an order of commitment  
15 after a noticed hearing and upon a showing of good cause that the Youth Authority is unable to,  
16 or failing to, provide treatment consistent with Section 734.  
17 However, before any inmate of a correctional school may be transferred to a state hospital, he or  
18 she shall first be returned to a court of competent jurisdiction and, after hearing, may be  
19 committed to a state hospital for the insane in accordance with law.

20  
21 **§ 785.**

22  
23 (a) Where a minor is a ward of the juvenile court, the wardship did not result in the minor's  
24 commitment to the Youth Authority, and the minor is found not to be a fit and proper subject to  
25 be dealt with under the juvenile court law with respect to a subsequent allegation of criminal  
26 conduct, any parent or other person having an interest in the minor, or the minor, through a  
27 properly appointed guardian, the prosecuting attorney, or probation officer, may petition the  
28 court in the same action in which the minor was found to be a ward of the juvenile court for a  
29 hearing for an order to terminate or modify the jurisdiction of the juvenile court. The court shall  
30 order that a hearing be held and shall give prior notice, or cause prior notice to be given, to those  
31 persons and by the means prescribed by Sections 776 and 779, by electronic service pursuant to  
32 Section 212.5, or where the means of giving notice is not prescribed by those sections, then by  
33 such means as the court prescribes.

34 (b)-(d) \* \* \*

35  
36 **§ 903.45.**

37  
38 (a) \* \* \*

39 (b) In a county where a board of supervisors has designated a county financial evaluation officer,  
40 the juvenile court shall, at the close of the disposition hearing, order any person liable for the  
41 cost of support, pursuant to Section 903, the cost of legal services as provided for in Section  
42 903.1, probation costs as provided for in Section 903.2, or any other reimbursable costs allowed

1 under this code, to appear before the county financial evaluation officer for a financial evaluation  
2 of his or her ability to pay those costs. If the responsible person is not present at the disposition  
3 hearing, the court shall cite him or her to appear for a financial evaluation. In the case of a  
4 parent, guardian, or other person assessed for the costs of transport, food, shelter, or care of a  
5 minor under Section 207.2 or 903.25, the juvenile court shall, upon request of the county  
6 probation department, order the appearance of the parent, guardian, or other person before the  
7 county financial evaluation officer for a financial evaluation of his or her ability to pay the costs  
8 assessed.

9 If the county financial evaluation officer determines that a person so responsible has the ability  
10 to pay all or part of the costs, the county financial evaluation officer shall petition the court for  
11 an order requiring the person to pay that sum to the county or court, depending on which entity  
12 incurred the expense. If the parent or guardian is liable for costs for legal services pursuant to  
13 Section 903.1, the parent or guardian has been reunified with the child pursuant to a court order,  
14 and the county financial evaluation officer determines that repayment of the costs would harm  
15 the ability of the parent or guardian to support the child, then the county financial evaluation  
16 officer shall not petition the court for an order of repayment, and the court shall not make that  
17 order. In addition, if the parent or guardian is currently receiving reunification services, and the  
18 court finds, or the county financial officer determines, that repayment by the parent or guardian  
19 will pose a barrier to reunification with the child because it will limit the ability of the parent or  
20 guardian to comply with the requirements of the reunification plan or compromise the parent's or  
21 guardian's current or future ability to meet the financial needs of the child, or in any case in  
22 which the court finds that the repayment would be unjust under the circumstances of the case,  
23 then the county financial evaluation officer shall not petition the court for an order of repayment,  
24 and the court shall not order repayment by the parent or guardian. In evaluating a person's ability  
25 to pay under this section, the county financial evaluation officer and the court shall take into  
26 consideration the family's income, the necessary obligations of the family, and the number of  
27 persons dependent upon this income. A person appearing for a financial evaluation has the right  
28 to dispute the county financial evaluation officer's determination, in which case he or she is  
29 entitled to a hearing before the juvenile court. The county financial evaluation officer, at the time  
30 of the financial evaluation, shall advise the person of his or her right to a hearing and of his or  
31 her rights pursuant to subdivision (c).

32 At the hearing, a person responsible for costs is entitled to have, but shall not be limited to, the  
33 opportunity to be heard in person, to present witnesses and other documentary evidence, to  
34 confront and cross-examine adverse witnesses, to disclosure of the evidence against him or her,  
35 and to receive a written statement of the findings of the court. The person has the right to be  
36 represented by counsel, and, if the person is unable to afford counsel, the right to appointed  
37 counsel. If the court determines that the person has the ability to pay all or part of the costs,  
38 including the costs of any counsel appointed to represent the person at the hearing, the court shall  
39 set the amount to be reimbursed and order him or her to pay that sum to the county or court,  
40 depending on which entity incurred the expense, in a manner in which the court believes  
41 reasonable and compatible with the person's financial ability.

1 If the person, after having been ordered to appear before the county financial evaluation officer,  
2 has been given proper notice and fails to appear as ordered, the county financial evaluation  
3 officer shall recommend to the court that the person be ordered to pay the full amount of the  
4 costs. Proper notice to the person shall contain all of the following:  
5 (1)-(3) \* \* \*  
6 (4) A warning that if the person fails to appear before the county financial evaluation officer, the  
7 officer will recommend that the court order the person to pay the costs in full.  
8 If the county financial evaluation officer determines that the person has the ability to pay all or a  
9 portion of these costs, with or without terms, and the person concurs in this determination and  
10 agrees to the terms of payment, the county financial evaluation officer, upon his or her written  
11 evaluation and the person's written agreement, shall petition the court for an order requiring the  
12 person to pay that sum to the county or the court in a manner that is reasonable and compatible  
13 with the person's financial ability. This order may be granted without further notice to the  
14 person, provided a copy of the order is served on the person by mail or by electronic means  
15 pursuant to section 212.5.  
16 However, if the county financial evaluation officer cannot reach an agreement with the person  
17 with respect to either the liability for the costs, the amount of the costs, the person's ability to  
18 pay the costs, or the terms of payment, the matter shall be deemed in dispute and referred by the  
19 county financial evaluation officer back to the court for a hearing.  
20 (c)-(d) \* \* \*

## LEG16-08

**Juvenile Law: Electronic Filing and Service in Juvenile Proceedings** (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code )

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Office of County Counsel, County of Los Angeles By Alyssa Skolnick, Principal Deputy County Counsel	AM	<i>Instead of limiting the security to encryption, we think the proposed legislation should state that the email shall be encrypted or made available to the recipient(s) via access to a secure web site maintained by each county.</i>	The Committees appreciate this comment and note that the proposed legislation seeks to preserve the confidentiality of documents regardless of the medium in which they are communicated. The legislation is not intended to be prescriptive with regard to the type of communication technology employed by courts. The proposal authorizes the use of electronic service in the juvenile context and ensures that to the extent electronic service is used, it must use encryption to ensure the security of communications. By definition, electronic service already contemplates the possibility of either an email or electronic posting of documents. California Code of Civil Procedure currently defines electronic service as “service of a document...by either electronic transmission or electronic notification.” (§ 1010.6(a)(1)(A).) Regardless of the method selected, encryption must be used to protect the information.
2.	Orange County Bar Association By Todd G. Friedland, President	N	<i>In 2015 our Legislature passed AB 879 and thereby empowered parties to juvenile court proceedings with the option of accepting electronic service. AB 879 was authored by Assemblywoman Autumn Burke (D/62nd) and coauthored by Senators Joel Anderson (R/38th) and Robert Hertzberg (D/18th). The Senate approved AB 879 on a 40-to-0 vote. The Assembly did likewise with a 79-to-0 vote. The Governor signed AB 879 on 8/17/15 and it went into effect on 1/1/2016. Now barely four months later the suggestion is to revisit AB</i>	The Committees appreciate these comments and agree that the approach set forth in AB 879 (authorizing optional e-mail notice of specified juvenile dependency hearings) is appropriate to authorize the use of electronic communications in juvenile court. Far from revisiting the underlying proposition of AB 879, this legislative proposal seeks to expand the approach of that bill into juvenile delinquency matters and to other notice and service provisions contained in Welfare & Institutions Code. This proposal is part of a larger group of legislative proposals that would



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**Juvenile Law: Electronic Filing and Service in Juvenile Proceedings** (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code )

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<i>879. Give AB 879 a chance to succeed. The Judicial Counsel’s proposal should be opposed.</i>	authorize electronic service in juvenile, criminal and probate law. In addition, this proposal seeks to explicitly authorize the use of electronic filing in juvenile matters.
3.	Superior Court of California, County of Los Angeles	A	<p><i>If the court chooses to permit electronic service, our case management system (CMS) would need the ability to perform the following functions:</i></p> <p><i>1. Send encrypted notices to parties and other persons who may consent to e-mail notice of specified dependency hearings via e-mail;</i></p> <p><i>2. Provide electronic service of court’s order if there is a juvenile court custody order filed upon the juvenile court’s termination of jurisdiction over said minor;</i></p> <p><i>3. Provide electronic service of notice of appellate advisements; and</i></p> <p><i>4. Provide electronic service of the written findings and court orders when a referee hears a juvenile case.</i></p>	No response required. The Committees appreciate the planning work involved in incorporating additional e-business options into juvenile court processes.
4.	Superior Court of California, County of Orange By Michelle Wang Program Coordinator Specialist Lamoreaux Justice Center—Family & Juvenile Division	NI	<p><i>Question: Is the consent form utilized once and applies indefinitely until the withdrawal of consent is filed? Or is it per case?</i></p> <p><i>We recommend proposing an optional Judicial Council form that parties may use as a consent form.</i></p>	In accordance with the recently enacted AB 879 (Chapter 219, Statutes of 2015), on July 1, 2016, a new form, titled <i>E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)</i> (EFS-005-JV) was adopted as a mandatory form for courts. When courts and county agencies agree to allow e-mail

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	Commentator	Position	Comment	Committee Response
			<p><i>This proposal should limit consent forms to electronic service to parties and attorneys to ensure nobody that is not a party to the case receives information on the minor’s hearing(s). This legislation should also provide guidelines and specificity on encryption so all the courts can be uniformed on encryption.</i></p> <p>Is the provision requiring the use of encryption to preserve the confidentiality of electronic documents sufficient to ensure that juvenile records will be protected?</p> <p><i>Yes, however, either the courts need to implement specific rules on how the process of encryption will be handled or we recommend JCC supply us with a uniformed guideline/process on how to encrypt documents.</i></p>	<p>notice of specified juvenile dependency hearings, parties and other persons entitled to notice may use this form to notify the court of their consent to receive e-mail notifications. They may also use the form to change their e-mail address with the court and to withdraw consent for e-mail notices at any time.</p> <p>The Committees appreciate the concern for possible disclosure of confidential information regarding juveniles. However, Welfare &amp; Institutions Code notice provisions (§§ 290.1-295) provide that various persons who are not parties to a dependency hearing are nevertheless entitled to notice of these hearings. These include non-custodial adult relatives and siblings, among others. The EFS-005-JV does require those consenting to e-mail notice of hearing to indicate the basis for their right to notice.</p> <p>The Committees considered whether statute was the proper venue for setting forth encryption standards and specifications. After much deliberation, it was decided that the term “encryption” was sufficiently broad to cover the wide range of technologies available for information security and would be the most appropriate term to include in the Welfare &amp; Institutions Code. Specific standards for encryption technology are more appropriate for a Rule of Court, and possibly for inclusion in the Judicial Council’s Trial Court Records Manual.</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
5.	Superior Court of California, County of San Diego By Mike Roddy, Executive Officer	AM	<p>Does the proposal appropriately address the stated purpose? <i>Yes.</i></p> <p>Are there other sections in the Welfare and Institutions Code that will require amendment in order to facilitate electronic filing or service in juvenile proceedings? -- § 388 (<i>Amendment considered? See WIC § 778</i>). -- § 391(e) <i>hearing to terminate jurisdiction over nonminor? CRC 5.555(c)(4) (service of PO's or SW's report).</i></p>	<p>No response required.</p> <p>The Committees appreciate the suggestion to include these hearings and have addressed notice in these contexts as follows:</p> <p><b>Section 388:</b> Section 297(c) states: “If a petition for modification has been filed pursuant to Section 388, and it appears that the best interest of the child may be promoted by the proposed change of the order, the recognition of a sibling relationship, or the termination of jurisdiction, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the social worker or probation officer and to the child's attorney of record, or if there is no attorney of record for the child, to the child, and his or her parent or parents or legal guardian or guardians in the manner prescribed by Section 291 unless a different manner is prescribed by the court.” (Subd., (c), Welf. &amp; Inst. Code § 297.)</p> <p>The current legislative proposal would amend Section 291 to include electronic notice and would therefore apply to hearings convened</p>

**LEG16-08**

**Juvenile Law: Electronic Filing and Service in Juvenile Proceedings** (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code )

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	Commentator	Position	Comment	Committee Response
			<p>Is the prohibition on electronic service of psychological and medical evaluations sufficient to protect these documents from unwarranted disclosure? Are there other documents that should be included?  <i>Yes, drug test results and HIV test results.</i></p>	<p>pursuant to section 388.</p> <p><b>Section 391(e):</b> Section 295 states that it applies to notice of “termination of jurisdiction hearings held pursuant to Section 391.” (Welf. &amp; Inst. Code § 295.) The current legislative proposal would amend section 295 to include electronic notice and would therefore apply to hearings convened pursuant to section 388.</p> <p>The Committees appreciate this feedback and have discussed this issue at length. The principal concern of the Family and Juvenile Law Committee is that psychological and medical documentation transmitted electronically will be more easily retransmitted or possibly posted on the Internet in violation of confidentiality rules. Therefore, the Committees propose to amend the language of new Section 212.5 to include all medical and psychological <i>documentation</i> (including test results) and would limit electronic transmission as follows:  <u>(d) Electronic service is not permitted on any party or person who is under the age of 16 years old.</u>  <u>(e) If the party or other person to be served is</u></p>

**LEG16-08**

**Juvenile Law: Electronic Filing and Service in Juvenile Proceedings** (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code )

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	Commentator	Position	Comment	Committee Response
			<p>Is it appropriate to limit electronic service to adults and minors who are at least 16 years old?</p> <p><i>Not certain if 16 is an appropriate cut-off age. Many middle school-age children use e-mail. Would 12 years of age be acceptable? (See, e.g., WIC § 366.26(c)(1)(B)(ii) [court shall not terminate parental rights if child 12 or older objects].)</i></p> <p>Would the proposal provide cost savings? If so please quantify.</p> <p><i>Savings would be realized in postage, paper, copying, and the labor involved with non-electronic</i></p>	<p><u>a minor, age 16 or above:</u></p> <p><u>(1) Electronic service shall be permitted only upon consent by the minor and by the minor’s attorney.</u></p> <p><u>(2) Electronic service is not permitted of psychological or medical documentation related to a minor.</u></p> <p>The Committees appreciate this feedback but believe that 16 is an appropriate minimum age for the receipt of electronic service.</p> <p>No response required.</p>

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	Commentator	Position	Comment	Committee Response
			<p><i>forms of service.</i></p> <p>What would the implementation requirements be for courts—for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems?</p> <p><i>All of the above examples would be required. Not certain whether courts have the capacity to safeguard against hacking into their systems for the purpose of obtaining protected information.</i></p> <p>How well would this proposal work in courts of different sizes?</p> <p><i>Probably easier and less expensive to implement in smaller courts.</i></p> <p>Suggested Drafting Changes:</p> <p>1. WIC § 290.2 Par. (2) of subd. (c) inadvertently omitted?</p> <p>2. WIC § 292(e) Suggest changing line 2 as follows so that</p>	<p>No response required.</p> <p>No response required.</p> <p>The Committees appreciate this detailed feedback and respond as follows:</p> <p>1. WIC § 290.2 This was a drafting error that has been corrected.</p> <p>2. WIC § 292(e) The Committees agree that the commas and</p>

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**Juvenile Law: Electronic Filing and Service in Juvenile Proceedings** (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code )

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	Commentator	Position	Comment	Committee Response
			<p>“addressed to the last known address...” applies to both types of mail service (first-class and certified):</p> <p>(e) Service of the notice shall be by personal service, by first-class mail, <del>or</del> <u>or</u> by certified mail, return receipt requested, addressed to the last known address of the person to be noticed, or by...</p> <p>3. WIC § 293(e) Suggest changing line 36 to delete “on the person” (redundant):</p> <p>... by personal service <del>on the person</del>, or by electronic service pursuant to...”</p> <p>4. WIC § 293(e) Why is the second sentence necessary? The first sentence already provides for service of the notice. Isn’t service “of a copy of the notice” duplicative? Throughout the statute, references are made to “the notice”; except for subdivision (e), there are no references</p>	<p>modifying clauses in this sentence could introduce confusion. However, eliminating the comma between “first class mail” and “certified mail” might lead readers to attach the modifier “return receipt requested” to both mail options instead of only certified mail. The Committees propose an alternative solution:</p> <p>“Service of the notice shall be by personal service, by mail (first class mail or certified mail with return receipt requested) addressed to the last known address of the person to be noticed, or by...”</p> <p>3. WIC § 293(e) The Committees agree that this language appears redundant and propose to delete the words “on the person.”</p> <p>4. WIC § 293(e) The Committees agree that these two sentences are duplicative and propose to delete the second sentence of the subdivision related to service of a copy of the notice.</p>

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	Commentator	Position	Comment	Committee Response
			<p>to “a copy of the notice.”</p> <p>5. WIC § 294(f)(6) If amended as proposed, suggest changing the second sentence to:</p> <p><u>If, in the case of an Indian child, the recommendation of the probation officer or social worker is tribal customary adoption,</u> service may be made by first-class mail to the parent’s usual place of residence or business.</p> <p>6. WIC § 294(h)(1) Delete space between (h) and (1).</p> <p>7. WIC § 607.2(a)(4) Insert period at end of sentence.</p> <p>8. WIC § 607.2(b)(2)(B) Insert period at end of second sentence.</p> <p>9. WIC § 660(c) P. 24, line 3 – Insert “pursuant to Section 212.5” after “or electronic service”</p>	<p>5. WIC § 294(f)(6) The Committees appreciate the need to improve this wording and propose the following:</p> <p>“In the case of an Indian child, if the recommendation of the probation officer or social worker is tribal customary adoption, service may be made...”</p> <p>6. WIC § 294(h)(1) This was a drafting error that has been corrected.</p> <p>7. WIC § 607.2(a)(4) This was a drafting error that has been corrected.</p> <p>8. WIC § 607.2(b)(2)(B) This was a drafting error that has been corrected.</p> <p>9. WIC § 660(c) The Committees agree that this change will serve to clarify the provision.</p>



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	Commentator	Position	Comment	Committee Response
			<p>10. WIC § 661 P. 24, line 27 – Insert “pursuant to Section 212.5” after “electronic service”</p> <p>11. WIC § 777(d) P. 25, line 22 – Insert “pursuant to Section 212.5” after “electronic service”</p> <p>Our juvenile court has in the past stated unequivocally that we do not have the technical capability to serve or be served electronically in any context other than appeals. The provision in the proposed new WIC 212.5 that the court must consent to electronic service is crucial. Failure to have this language included could be an issue for our court. Also, every document in a juvenile case is confidential. We have always been instructed not to send anything that contains information about a juvenile case to anyone who is not on the Outlook system because electronic transmission is not secure. The provision that all documents transmitted electronically must be encrypted is also crucial. Some in our court believe the language in subdivision (h) may not be strong enough.</p>	<p>10. WIC § 661 The Committees agree that this change will serve to clarify the provision.</p> <p>11. WIC § 777(d) The Committees agree that this change will serve to clarify the provision.</p> <p>The Committees appreciate these comments and agree that the following are critical underpinnings of the statutory amendments: -Electronic service for juvenile matters is authorized only upon consent by the court and the county -Documents in juvenile matters are confidential and it is the responsibility of each entity that handles juvenile court records to ensure that confidentiality is preserved, regardless of the medium of communication. -“Encryption” describes a wide range of technologies and is sufficiently broad a term to account for the variety and rapid evolution of internet security technology. The use of the term “encryption” is appropriate for statutory language; California Rules of Court and other regulatory documents, such as the Trial Court Records Manual will set forth standards for encryption technology used by the courts.</p>



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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Date	Action Requested
August 26, 2016	Please review
To	Deadline
Judicial Council Technology Committee	September 12, 2016
From	Contact
Information Technology Advisory Committee	Douglas C. Miller
Hon. Terence L. Bruiniers, Chair	Legal Services, JCC
	818-558-4178; douglas.c.miller@jud.ca.gov
Probate and Mental Health Advisory Committee	
Hon. John H. Sugiyama, Chair	
Subject	
Probate Modernization Project (Legislation Proposal LEG16-09)	

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#### Executive Summary

The Information Technology Advisory Committee (ITAC) is leading a multi-year effort to modernize the statutes and rules so that they will be consistent with and foster modern e-business practices. This year, ITAC has been working with the Probate and Mental Health Advisory Committee (PMHAC), to propose statutory amendments that would facilitate electronic service in all proceedings under the Probate Code. Staff of PMHAC and the former lead staff of ITAC drafted proposed legislation that would revise provisions primarily in that code to modernize service of documents in probate proceedings by permitting and providing for electronic service.

## Recommendation

The Information Technology Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council sponsor legislation to modernize the Probate Code and two notice provisions of the Welfare and Institutions Code that are connected to or analogous to probate notice provisions. The legislation would authorize the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses.

## Rationale for the Proposal: Modernizing Probate Notice

Probate proceedings are in rem in nature. They are commenced by the filing of a petition, which the court immediately sets for hearing at a specific date, time, and place. Written notice of that date, time, and place must be served on persons who are likely to be interested in the proceeding, usually persons related to the decedent or to the proposed conservatee or ward, or entitled to share in the distribution of the decedent's estate or trust.

The persons served have a right to appear in the proceeding, file objections or other opposition pleadings, and participate in litigation to resolve the particular issue raised in the petition. That litigation is conducted similarly to regular civil litigation in non-jury cases. The pretrial and trial rules that apply in regular civil litigation also apply to contested probate matters, including the e-filing and e-service provisions of Code of Civil Procedure section 1010.6 (see Prob. Code, § 1000; Cal. Rules of Court, rule 7.802). However, that section and that rule do not apply to the notices that must be sent to interested persons concerning filed petitions that are not contested or not yet contested. This proposal would authorize e-service of notices of hearing and petitions in uncontested matters.

Filing a petition in a probate proceeding affects only the particular matter to be resolved in that petition. These proceedings usually involve a number of petitions during the progress of the case to conclusion on distribution of the estate or trust, the death of or restoration of a conservatee to capacity, or a ward's attainment of majority in a guardianship. The complete proceeding may take several years. Notices of the hearing of all petitions filed in the proceeding must be served on the persons entitled to notice under the Probate Code, whether or not they chose to participate in litigation to resolve earlier petitions filed by interested persons, and whether or not the noticed petitions themselves are contested. This aspect of probate proceedings means that many notices of hearings must be served on a number of potentially interested persons throughout the progress of the proceeding even if none of the notices lead to contested matters. On the other hand, unlike

in regular civil litigation practice, personal service of most notices and petitions is not required.<sup>1</sup> Most service in probate proceedings is by mail, even service on persons who have not previously appeared in the case.

To modernize the procedures for providing notice, this proposal would amend the relevant portions of the Probate Code and two sections of the Welfare and Institutions Code to authorize delivery of notices by electronic means if the person to receive notice has consented to electronic service and has provided an electronic address.<sup>2</sup> A copy of the proposed legislation follows this memorandum, at pages 8–49.

The proposed legislation is lengthy. However, most of it consists of references to the basic notice provision of the Probate Code, section 1215. Amended section 1215(b) would incorporate existing section 1216. The entire amended section would read as follows:

**Probate Code section 1215.**

Unless otherwise expressly provided, a notice or other paper that is required or permitted to be delivered to a person shall be delivered by mail as provided in subdivision (a), personally delivered as provided in subdivision (b), or delivered electronically as provided in subdivision (c) of this section.

(a) Mail delivery

(1) A notice or other paper shall be delivered by mail as follows:

(A) By first-class mail if the person's address is within the United States. First-class mail includes certified, registered, and express mail.

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<sup>1</sup> There are some situations in probate proceedings that do require personal service of petitions or other documents, usually together with a citation, a document similar to a summons or an Order to Show Cause. These situations are infrequent. They are neither the focus of nor affected by the legislation in this proposal.

The Probate Code also permits personal service of any document that must or may be served by mail (Prob. Code, § 1216). Section 1216 would be repealed by this proposal, but its content would be carried into the completely revised section 1215(b).

<sup>2</sup> Welfare and Institutions Code sections 728 and 5362. Section 728, part of the Juvenile Court Law, requires notice from the juvenile court to the court handling an existing probate guardianship that the juvenile court has modified or terminated the probate proceeding. The court in the probate matter is then required to serve notice of this action to the persons interested in the guardianship. Thus the notice under section 728 to the persons interested in the guardianship is actually a notice under the Probate Code. Section 5362 is part of the Lanterman-Petris-Short Act's (LPS) provisions establishing conservatorships for persons gravely disabled by a mental health disorder or chronic alcoholism. Section 5350 applies Probate Code provisions governing probate conservatorships to LPS conservatorships, except as otherwise provided in section 5350. Section 5362 requires 60 days' advance notice of the LPS conservatorship's expiration date from the court to persons and institutions interested in the proceeding. That notice is governed by the notice provisions of the Probate Code.

(B By international mail if the person's address is not within the United States.<sup>3</sup>

International mail includes first-class mail international, priority mail international, priority mail express international, and global express guaranteed.

(2) The notice or other paper shall be deposited for collection in the United States mail, in a sealed envelope, with postage paid, addressed to the person to whom it is mailed.

(3) Subject to Section 1212, the notice or other paper shall be addressed to the person at the person's place of business or place of residence.

(4) When the notice or other paper is deposited in the mail, mailing delivery is complete and the period of notice is not extended.

(b). Personal delivery

(1) A notice or other paper may be delivered personally to that person.

(2) Personal delivery is complete when the notice or other paper is delivered personally to the person who is to receive it.

(c) Electronic delivery

(1) A notice or other paper may be delivered by electronic means if the person to receive notice has consented to receive electronic delivery in the proceeding before the court and has provided an electronic address.

(2) Electronic delivery is complete when the notice or other paper is sent and the period of notice is not extended.

#### Advisory Committee Review

On February 26, 2016, PMHAC reviewed and discussed the proposed legislation and heard a presentation concerning it by Ms. Tara Lundstrom, then lead staff to ITAC. The committee approved the legislation for submission to the council's Policy Coordination and Liaison Committee for permission to circulate the proposal for public comment in the spring 2016 comment cycle. That permission was obtained on April 7, 2016.

#### Invitation to Comment

This proposal was circulated for public comment to court leaders and others in the probate bar and community as legislative proposal 16-09. Six comments were received. All commentators approved the proposal, but there were recommendations for modifications by three of them. A copy of the comment chart on this proposal follows this memorandum, with PMHAC's responses.

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<sup>3</sup> "International mail" would replace "Airmail," an obsolete term no longer used to describe a class of mail by the United States Postal Service. The new phrase and the types of international mail listed were provided by the postal service.

Hon. Julia Kelety, Judge of the Superior Court, County of San Diego, made three recommendations for changes, and a request to review and update all proof-of-service forms to accommodate e-filing, a review PMHAC advised her will take place in 2017 so the modified forms would take effect at the same time as the legislation. The third recommendation is merely to correct a typographical error in the proposed revision of Welfare and Institutions Code section 728, which was intended to refer to revised Probate Code section 1215 but instead refers to “section 215.” That correction has been made.

Judge Kelety’s first recommendation was to clarify in revised section 1215 that a party’s consent to e-service must be in the specific matter before the court, not in some other proceeding or in general. PMHAC supported this recommendation. Section 1215(c)(1) has been changed to read:

(1) A notice or other paper may be delivered by electronic means if the person to receive notice has consented in the proceeding before the court to receive electronic delivery and has provided an electronic address. (Emphasis added.)<sup>4</sup>

Judge Kelety’s second recommendation was to amend Cal. Rules of Court, rule 2.503, concerning limits on remote access to court records, because of her belief that electronic service by the court of documents to a person who is not a party (but who is entitled to notice) amounts to giving the person electronic court records subject to the rule. PMHAC did not support this change because the rules regarding remote access to court records, by their own terms, do not apply to parties or other persons entitled to access by statute or rule. The legislation would create a class of “other persons entitled to access by statute”—persons or organizations that are not parties but are entitled to notice of a hearing in a probate matter.

Michael Roddy, the Executive Officer of the court in San Diego, repeated Judge Kelety’s concerns about the effect of rule 2.503 on electronic service on a non-party by the court, but also requested that the committee undertake to develop and propose the adoption of a mandatory form for persons interested in a probate proceeding to consent in writing to electronic service. PMHAC’s response was to advise that the committee will propose any necessary or advisable new or revised forms—of which this appears to be one—while the proposed legislation is pending, in 2017.

Ms. Cheryl Siler, of Aderant Holdings, Inc., a national legal software company locally based in Culver City, advises of a potential conflict between the normal rule on service by mail: that the

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<sup>4</sup> The “proceeding before the court” is intended to mean the entire probate proceeding, not merely the specific matter raised by the notice of hearing, the petition, or any responsive pleading.

period of notice is not extended by the time necessary for delivery of the mail (current Probate Code section 1215(e), redesignated as section 1215(a)(4) in the revision without change), and a provision in Code of Civil Procedure 1010.6, concerning electronic service, which is incorporated by reference in revised Probate Code section 1215(c). Section 1010.6(a)(4) extends the period of notice by two days if notice of hearing is transmitted by electronic means.

PMHAC supported Ms. Siler's recommendation that the lack of an extension of the notice period should also apply for electronic service in uncontested probate matters, and that revised Probate Code section 1215(c)(2) should be changed to clarify that the time of notice is not extended. The following revision of section 1215(c)(2) was approved to accomplish this change:

Electronic service is complete when the notice or other paper is sent and the period of notice is not extended.

Existing section 1215(e) concludes with the phrase "and the period of notice is not extended." This phrase would be retained in amended section 1215(a)(4). It is a reference to Code of Civil Procedure section 1013(a), concerning mailing in contested civil matters. That provision provides a 5-day extension of the notice period if the notice is mailed.

The parallel provision for electronic service is amended section 1215(c)(2), which would be a reference to the two-day extended notice period of Code of Civil Procedure 1010.6(a)(4) in contested matters. In both situations, mailed notices under section 1215(a) and e-served notices under section 1215(c) would not extend the period of notice.

Finally, the comment of the Superior Court of Los Angeles County refers to Welfare and Institutions Code section 5362, part of the Lanterman-Petris-Short (LPS) Act, which requires the court clerk to notify the LPS conservator, the conservatee, the conservatee's attorney, the facility where the LPS conservatee is confined, and certain other county officials if the conservator is a private party, of the termination of the conservatorship at least 60 days before the termination date. The court requests that electronic service of this notice be mandated at some point in the future.

PMHAC's response to this comment advises that section 5362 would be amended by the proposed legislation to provide for notification "pursuant to section 1215 of the Probate Code," which would include electronic service.

#### Post-ITC Committee Review Process

On August 5, 2016, PMHAC met and discussed comments and proposals for change related to the issues of encryption, the appropriate age for electronic service and restrictions on the electronic transmission of medical and psychological documentation. With the changes noted above, the committee voted to recommend the amended legislative proposal for Judicial Council sponsorship

On August 19, 2016, the Rules & Policy Subcommittee of ITAC met and discussed the comments and actions taken by PMHAC in response. The subcommittee approved those actions and recommended that ITAC adopt and support them.

On August 25, 2016, ITAC met and considered the recommendation of its Rules & Policy Subcommittee. The full committee approved them for review by the Judicial Council Technology Committee as part of the process to develop a recommendation that the Judicial Council sponsor the legislation.

#### Attachments

1. The legislative proposal is attached at pages 8–49
2. The comment chart, including PMHAC's responses, is attached at pages 50–60



## Legislative Proposal

Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; and Welfare and Institutions Code sections 728 and 5362 would be amended; existing Probate Code section 1265 would be restated as a new section 1266 and a new Probate Code section 1265 enacted; and Probate Code section 1216 would be repealed, effective January 1, 2018, to read:

1    **Probate Code section 331.**

2    (a) This section applies only to a safe deposit box in a financial institution held by the decedent in the  
3    decedent’s sole name, or held by the decedent and others where all are deceased. Nothing in this section  
4    affects the rights of a surviving coholder.

5    (b) \* \* \*

6    (c) \* \* \*

7    (d) \* \* \*

8    (e) The person given access shall deliver all wills found in the safe deposit box to the clerk of the superior  
9    court and ~~mail or~~ deliver pursuant to Section 1215 a copy to the person named in the will as executor or  
10   beneficiary as provided in Section 8200.

11   (f) \* \* \*

12

13   **Probate Code section 366.**

14   Notice of a hearing under this part shall be ~~mailed~~ delivered pursuant to Section 1215 at least 15 days  
15   before the hearing to each fiduciary and consultant and to the following persons:

16   (a) In the case of a trust, to each known beneficiary, subject to the provisions of Chapter 2 (commencing  
17   with Section 15800) of Part 3 of Division 9.

18   (b) In the case of a decedent’s estate, as provided in Section 1220 to both of the following:

19   (1) Each known heir whose interest in the estate would be affected by the proceedings.

20   (2) Each known devisee whose interest in the estate would be affected by the proceedings.

21   (c) In the case of a guardianship or conservatorship estate, as provided in Section 1460.

22   (d) In other cases, to any additional interested persons required by the court to receive notice.

23

24   **Probate Code section 453.**

25   (a) On petition of a person required to appear before the probate referee pursuant to this chapter, the court  
26   may make a protective order to protect the person from annoyance, embarrassment, or oppression. The  
27   petitioner shall deliver pursuant to Section 1215 ~~mail~~ notice of the hearing on the petition to the probate  
28   referee and to the personal representative, guardian, conservator, or other fiduciary at least 15 days before  
29   the date set for the hearing. Any subpoena issued by the probate referee is stayed during the pendency of  
30   the petition.

1 (b) On petition of the probate referee, the court may make an order to show cause why a person who is  
2 required, but fails, to appear before the probate referee pursuant to this chapter, should not be compelled  
3 to do so. The probate referee shall deliver pursuant to Section 1215 ~~mail~~ notice of the hearing on the  
4 petition to the person at least 15 days before the date set for the hearing.  
5

6 **Probate Code section 711.**

7 If a document deposited with an attorney is lost or destroyed, the attorney shall give notice of the loss or  
8 destruction to the depositor by one of the following methods:

9 (a) By ~~mailing~~ delivering pursuant to Section 1215 the notice to the depositor's last known address.

10 (b) By the method most likely to give the depositor actual notice.  
11

12 **Probate Code section 715.**

13 An attorney may give written notice to a depositor, and obtain written acknowledgment from the  
14 depositor, in the following form:  
15

16 NOTICE AND ACKNOWLEDGMENT

17 To:

18 \_\_\_\_\_ (Name of depositor) \_\_\_\_\_

19 \_\_\_\_\_ (Address) \_\_\_\_\_

20 \_\_\_\_\_ (City, state, and ZIP) \_\_\_\_\_

21 \_\_\_\_\_ (Electronic Address)  
22

23 I have accepted your will or other estate planning document for safekeeping. I must use ordinary care for  
24 preservation of the document.

25 You must keep me advised of any change in your addresses shown above. If you do not and I cannot  
26 return this document to you when necessary, I will no longer be required to use ordinary care for  
27 preservation of the document, and I may transfer it to another attorney, or I may transfer it to the clerk of  
28 the superior court of the county of your last known domicile, and give notice of the transfer to the State  
29 Bar of California.

30 \_\_\_\_\_ (Signature of attorney) \_\_\_\_\_

31 \_\_\_\_\_ (Address of attorney) \_\_\_\_\_

32 \_\_\_\_\_ (City, state, ZIP) \_\_\_\_\_

33 \_\_\_\_\_ (Electronic Address)  
34

35 My addresses shown above ~~is~~ are correct. I understand that I must keep you advised of any change in  
36 these~~is~~ addresses.

36 Dated:

37 \_\_\_\_\_ (Signature of depositor) \_\_\_\_\_  
38

39 **Probate Code section 732.**

40 (a) An attorney may terminate a deposit under this section if the attorney has ~~mailed~~ delivered notice  
41 pursuant to section 1215 ~~notice~~ to reclaim the document to the depositor's last known address and the  
42 depositor has failed to reclaim the document within 90 days after the ~~mailing~~ delivery.

1 (b) Subject to subdivision (f), an attorney may terminate a deposit under this section by transferring the  
2 document to another attorney. All documents transferred under this subdivision shall be transferred to the  
3 same attorney.

4 (c) Subject to subdivision (f), if an attorney is deceased, lacks legal capacity, or is no longer an active  
5 member of the State Bar, a deposit may be terminated under this section by transferring the document to  
6 the clerk of the superior court of the county of the depositor's last known domicile. The attorney shall  
7 advise the clerk that the document is being transferred pursuant to Section 732.

8 (d) An attorney may not accept a fee or compensation from a transferee for transferring a document under  
9 this section. An attorney may charge a fee for receiving a document under this section.

10 (e) Transfer of a document by an attorney under this section is not a waiver or breach of any privilege or  
11 confidentiality associated with the document, and is not a violation of the rules of professional conduct. If  
12 the document is privileged under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of  
13 the Evidence Code, the document remains privileged after the transfer.

14 (f) If the document is a will and the attorney has actual notice that the depositor has died, the attorney  
15 may terminate a deposit only as provided in Section 734.

16  
17 **Probate Code section 733.**

18 (a) An attorney transferring one or more documents under Section 732 shall ~~mail~~ deliver notice pursuant  
19 to Section 1215 ~~notice~~ of the transfer to the State Bar of California. The notice shall contain all of the  
20 following information:

21 (1) The name of the depositor.

22 (2) The date of the transfer.

23 (3) The name, address, and State Bar number of the transferring attorney.

24 (4) Whether any documents are transferred to an attorney, and the name, address, and State Bar number of  
25 the attorney to whom the documents are transferred.

26 (5) Whether any documents are transferred to a superior court clerk.

27 (b) The State Bar shall record only one notice of transfer for each transferring attorney. The State Bar  
28 shall prescribe the form for the notice of transfer. On request by any person, the State Bar shall give that  
29 person information in the notice of transfer. At its sole election, the State Bar may give the information  
30 orally or in writing.

31  
32 **Probate Code section 1050.** The judgment roll in a proceeding under this code consists of the following  
33 papers, where applicable:

34 (a) In all cases:

35 (1) The petition, application, report, or account that initiates a particular proceeding.

36 (2) Any order directing notice of the hearing to be given.

37 (3) Any notice of the hearing, and any order to show cause made in the proceeding, with the affidavits  
38 showing publication, posting, ~~or mailing, or personal~~ delivery pursuant to Section 1215 of the notice or  
39 order as may be required by law or court order.

40 (4) Any citation, in case no answer or written opposition is filed by a party entitled, by law or court order,  
41 to notice of the proceeding by citation, with the affidavit or proof of service and, if service of the citation  
42 is made by publication, the affidavit of publication and the order directing publication.

43 (5) Any finding of the court or referee in the proceeding.

- 1 (6) The order or statement of decision made in the proceeding.  
2 (7) Any letters (as defined in Section 52).  
3 (b) If an answer, demurrer, written opposition, or counter petition is filed in a proceeding:  
4 (1) Pleadings and papers in the nature of pleadings.  
5 (2) Any orders striking out a pleading in whole or in part.  
6 (3) Any order made on demurrer, or relating to a change of parties, in the proceeding.  
7 (4) The verdict of the jury, if any.  
8 (c) If the proceeding is for the probate of a will, the will.  
9 (d) If the proceeding is a contest of a will, for the revocation of the probate of a will, or for a preliminary  
10 or final distribution of the estate under a will:  
11 (1) The will.  
12 (2) The order admitting the will to probate.  
13 (e) If the proceeding is for the settlement of the final account of a personal representative or for the final  
14 distribution of an estate, the affidavit showing publication of notice to creditors.

15  
16 **Probate Code section 1209.**

- 17 (a) Where notice is required to be given to the State of California, the notice shall be given to the  
18 Attorney General.  
19 (b) Where notice is required to be given to the Attorney General, the notice shall be ~~mailed~~ delivered  
20 pursuant to Section 1215 to the Attorney General at the office of the Attorney General at Sacramento,  
21 California.

22  
23 **Probate Code section 1212.**

24 Unless the court dispenses with the notice, if the address of the person to whom a notice or other paper is  
25 required to be ~~mailed or~~ delivered pursuant to Section 1215 is not known, notice shall be given as the  
26 court may require in the manner provided in Section 413.30 of the Code of Civil Procedure.

27  
28 **Probate Code section 1213.**

- 29 (a) The following persons shall ~~mail~~ deliver pursuant to Section 1215 a notice, as described in Section  
30 1211, to a surety who has filed a court bond in a proceeding:  
31 (1) A person who files a petition to surcharge.  
32 (2) A person who files an objection to an account.  
33 (3) A person who files a petition to suspend or remove a guardian, conservator, or personal representative.  
34 (4) An attorney who files a motion to withdraw from representation of a guardian, conservator, or  
35 personal representative.  
36 (b) Within five days after entry of an order to suspend or remove a guardian, conservator, or personal  
37 representative, the person who filed a petition to suspend or remove a guardian or, if the order to suspend  
38 or remove a guardian, conservator, or personal representative was issued upon a motion by the court, the  
39 court, shall notify the surety who has filed a court bond of the order ~~by first class mail, postage prepaid~~.  
40 (c) The notice required by this section shall be ~~mailed~~ delivered to the addressee listed on the surety bond.  
41 (d) Notwithstanding subdivisions (a) and (b), notice is not required to a surety pursuant to this section if  
42 the surety bond is for a guardian, conservator, or personal representative who is not the subject of the  
43 petition, motion, or order described in this section.

1 **Probate Code section 1214.**

2 If a notice or other paper is required or permitted to be ~~mailed, delivered, served, or otherwise given~~  
3 served or delivered pursuant to Section 1215 to a person who is represented by an attorney of record, the  
4 notice or other paper shall also be ~~mailed~~ delivered pursuant to Section 1215 to this attorney, unless  
5 otherwise specified in a request for special notice.  
6

7 **Probate Code section 1215.**

8 Unless otherwise expressly provided: ~~(a) If a notice or other paper is required or permitted to be mailed~~  
9 ~~to a person, the notice or other paper shall be mailed as provided in this section or personally delivered as~~  
10 ~~provided in Section 1216.~~ a notice or other paper that is required or permitted to be delivered to a person  
11 shall be mailed delivered by mail as provided in subdivision (a), personally delivered as provided in  
12 subdivision (b), or delivered electronically as provided in subdivision (c) of this section.

13 (a) Mail delivery

14 (1) The A notice or other paper shall be sent delivered by mail as follows:

15 (1A) First By first-class mail if the person's address is within the United States. First-class mail includes  
16 certified, registered, and express mail.

17 (2B) Airmail By international mail if the person's address is not within the United States.

18 International mail includes first-class mail international, priority mail international, priority mail express  
19 international, and global express guaranteed.

20 (3) The notice or other paper shall be deposited for collection in the United States mail, in a sealed  
21 envelope, with postage paid, addressed to the person to whom it is mailed.

22 (4) Subject to Section 1212, the notice or other paper shall be addressed to the person at the person's  
23 place of business or place of residence.

24 (5) When the notice or other paper is deposited in the mail, mailing delivery is complete and the period  
25 of notice is not extended.

26 § 1216(b). Personal delivery

27 (a) If a A notice or other paper is required or permitted to be mailed to a person, it may be delivered  
28 personally to that person. Personal delivery as provided in this section — satisfies a provision that  
29 requires or permits a notice or other paper to be mailed.

30 (b) Personal delivery pursuant to this section is complete when the notice or other paper is delivered  
31 personally to the person who is to receive it.

32 (c) Electronic delivery

33 (1) A notice or other paper may be delivered by electronic means if the person to receive notice has  
34 consented to receive electronic delivery in the proceeding before the court and has provided an electronic  
35 address.

36 (2) Electronic delivery is complete when the notice or other paper is sent and the period of notice is not  
37 extended.

38 (3) If notice is required to be sent by certified or registered mail, electronic delivery is complete when the  
39 person to receive notice sends an electronic receipt if the receipt is later received by the sender.

40  
41 **Probate Code section 1217.**

1 If a notice or other paper is required to be served or otherwise given and no other manner of giving the  
2 notice or other paper is specified by statute, the notice or other paper shall be ~~mailed or personally~~  
3 delivered pursuant to Section 1215 as provided in this chapter.  
4

5 **Probate Code section 1220.**

6 (a) When notice of hearing is required to be ~~given~~ delivered as provided in this section:

7 (1) At least 15 days before the time set for the hearing, the petitioner or the person filing the report,  
8 account, or other paper shall cause notice of the time and place of the hearing to be ~~mailed~~ delivered  
9 pursuant to Section 1215 to the persons required to be given notice.

10 (2) Unless the statute requiring notice specifies the persons to be given notice, notice shall be ~~mailed~~  
11 delivered pursuant to Section 1215 to all of the following:

12 (A) The personal representative.

13 (B) All persons who have requested special notice in the estate proceeding pursuant to Section 1250.

14 (3) Subject to Section 1212, the notice shall be ~~addressed~~ delivered pursuant to Section 1215 to the person  
15 required to be given notice at the person's place of business, ~~or~~ place of residence, or electronic address.

16 (b) Subject to subdivision (c), nothing in this section excuses compliance with the requirements for notice  
17 to a person who has requested special notice pursuant to Chapter 6 (commencing with Section 1250).

18 (c) The court for good cause may dispense with the notice otherwise required to be given to a person as  
19 provided in this section.  
20

21 **Probate Code section 1250.**

22 (a) At any time after the issuance of letters in a proceeding under this code for the administration of a  
23 decedent's estate, any person interested in the estate, whether as devisee, heir, creditor, beneficiary under  
24 a trust, or as otherwise interested, may in person or by attorney, file with the court clerk a written request  
25 for special notice.

26 (b) The request for special notice shall be so entitled and shall set forth the name of the person and the  
27 address to which notices shall be ~~sent~~ delivered pursuant to Section 1215.

28 (c) Special notice may be requested of one or more of the following matters:

29 (1) Petitions filed in the administration proceeding.

30 (2) Inventories and appraisals of property in the estate, including any supplemental inventories and  
31 appraisals.

32 (3) Objections to an appraisal.

33 (4) Accounts of a personal representative.

34 (5) Reports of status of administration.

35 (d) Special notice may be requested of any matter in subdivision (c) by describing it, or of all the matters  
36 in subdivision (c) by referring generally to "the matters described in subdivision (c) of Section 1250 of  
37 the Probate Code" or by using words of similar meaning.

38 (e) A copy of the request shall be ~~personally~~ delivered pursuant to Section 1215 ~~or mailed~~ to the personal  
39 representative or to the attorney for the personal representative. If personally delivered, the request is  
40 effective when it is delivered. If mailed or electronically delivered, the request is effective when it is  
41 received.

42 (f) When the original of the request is filed with the court clerk, it shall be accompanied by a written  
43 admission or proof of service.

1  
2 **Probate Code section 1252.**

3 (a) Unless the court makes an order dispensing with the notice, if a request has been made pursuant to  
4 Section 1250 for special notice of a hearing, the person filing the petition, report, account, or other paper  
5 shall give written notice of the filing, together with a copy of the petition, report, account, or other paper,  
6 and the time and place set for the hearing, by ~~mail~~ delivering it pursuant to Section 1215 to the person  
7 named in the request at the address set forth in the request, at least 15 days before the time set for the  
8 hearing.

9 (b) If a request has been made pursuant to Section 1250 for special notice of the filing of an inventory and  
10 appraisal of the estate or of the filing of any other paper that does not require a hearing, the inventory and  
11 appraisal or other paper shall be ~~mailed~~ delivered pursuant to Section 1215 not later than 15 days after the  
12 inventory and appraisal or other paper is filed with the court.

13  
14 **Probate Code section ~~1265~~ 1265.**

15 Proof of electronic delivery may be made in the manner prescribed in Section 1013b of the Code of Civil  
16 Procedure.

17  
18 **Probate Code section ~~1265~~ 1266.**

19 Proof of notice, however given, may be made by evidence presented at the hearing.  
20

21 **Probate Code section 1460.**

22 (a) Subject to Sections 1202 and 1203, if notice of hearing is required under this division but the  
23 applicable provision does not fix the manner of giving notice of hearing, the notice of the time and place  
24 of the hearing shall be given at least 15 days before the day of the hearing as provided in this section.

25 (b) Subject to subdivision (e), the petitioner, who includes for the purposes of this section a person filing  
26 a petition, report, or account, shall cause the notice of hearing to be ~~mailed~~ delivered pursuant to Section  
27 1215 to each of the following persons:

28 (1) The guardian or conservator.

29 (2) The ward or the conservatee.

30 (3) The spouse of the ward or conservatee, if the ward or conservatee has a spouse, or the domestic  
31 partner of the conservatee, if the conservatee has a domestic partner.

32 (4) Any person who has requested special notice of the matter, as provided in Section 2700.

33 (5) For any hearing on a petition to terminate a guardianship, to accept the resignation of, or to remove  
34 the guardian, the persons described in subdivision (c) of Section 1510.

35 (6) For any hearing on a petition to terminate a conservatorship, to accept the resignation of, or to remove  
36 the conservator, the persons described in subdivision (b) of Section 1821.

37 (c) The clerk of the court shall cause the notice of the hearing to be posted as provided in Section 1230 if  
38 the posting is required by subdivision (c) of Section 2543.

39 (d) Except as provided in subdivision (e), nothing in this section excuses compliance with the  
40 requirements for notice to a person who has requested special notice pursuant to Chapter 10 (commencing  
41 with Section 2700) of Part 4.

42 (e) The court for good cause may dispense with the notice otherwise required to be given to a person as  
43 provided in this section.

1 **Probate Code section 1461.**

2 (a) As used in this section, “director” means:

3 (1) The Director of State Hospitals when the state hospital referred to in subdivision (b) is under the  
4 jurisdiction of the State Department of State Hospitals.

5 (2) The Director of Developmental Services when the state hospital referred to in subdivision (b) is under  
6 the jurisdiction of the State Department of Developmental Services.

7 (b) Notice of the time and place of hearing on the petition, report, or account, and a copy of the petition,  
8 report, or account, shall be ~~mailed~~ delivered pursuant to Section 1215 to the director at the director’s  
9 office in Sacramento, California, or to the electronic address designated by the director for receipt of  
10 notice pursuant to this code, at least 15 days before the hearing if both of the following conditions exist:

11 (1) The ward or conservatee is or has been during the guardianship or conservatorship proceeding a  
12 patient in, or on leave from, a state hospital under the jurisdiction of the State Department of State  
13 Hospitals or the State Department of Developmental Services.

14 (2) The petition, report, or account is filed under any one or more of the following provisions: Section  
15 1510, 1820, 1861, 2212, 2403, 2421, 2422, or 2423; Article 7 (commencing with Section 2540) of  
16 Chapter 6 of Part 4; Section 2580, 2592, or 2620; Chapter 9.5 (commencing with Section 2670) of Part 4;  
17 Section 3080 or 3088; or Chapter 3 (commencing with Section 3100) of Part 6. Notice under this section  
18 is not required in the case of an account pursuant to Section 2620 if the total guardianship or  
19 conservatorship assets are less than one thousand five hundred dollars (\$1,500) and the gross annual  
20 income, exclusive of any public assistance income, is less than six thousand dollars (\$6,000), and the  
21 ward or conservatee is not a patient in, or on leave or on outpatient status from, a state hospital at the time  
22 of the filing of the petition.

23 (c) If the ward or conservatee has been discharged from the state hospital, the director, upon ascertaining  
24 the facts, may file with the court a certificate stating that the ward or conservatee is not indebted to the  
25 state and waive the giving of further notices under this section. Upon the filing of the certificate of the  
26 director, compliance with this section thereafter is not required unless the certificate is revoked by the  
27 director and notice of the revocation is filed with the court.

28 (d) The statute of limitations does not run against any claim of the State Department of State Hospitals or  
29 the State Department of Developmental Services against the estate of the ward or conservatee for board,  
30 care, maintenance, or transportation with respect to an account that is settled without giving the notice  
31 required by this section.

32  
33 **Probate Code section 1461.4.**

34 (a) The petitioner shall ~~mail or personally serve~~ deliver pursuant to Section 1215 a notice of the hearing  
35 and a copy of the petition to the director of the regional center for the developmentally disabled at least 30  
36 days before the day of the hearing on a petition for appointment in any case in which all of the following  
37 conditions exist:

38 (1) The proposed ward or conservatee has developmental disabilities.

39 (2) The proposed guardian or conservator is not the natural parent of the proposed ward or conservatee.

40 (3) The proposed guardian or conservator is a provider of board and care, treatment, habilitation, or other  
41 services to persons with developmental disabilities or is a spouse or employee of a provider.

42 (4) The proposed guardian or conservator is not a public entity.



1 (b) The regional center shall file a written report and recommendation with the court regarding the  
2 suitability of the petitioners to meet the needs of the proposed ward or conservatee in any case described  
3 in subdivision (a).

4  
5 **Probate Code section 1461.5.**

6 Notice of the time and place of hearing on a petition, report, or account, and a notice of the filing of an  
7 inventory, together with a copy of the petition, report, inventory, or account, shall be ~~mailed~~ delivered  
8 pursuant to Section 1215 to the office of the Veterans Administration having jurisdiction over the area in  
9 which the court is located at least 15 days before the hearing, or within 15 days after the inventory is filed,  
10 if both of the following conditions exist:

11 (a) The guardianship or conservatorship estate consists or will consist wholly or in part of any of the  
12 following:

13 (1) Money received from the Veterans Administration.

14 (2) Revenue or profit from such money or from property acquired wholly or in part from such money.

15 (3) Property acquired wholly or in part with such money or from such property.

16 (b) The petition, report, inventory, or account is filed under any one or more of the following provisions:  
17 Section 1510, 1601, 1820, 1861, 1874, 2422, or 2423; Article 7 (commencing with Section 2540) of  
18 Chapter 6 of Part 4; Section 2570, 2571, 2580, 2592, 2610, 2613, or 2620; Chapter 8 (commencing with  
19 Section 2640) of Part 4; Chapter 9.5 (commencing with Section 2670) of Part 4; Section 3080 or 3088; or  
20 Chapter 3 (commencing with Section 3100) of Part 6.

21  
22 **Probate Code section 1511.**

23 (a) Except as provided in subdivisions (f) and (g), at least 15 days before the hearing on the petition for  
24 the appointment of a guardian, notice of the time and place of the hearing shall be given as provided in  
25 subdivisions (b), (c), (d), and (e) of this section. The notice shall be accompanied by a copy of the  
26 petition. The court may not shorten the time for giving the notice of hearing under this section.

27 (b) Notice shall be served in the manner provided in Section 415.10 or 415.30 of the Code of Civil  
28 Procedure, or in any manner authorized by the court, on all of the following persons:

29 (1) The proposed ward if 12 years of age or older.

30 (2) Any person having legal custody of the proposed ward, or serving as guardian of the estate of the  
31 proposed ward.

32 (3) The parents of the proposed ward.

33 (4) Any person nominated as a guardian for the proposed ward under Section 1500 or 1501.

34 (c) Notice shall be ~~given by mail sent~~ delivered pursuant to Section 1215 to their addresses stated in the  
35 petition, or in any manner authorized by the court, to all of the following:

36 (1) The spouse named in the petition.

37 (2) The relatives named in the petition, except that if the petition is for the appointment of a guardian of  
38 the estate only the court may dispense with the giving of notice to any one or more or all of the relatives.

39 (3) The person having the care of the proposed ward if other than the person having legal custody of the  
40 proposed ward.

41 (d) If notice is required by Section 1461 or Section 1542 to be given to the Director of State Hospitals or  
42 the Director of Developmental Services or the Director of Social Services, notice shall be ~~mailed~~  
43 delivered pursuant to Section 1215 as so required.

1 (e) If the petition states that the proposed ward is receiving or is entitled to receive benefits from the  
2 Veterans Administration, notice shall be ~~mailed~~ delivered pursuant to Section 1215 to the office of the  
3 Veterans Administration referred to in Section 1461.5.

4 (f) Unless the court orders otherwise, notice shall not be given to any of the following:

5 (1) The parents or other relatives of a proposed ward who has been relinquished to a licensed adoption  
6 agency.

7 (2) The parents of a proposed ward who has been judicially declared free from their custody and control.

8 (g) Notice need not be given to any person if the court so orders upon a determination of either of the  
9 following:

10 (1) The person cannot with reasonable diligence be given the notice.

11 (2) The giving of the notice would be contrary to the interest of justice.

12 (h) Before the appointment of a guardian is made, proof shall be made to the court that each person  
13 entitled to notice under this section either:

14 (1) Has been given notice as required by this section.

15 (2) Has not been given notice as required by this section because the person cannot with reasonable  
16 diligence be given the notice or because the giving of notice to that person would be contrary to the  
17 interest of justice.

18 (i) If notice is required by Section 1460.2 to be given to an Indian custodian or tribe, notice shall be  
19 mailed as so required.

20  
21 **Probate Code section 1513.2.**

22 (a) To the extent resources are available, the court shall implement procedures, as described in this  
23 section, to ensure that every guardian annually completes and returns to the court a status report,  
24 including the statement described in subdivision (b). A guardian who willfully submits any material  
25 information required by the form which he or she knows to be false shall be guilty of a misdemeanor. Not  
26 later than one month prior to the date the status report is required to be returned, the clerk of the court  
27 shall ~~mail~~ deliver pursuant to Section 1215 a notice to the guardian ~~by first class mail a notice~~ informing  
28 the guardian that he or she is required to complete and return the status report to the court. The clerk shall  
29 enclose with the letter a blank status report form for the guardian to complete and return. ~~by mail~~. If the  
30 status report is not completed and returned as required, or if the court finds, after a status report has been  
31 completed and returned, that further information is needed, the court shall attempt to obtain the  
32 information required in the report from the guardian or other sources. If the court is unable to obtain this  
33 information within 30 days after the date the status report is due, the court shall either order the guardian  
34 to make himself or herself available to the investigator for purposes of investigation of the guardianship,  
35 or to show cause why the guardian should not be removed.

36 (b) The Judicial Council shall develop a form for the status report. The form shall include the following  
37 statement: "A guardian who willfully submits any material information required by this form which he or  
38 she knows to be false is guilty of a misdemeanor." The form shall request information the Judicial  
39 Council deems necessary to determine the status of the guardianship, including, but not limited to, the  
40 following:

41 (1) The guardian's present address and electronic address.

42 (2) The name and birth date of the child under guardianship.

43 (3) The name of the school in which the child is enrolled, if any.

1 (4) If the child is not in the guardian's home, the name, relationship, address, electronic address, and  
2 telephone number of the person or persons with whom the child resides.

3 (5) If the child is not in the guardian's home, why the child was moved.

4 (c) The report authorized by this section is confidential and shall only be made available to persons who  
5 have been served in the proceedings or their attorneys. The clerk of the court shall implement procedures  
6 for the limitation of the report exclusively to persons entitled to its receipt.

7 (d) The Judicial Council shall report to the Legislature no later than December 31, 2004, regarding the  
8 costs and benefits of utilizing the annual status report.

9  
10 **Probate Code section 1516.**

11 (a) In each case involving a petition for guardianship of the person, the petitioner shall ~~mail~~ deliver  
12 pursuant to Section 1215 a notice of the hearing and a copy of the petition, at least 15 days prior to the  
13 hearing, to the local agency designated by the board of supervisors to investigate guardianships for the  
14 court. The local social services agency providing child protection services shall screen the name of the  
15 guardian for prior referrals of neglect or abuse of minors. The results of this screening shall be provided  
16 to the court.

17 (b) This section does not apply to guardianships resulting from a permanency plan for a dependent child  
18 pursuant to Section 366.25 of the Welfare and Institutions Code.

19  
20 **Probate Code section 1542.**

21 In each case involving a petition for guardianship of the person, the petitioner shall ~~mail~~ deliver pursuant  
22 to Section 1215 a notice of the hearing and a copy of the petition, at least 15 days prior to the hearing, to  
23 the Director of Social Services at the director's office in Sacramento and to the local agency designated  
24 by the board of supervisors to investigate guardianships for the court.

25  
26 **Probate Code section 1822.**

27 (a) At least 15 days before the hearing on the petition for appointment of a conservator, notice of the time  
28 and place of the hearing shall be given as provided in this section. The notice shall be accompanied by a  
29 copy of the petition. The court may not shorten the time for giving the notice of hearing under this  
30 section.

31 (b) Notice shall be ~~mailed~~ delivered pursuant to Section 1215 to the following persons:

32 (1) The spouse, if any, or registered domestic partner, if any, of the proposed conservatee at the address  
33 stated in the petition.

34 (2) The relatives named in the petition at their addresses stated in the petition.

35 (c) If notice is required by Section 1461 to be given to the Director of State Hospitals or the Director of  
36 Developmental Services, notice shall be ~~mailed~~ delivered pursuant to Section 1215 as so required.

37 (d) If the petition states that the proposed conservatee is receiving or is entitled to receive benefits from  
38 the Veterans Administration, notice shall be mailed to the Office of the Veterans Administration referred  
39 to in Section 1461.5.

40 (e) If the proposed conservatee is a person with developmental disabilities, at least 30 days before the day  
41 of the hearing on the petition, the petitioner shall ~~mail~~ deliver pursuant to Section 1215 a notice of the  
42 hearing and a copy of the petition to the regional center identified in Section 1827.5.

1 (f) If the petition states that the petitioner and the proposed conservator have no prior relationship with the  
2 proposed conservatee and are not nominated by a family member, friend, or other person with a  
3 relationship to the proposed conservatee, notice shall be ~~mailed~~ delivered pursuant to Section 1215 to the  
4 public guardian of the county in which the petition is filed.  
5

6 **Probate Code section 1826.**

7 a) Regardless of whether the proposed conservatee attends the hearing, the court investigator shall do all  
8 of the following:

9 (1) Conduct the following interviews:

10 (A) The proposed conservatee personally.

11 (B) All petitioners and all proposed conservators who are not petitioners.

12 (C) The proposed conservatee's spouse or registered domestic partner and relatives within the first  
13 degree. If the proposed conservatee does not have a spouse, registered domestic partner, or relatives  
14 within the first degree, to the greatest extent possible, the proposed conservatee's relatives within the  
15 second degree.

16 (D) To the greatest extent practical and taking into account the proposed conservatee's wishes, the  
17 proposed conservatee's relatives within the second degree not required to be interviewed under  
18 subparagraph (C), neighbors, and, if known, close friends.

19 (2) Inform the proposed conservatee of the contents of the citation, of the nature, purpose, and effect of  
20 the proceeding, and of the right of the proposed conservatee to oppose the proceeding, to attend the  
21 hearing, to have the matter of the establishment of the conservatorship tried by jury, to be represented by  
22 legal counsel if the proposed conservatee so chooses, and to have legal counsel appointed by the court if  
23 unable to retain legal counsel.

24 (3) Determine if it appears that the proposed conservatee is unable to attend the hearing and, if able to  
25 attend, whether the proposed conservatee is willing to attend the hearing.

26 (4) Review the allegations of the petition as to why the appointment of the conservator is required and, in  
27 making his or her determination, do the following:

28 (A) Refer to the supplemental information form submitted by the petitioner and consider the facts set  
29 forth in the form that address each of the categories specified in paragraphs (1) to (5), inclusive, of  
30 subdivision (a) of Section 1821.

31 (B) Consider, to the extent practicable, whether he or she believes the proposed conservatee suffers from  
32 any of the mental function deficits listed in subdivision (a) of Section 811 that significantly impairs the  
33 proposed conservatee's ability to understand and appreciate the consequences of his or her actions in  
34 connection with any of the functions described in subdivision (a) or (b) of Section 1801 and identify the  
35 observations that support that belief.

36 (5) Determine if the proposed conservatee wishes to contest the establishment of the conservatorship.

37 (6) Determine if the proposed conservatee objects to the proposed conservator or prefers another person  
38 to act as conservator.

39 (7) Determine if the proposed conservatee wishes to be represented by legal counsel and, if so, whether  
40 the proposed conservatee has retained legal counsel and, if not, the name of an attorney the proposed  
41 conservatee wishes to retain.

1 (8)(A) Determine if the proposed conservatee is incapable of communicating, with or without reasonable  
2 accommodations, a desire to participate in the voting process, and may be disqualified from voting  
3 pursuant to Section 2208 of the Elections Code.

4 (B) The proposed conservatee shall not be disqualified from voting on the basis that he or she does, or  
5 would need to do, any of the following to complete an affidavit of voter registration:

6 (i) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section  
7 2150 of the Elections Code.

8 (ii) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the  
9 Elections Code.

10 (iii) Completes the affidavit of voter registration with the assistance of another person pursuant to  
11 subdivision (d) of Section 2150 of the Elections Code.

12 (iv) Completes the affidavit of voter registration with reasonable accommodations.

13 (9) If the proposed conservatee has not retained legal counsel, determine if the proposed conservatee  
14 desires the court to appoint legal counsel.

15 (10) Determine if the appointment of legal counsel would be helpful to the resolution of the matter or is  
16 necessary to protect the interests of the proposed conservatee in a case where the proposed conservatee  
17 does not plan to retain legal counsel and has not requested the appointment of legal counsel by the court.

18 (11) Report to the court in writing, at least five days before the hearing, concerning all of the foregoing,  
19 including the proposed conservatee's express communications concerning both of the following:

20 (A) Representation by legal counsel.

21 (B) If the proposed conservatee is not willing to attend the hearing, does not wish to contest the  
22 establishment of the conservatorship, and does not object to the proposed conservator or prefers that  
23 another person act as conservator.

24 (12) ~~Mail~~ Deliver pursuant to Section 1215, at least five days before the hearing, a copy of the report  
25 referred to in paragraph (11) to all of the following:

26 (A) The attorney, if any, for the petitioner.

27 (B) The attorney, if any, for the proposed conservatee.

28 (C) The proposed conservatee.

29 (D) The spouse, registered domestic partner, and relatives within the first degree of the proposed  
30 conservatee who are required to be named in the petition for appointment of the conservator, unless the  
31 court determines that the ~~mailing~~ delivery will harm the conservatee.

32 (E) Any other persons as the court orders.

33 (b) The court investigator has discretion to release the report required by this section to the public  
34 conservator, interested public agencies, and the long-term care ombudsman.

35 (c) The report required by this section is confidential and shall be made available only to parties, persons  
36 described in paragraph (12) of subdivision (a), persons given notice of the petition who have requested  
37 this report or who have appeared in the proceedings, their attorneys, and the court. The court has  
38 discretion at any other time to release the report, if it would serve the interests of the conservatee. The  
39 clerk of the court shall provide for the limitation of the report exclusively to persons entitled to its receipt.

40 (d) This section does not apply to a proposed conservatee who has personally executed the petition for  
41 conservatorship, or a proposed conservatee who has nominated his or her own conservator, if he or she  
42 attends the hearing.

1 (e) If the court investigator has performed an investigation within the preceding six months and furnished  
2 a report thereon to the court, the court may order, upon good cause shown, that another investigation is  
3 not necessary or that a more limited investigation may be performed.

4 (f) An investigation by the court investigator related to a temporary conservatorship also may be a part of  
5 the investigation for the general petition for conservatorship, but the court investigator shall make a  
6 second visit to the proposed conservatee and the report required by this section shall include the effect of  
7 the temporary conservatorship on the proposed conservatee.

8 (g) The Judicial Council shall, on or before January 1, 2009, adopt rules of court and Judicial Council  
9 forms as necessary to implement an expedited procedure to authorize, by court order, a proposed  
10 conservatee's health care provider to disclose confidential medical information about the proposed  
11 conservatee to a court investigator pursuant to federal medical information privacy regulations  
12 promulgated under the federal Health Insurance Portability and Accountability Act of 1996 (Public Law  
13 104-191).

14 (h) A superior court shall not be required to perform any duties imposed pursuant to the amendments to  
15 this section enacted by Chapter 493 of the Statutes of 2006 until the Legislature makes an appropriation  
16 identified for this purpose.

17  
18 **Probate Code section 1827.5.**

19 (a) In the case of any proceeding to establish a limited conservatorship for a person with developmental  
20 disabilities, within 30 days after the filing of a petition for limited conservatorship, a proposed limited  
21 conservatee, with his or her consent, shall be assessed at a regional center as provided in Chapter 5  
22 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions Code. The regional  
23 center shall submit a written report of its findings and recommendations to the court.

24 (b) In the case of any proceeding to establish a general conservatorship for a person with developmental  
25 disabilities, the regional center, with the consent of the proposed conservatee, may prepare an assessment  
26 as provided in Chapter 5 (commencing with Section 4620) of Division 4.5 of the Welfare and Institutions  
27 Code. If an assessment is prepared, the regional center shall submit its findings and recommendations to  
28 the court.

29 (c) A report prepared under subdivision (a) or (b) shall include a description of the specific areas, nature,  
30 and degree of disability of the proposed conservatee or proposed limited conservatee. The findings and  
31 recommendations of the regional center are not binding upon the court.

32 In a proceeding where the petitioner is a provider of board and care, treatment, habilitation, or other  
33 services to persons with developmental disabilities or a spouse or employee of a provider, is not the  
34 natural parent of the proposed conservatee or proposed limited conservatee, and is not a public entity, the  
35 regional center shall include a recommendation in its report concerning the suitability of the petitioners to  
36 meet the needs of the proposed conservatee or proposed limited conservatee.

37 (d) At least five days before the hearing on the petition, the regional center shall ~~mail~~ deliver pursuant to  
38 Section 1215 a copy of the report referred to in subdivision (a) to all of the following:

39 (1) The proposed limited conservatee.

40 (2) The attorney, if any, for the proposed limited conservatee.

41 (3) If the petitioner is not the proposed limited conservatee, the attorney for the petitioner or the petitioner  
42 if the petitioner does not have an attorney.

43 (4) Such other persons as the court orders.

1 (e) The report referred to in subdivisions (a) and (b) shall be confidential and shall be made available only  
2 to parties listed in subdivision (d) unless the court, in its discretion, determines that the release of the  
3 report would serve the interests of the conservatee who is developmentally disabled. The clerk of the  
4 court shall make provision for limiting disclosure of the report exclusively to persons entitled thereto  
5 under this section.  
6

7 **Probate Code section 1830.**

8 (a) The order appointing the conservator shall contain, among other things, the names, addresses, and  
9 telephone numbers of:

- 10 (1) The conservator.  
11 (2) The conservatee's attorney, if any.  
12 (3) The court investigator, if any.

13 (b) In the case of a limited conservator for a developmentally disabled adult, any order the court may  
14 make shall include the findings of the court specified in Section 1828.5. The order shall specify the  
15 powers granted to and duties imposed upon the limited conservator, which powers and duties may not  
16 exceed the powers and duties applicable to a conservator under this code. The order shall also specify the  
17 following:

- 18 (1) The properties of the limited conservatee to which the limited conservator is entitled to possession and  
19 management, giving a description of the properties that will be sufficient to identify them.  
20 (2) The debts, rentals, wages, or other claims due to the limited conservatee which the limited conservator  
21 is entitled to collect, or file suit with respect to, if necessary, and thereafter to possess and manage.  
22 (3) The contractual or other obligations which the limited conservator may incur on behalf of the limited  
23 conservatee.  
24 (4) The claims against the limited conservatee which the limited conservator may pay, compromise, or  
25 defend, if necessary.  
26 (5) Any other powers, limitations, or duties with respect to the care of the limited conservatee or the  
27 management of the property specified in this subdivision by the limited conservator which the court shall  
28 specifically and expressly grant.

29 (c) An information notice of the rights of conservatees shall be attached to the order. The conservator  
30 shall ~~mail~~ deliver pursuant to Section 1215 the order and the attached information notice to the  
31 conservatee and the conservatee's relatives, as set forth in subdivision (b) of Section 1821, within 30 days  
32 of the issuance of the order. By January 1, 2008, the Judicial Council shall develop the notice required by  
33 this subdivision.  
34

35 **Probate Code section 1842.**

36 In addition to the persons and entities to whom notice of hearing is required under Section 1822 or 2002,  
37 if the proposed conservatee is an absentee, a copy of the petition and notice of the time and place of the  
38 hearing shall be ~~mailed~~ delivered pursuant to Section 1215 at least 15 days before the hearing to the  
39 secretary concerned or to the head of the United States department or agency concerned, as the case may  
40 be. In such case, notice shall also be published pursuant to Section 6061 of the Government Code in a  
41 newspaper of general circulation in the county in which the hearing will be held.

1 **Probate Code section 1847.**

2 In addition to the persons and entities to whom notice of hearing is required under Section 1822 or 2002,  
3 if the proposed conservatee is a person who is missing and whose whereabouts is unknown:

4 (a) A copy of the petition for appointment of a conservator and notice of the time and place of the hearing  
5 on the petition shall be ~~mailed~~ delivered pursuant to Section 1215 at least 15 days before the hearing to  
6 the proposed conservatee at the last known address of the proposed conservatee.

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

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

12  
13 **Probate Code section 1851.**

14 (a)(1) If court review is required pursuant to Section 1850, the court investigator shall, without prior  
15 notice to the conservator except as ordered by the court for necessity or to prevent harm to the  
16 conservatee, visit the conservatee. The court investigator shall inform the conservatee personally that the  
17 conservatee is under a conservatorship and shall give the name of the conservator to the conservatee. The  
18 court investigator shall determine all of the following:

19 (A) If the conservatee wishes to petition the court for termination of the conservatorship.

20 (B) If the conservatee is still in need of the conservatorship.

21 (C) If the present conservator is acting in the best interests of the conservatee. In determining if the  
22 conservator is acting in the best interests of the conservatee, the court investigator's evaluation shall  
23 include an examination of the conservatee's placement, the quality of care, including physical and mental  
24 treatment, and the conservatee's finances. To the extent practicable, the investigator shall review the  
25 accounting with a conservatee who has sufficient capacity. To the greatest extent possible, the court  
26 investigator shall interview individuals set forth in paragraph (1) of subdivision (a) of Section 1826, in  
27 order to determine if the conservator is acting in the best interests of the conservatee.

28 (D)(i) If the conservatee is incapable of communicating, with or without reasonable accommodations, a  
29 desire to participate in the voting process and may be disqualified from voting pursuant to Section 2208  
30 or 2209 of the Elections Code.

31 (ii) The conservatee shall not be disqualified from voting on the basis that he or she does, or would need  
32 to do, any of the following to complete an affidavit of voter registration:

33 (I) Signs the affidavit of voter registration with a mark or a cross pursuant to subdivision (b) of Section  
34 2150 of the Elections Code.

35 (II) Signs the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the  
36 Elections Code.

37 (III) Completes the affidavit of voter registration with the assistance of another person pursuant to  
38 subdivision (d) of Section 2150 of the Elections Code.

39 (IV) Completes the affidavit of voter registration with reasonable accommodations.

40 (2) If the court has made an order under Chapter 4 (commencing with Section 1870), the court  
41 investigator shall determine if the present condition of the conservatee is such that the terms of the order  
42 should be modified or the order revoked.



1 (3) Upon request of the court investigator, the conservator shall make available to the court investigator  
2 during the investigation for inspection and copying all books and records, including receipts and any  
3 expenditures, of the conservatorship.

4 (b)(1) The findings of the court investigator, including the facts upon which the findings are based, shall  
5 be certified in writing to the court not less than 15 days before the date of review. A copy of the report  
6 shall be ~~mailed~~ delivered pursuant to Section 1215 to the conservator and to the attorneys of record for the  
7 conservator and conservatee at the same time it is certified to the court. A copy of the report, modified as  
8 set forth in paragraph (2), also shall be ~~mailed~~ delivered pursuant to Section 1215 to the conservatee's  
9 spouse or registered domestic partner, the conservatee's relatives in the first degree, and if there are no  
10 such relatives, to the next closest relative, unless the court determines that the ~~mailing~~ delivery will harm  
11 the conservatee.

12 (2) Confidential medical information and confidential information from the California Law Enforcement  
13 Telecommunications System shall be in a separate attachment to the report and shall not be provided in  
14 copies sent to the conservatee's spouse or registered domestic partner, the conservatee's relatives in the  
15 first degree, and if there are no such relatives, to the next closest relative.

16 (c) In the case of a limited conservatee, the court investigator shall recommend continuing or terminating  
17 the limited conservatorship.

18 (d) The court investigator may personally visit the conservator and other persons as may be necessary to  
19 determine if the present conservator is acting in the best interests of the conservatee.

20 (e) The report required by this section shall be confidential and shall be made available only to parties,  
21 persons described in subdivision (b), persons given notice of the petition who have requested the report or  
22 who have appeared in the proceeding, their attorneys, and the court. The court shall have discretion at any  
23 other time to release the report if it would serve the interests of the conservatee. The clerk of the court  
24 shall limit disclosure of the report exclusively to persons entitled to the report under this section.

25 (f) A superior court shall not be required to perform any duties imposed pursuant to the amendments to  
26 this section enacted by Chapter 493 of the Statutes of 2006 until the Legislature makes an appropriation  
27 identified for this purpose.

28  
29 **Probate Code section 2214.**

30 Notice of the hearing shall be given for the period and in the manner provided in Chapter 3 (commencing  
31 with Section 1460) of Part 1. In addition, the petitioner shall ~~mail~~ deliver pursuant to Section 1215 a  
32 notice of the time and place of the hearing and a copy of the petition to all persons required to be listed in  
33 the petition at least 15 days before the date set for the hearing.

34  
35 **Probate Code section 2250.**

36 (a) On or after the filing of a petition for appointment of a guardian or conservator, any person entitled to  
37 petition for appointment of the guardian or conservator may file a petition for appointment of:

38 (1) A temporary guardian of the person or estate, or both.

39 (2) A temporary conservator of the person or estate, or both.

40 (b) \* \* \*

41 (c) \* \* \*

42 (d) \* \* \*

1 (e) Unless the court for good cause otherwise orders, at least five court days before the hearing on the  
2 petition, notice of the hearing shall be given as follows:  
3 (1) Notice of the hearing shall be personally delivered to the proposed ward if he or she is 12 years of age  
4 or older, to the parent or parents of the proposed ward, and to any person having a valid visitation order  
5 with the proposed ward that was effective at the time of the filing of the petition. Notice of the hearing  
6 shall not be delivered to the proposed ward if he or she is under 12 years of age. In a proceeding for  
7 temporary guardianship of the person, evidence that a custodial parent has died or become incapacitated,  
8 and that the petitioner or proposed guardian is the nominee of the custodial parent, may constitute good  
9 cause for the court to order that this notice not be delivered.  
10 (2) Notice of the hearing shall be personally delivered to the proposed conservatee, and notice of the  
11 hearing shall be ~~served~~ delivered pursuant to Section 1215 on the persons required to be named in the  
12 petition for appointment of conservator. If the petition states that the petitioner and the proposed  
13 conservator have no prior relationship with the proposed conservatee and has not been nominated by a  
14 family member, friend, or other person with a relationship to the proposed conservatee, notice of hearing  
15 shall be ~~served~~ delivered pursuant to Section 1215 on the public guardian of the county in which the  
16 petition is filed.  
17 (3) A copy of the petition for temporary appointment shall be ~~served~~ delivered pursuant to Section 1215  
18 with the notice of hearing.  
19 (f) If a temporary guardianship is granted ex parte and the hearing on the general guardianship petition is  
20 not to be held within 30 days of the granting of the temporary guardianship, the court shall set a hearing  
21 within 30 days to reconsider the temporary guardianship. Notice of the hearing for reconsideration of the  
22 temporary guardianship shall be provided pursuant to Section 1511, except that the court may for good  
23 cause shorten the time for the notice of the hearing.  
24 (g) Visitation orders with the proposed ward granted prior to the filing of a petition for temporary  
25 guardianship shall remain in effect, unless for good cause the court orders otherwise.  
26 (h)(1) If a temporary conservatorship is granted ex parte, and a petition to terminate the temporary  
27 conservatorship is filed more than 15 days before the first hearing on the general petition for appointment  
28 of conservator, the court shall set a hearing within 15 days of the filing of the petition for termination of  
29 the temporary conservatorship to reconsider the temporary conservatorship. Unless the court otherwise  
30 orders, notice of the hearing on the petition to terminate the temporary conservatorship shall be given at  
31 least 10 days prior to the hearing.  
32 (2) If a petition to terminate the temporary conservatorship is filed within 15 days before the first hearing  
33 on the general petition for appointment of conservator, the court shall set the hearing at the same time that  
34 the hearing on the general petition is set. Unless the court otherwise orders, notice of the hearing on the  
35 petition to terminate the temporary conservatorship pursuant to this section shall be given at least five  
36 court days prior to the hearing.  
37 (i) \* \* \*  
38 (j) \* \* \*  
39 (k) On or before January 1, 2008, the Judicial Council shall adopt a rule of court that establishes uniform  
40 standards for good cause exceptions to the notice required by subdivision (e), limiting those exceptions to  
41 only cases when waiver of the notice is essential to protect the proposed conservatee or ward, or the estate  
42 of the proposed conservatee or ward, from substantial harm.  
43 (l) \* \* \*

1 **Probate Code section 2352.**

2 (a) The guardian may establish the residence of the ward at any place within this state without the  
3 permission of the court. The guardian shall select the least restrictive appropriate residence that is  
4 available and necessary to meet the needs of the ward, and that is in the best interests of the ward.

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

9 (c) If permission of the court is first obtained, a guardian or conservator may establish the residence of a  
10 ward or conservatee at a place not within this state. Notice of the hearing on the petition to establish the  
11 residence of the ward or conservatee out of state, together with a copy of the petition, shall be given in the  
12 manner required by subdivision (a) of Section 1460 to all persons entitled to notice under subdivision (b)  
13 of Section 1511 or subdivision (b) of Section 1822.

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

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

21 (A) Return the conservatee to this state.

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

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

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

29 (2) The guardian or conservator shall ~~mail~~ deliver pursuant to section 1215 a copy of the notice to all  
30 persons entitled to notice under subdivision (b) of Section 1511 or subdivision (b) of Section 1822 and  
31 shall file proof of service of the notice with the court. The court may, for good cause, waive the ~~mailing~~  
32 delivery requirement pursuant to this paragraph in order to prevent harm to the conservatee or ward.

33 (3) If the guardian or conservator proposes to remove the ward or conservatee from his or her personal  
34 residence, except as provided by subdivision (c), the guardian or conservator shall ~~mail~~ deliver pursuant  
35 to section 1215 a notice of his or her intention to change the residence of the ward or conservatee to all  
36 persons entitled to notice under subdivision (b) of Section 1511 and subdivision (b) of Section 1822. In  
37 the absence of an emergency, that notice shall be ~~mailed~~ delivered at least 15 days before the proposed  
38 removal of the ward or conservatee from his or her personal residence. If the notice is ~~served~~ delivered  
39 less than 15 days prior to the proposed removal of the ward or conservatee, the guardian or conservator  
40 shall set forth the basis for the emergency in the notice. The guardian or conservator shall file proof of  
41 ~~service~~ delivery of that notice with the court.

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

1 (g) As used in this section, “guardian” or “conservator” includes a proposed guardian or proposed  
2 conservator and “ward” or “conservatee” includes a proposed ward or proposed conservatee.  
3 (h) This section does not apply to a person with developmental disabilities for whom the Director of  
4 Developmental Services or a regional center, established pursuant to Chapter 5 (commencing with  
5 Section 4620) of Division 4.5 of the Welfare and Institutions Code, acts as the conservator.

6  
7 **Probate Code section 2357.**

8 (a) \* \* \*

9 (b) \* \* \*

10 (c) The petition shall state, or set forth by medical affidavit attached thereto, all of the following so far as  
11 is known to the petitioner at the time the petition is filed:

12 (1)–(6) \* \* \*

13 (7) The name and addresses, so far as they are known to the petitioner, of the persons specified in  
14 subdivision (c) of Section 1510 in a guardianship proceeding or subdivision (b) of Section 1821 in a  
15 conservatorship proceeding.

16 (d) Upon the filing of the petition, unless an attorney is already appointed the court shall appoint the  
17 public defender or private counsel under Section 1471, to consult with and represent the ward or  
18 conservatee at the hearing on the petition and, if that appointment is made, Section 1472 applies.

19 (e) Notice of the petition shall be given as follows:

20 (1) Not less than 15 days before the hearing, notice of the time and place of the hearing, and a copy of the  
21 petition shall be personally served on the ward, if 12 years of age or older, or the conservatee, and on the  
22 attorney for the ward or conservatee.

23 (2) Not less than 15 days before the hearing, notice of the time and place of the hearing, and a copy of the  
24 petition shall be ~~mailed~~ delivered pursuant to Section 1215 to the following persons:

25 (A) The spouse or domestic partner, if any, of the proposed conservatee at the address stated in the  
26 petition.

27 (B) The relatives named in the petition at their addresses stated in the petition.

28 (f) \* \* \*

29 (g) \* \* \*

30 (h) \* \* \*

31 (i) Upon petition of the ward or conservatee or other interested person, the court may order that the  
32 guardian or conservator obtain or consent to, or obtain and consent to, specified medical treatment to be  
33 performed upon the ward or conservatee. Notice of the hearing on the petition under this subdivision shall  
34 be given for the period and in the manner provided in Chapter 3 (commencing with Section 1460) of Part  
35 1.

36  
37 **Probate Code section 2361.**

38 A conservator shall provide notice of a conservatee’s death by ~~mailing~~ delivering a copy of the notice  
39 pursuant to Section 1215 to all persons entitled to notice under Section 1460 and by filing a proof of  
40 ~~service~~ delivery with the court, unless otherwise ordered by the court.

1 **Probate Code section 2610.**

2 (a) Within 90 days after appointment, or within any further time as the court for reasonable cause upon ex  
3 parte petition of the guardian or conservator may allow, the guardian or conservator shall file with the  
4 clerk of the court and ~~mail~~ deliver pursuant to Section 1215 to the conservatee and to the attorneys of  
5 record for the ward or conservatee, along with notice of how to file an objection, an inventory and  
6 appraisal of the estate, made as of the date of the appointment of the guardian or conservator. A copy of  
7 this inventory and appraisal, along with notice of how to file an objection, also shall be ~~mailed~~ delivered  
8 to the conservatee's spouse or registered domestic partner, the conservatee's relatives in the first degree,  
9 and, if there are no such relatives, to the next closest relative, unless the court determines that the mailing  
10 will result in harm to the conservatee.

11 (b) \* \* \*

12 (c) \* \* \*

13 (d) \* \* \*

14 (e) \* \* \*

15  
16 **Probate Code section 2611.**

17 If the ward or conservatee is or has been during the guardianship or conservatorship a patient in a state  
18 hospital under the jurisdiction of the State Department of State Hospitals or the State Department of  
19 Developmental Services, the guardian or conservator shall ~~mail~~ deliver pursuant to Section 1215 a copy  
20 of the inventory and appraisal filed under Section 2610 to the director of the appropriate department at the  
21 director's office in Sacramento not later than 15 days after the inventory and appraisal is filed with the  
22 court. Compliance with this section is not required if an unrevoked certificate described in subdivision (c)  
23 of Section 1461 is on file with the court with respect to the ward or conservatee.

24  
25 **Probate Code section 2612.**

26 If a timely request is made, the clerk of court shall ~~mail~~ deliver pursuant to Section 1215 a copy of the  
27 inventory and appraisal filed under Section 2610 to the county assessor.

28  
29 **Probate Code section 2614.**

30 (a) Within 30 days after the inventory and appraisal is filed, the guardian or conservator or any creditor or  
31 other interested person may file written objections to any or all appraisals. The clerk shall set the  
32 objections for hearing not less than 15 days after their filing.

33 (b) Notice of the hearing, together with a copy of the objections, shall be given for the period and in the  
34 manner provided in Chapter 3 (commencing with Section 1460) of Part 1. If the appraisal was made by a  
35 probate referee, the person objecting shall also ~~mail~~ deliver pursuant to Section 1215 notice of the hearing  
36 and a copy of the objection to the probate referee at least 15 days before the time set for the hearing.

37 (c) The court shall determine the objections and may fix the true value of any asset to which objection has  
38 been filed. For the purpose of this subdivision, the court may cause an independent appraisal or appraisals  
39 to be made by at least one additional appraiser at the expense of the estate or, if the objecting party is not  
40 the guardian or conservator and the objection is rejected by the court, the court may assess the cost of any  
41 such additional appraisal or appraisals against the objecting party.

1 **Probate Code section 2683.**

2 (a) At least 15 days before the hearing on the petition for appointment of a successor conservator, notice  
3 of the time and place of the hearing shall be given as provided in this section. The notice shall be  
4 accompanied by a copy of the petition.

5 (b) Notice shall be ~~mailed~~ delivered pursuant to Section 1215 to the persons designated in Section 1460  
6 and to the relatives named in the petition.

7 (c) If notice is required by Section 1461 to be given to the Director of State Hospitals or the Director of  
8 Developmental Services, notice shall be ~~mailed~~ delivered pursuant to Section 1215 as so required.

9 (d) If notice is required by Section 1461.5 to be given to the Veterans Administration, notice shall be  
10 ~~mailed~~ delivered pursuant to Section 1215 as so required.

11  
12 **Probate Code section 2684.**

13 Unless the petition states that the conservatee will be present at the hearing, the court investigator shall do  
14 all of the following:

15 (a) Interview the conservatee personally.

16 (b) Inform the conservatee of the nature of the proceeding to appoint a successor conservator, the name of  
17 the person proposed as successor conservator, and the conservatee's right to appear personally at the  
18 hearing, to object to the person proposed as successor conservator, to nominate a person to be appointed  
19 as successor conservator, to be represented by legal counsel if the conservatee so chooses, and to have  
20 legal counsel appointed by the court if unable to retain legal counsel.

21 (c) Determine whether the conservatee objects to the person proposed as successor conservator or prefers  
22 another person to be appointed.

23 (d) If the conservatee is not represented by legal counsel, determine whether the conservatee wishes to be  
24 represented by legal counsel and, if so, determine the name of an attorney the conservatee wishes to retain  
25 or whether the conservatee desires the court to appoint legal counsel.

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

29 (f) Report to the court in writing, at least five days before the hearing, concerning all of the foregoing,  
30 including the conservatee's express communications concerning representation by legal counsel and  
31 whether the conservatee objects to the person proposed as successor conservator or prefers that some  
32 other person be appointed.

33 (g) ~~Mail~~ Deliver pursuant to Section 1215, at least five days before the hearing, a copy of the report  
34 referred to in subdivision (f) to all of the following:

35 (1) The attorney, if any, for the petitioner.

36 (2) The attorney, if any, for the conservatee.

37 (3) Such other persons as the court orders.  
38

39 **Probate Code section 2700.**

40 (a) At any time after the issuance of letters of guardianship or conservatorship, the ward, if over 14 years  
41 of age or the conservatee, the spouse of the ward or the spouse or domestic partner of the conservatee, any  
42 relative or creditor of the ward or conservatee, or any other interested person, in person or by attorney,  
43 may file with the court clerk a written request for special notice.

1 (b) The request for special notice shall be so entitled and shall set forth the name of the person and the  
2 address to which notices shall be ~~sent~~ delivered pursuant to Section 1215.

3 (c) Special notice may be requested of any one or more of the following matters:

4 (1) Petitions filed in the guardianship or conservatorship proceeding.

5 (2) Inventories and appraisals of property in the estate, including any supplemental inventories and  
6 appraisals.

7 (3) Accounts of the guardian or conservator.

8 (4) Proceedings for the final termination of the guardianship or conservatorship proceeding.

9 (d) Special notice may be requested of:

10 (1) Any one or more of the matters in subdivision (c) by describing the matter or matters.

11 (2) All the matters in subdivision (c) by referring generally to “the matters described in subdivision (c) of  
12 Section 2700 of the Probate Code” or by using words of similar meaning.

13 (e) A copy of the request shall be ~~personally~~ delivered pursuant to Section 1215 ~~or mailed~~ to the guardian  
14 or conservator or to the attorney for the guardian or conservator. If personally delivered, the request is  
15 effective when it is delivered. If mailed or electronically delivered, the request is effective when it is  
16 received.

17 (f) When the original of the request is filed with the court clerk, it shall be accompanied by a written  
18 admission or proof of service.

19  
20 **Probate Code section 2702.**

21 (a) Unless the court makes an order dispensing with the notice, if a request has been made pursuant to  
22 this chapter for special notice of a hearing, the person filing the petition, account, or other paper shall ~~give~~  
23 deliver pursuant to Section 1215 written notice of the filing, together with a copy of the petition, account,  
24 or other paper, and the time and place set for the hearing, ~~by mail~~ to the person named in the request at the  
25 address set forth in the request, at least 15 days before the time set for the hearing.

26 (b) If a request has been made pursuant to this chapter for special notice of the filing of an inventory and  
27 appraisal of the estate or of the filing of any other paper that does not require a hearing, the inventory and  
28 appraisal or other paper shall be ~~mailed~~ delivered pursuant to Section 1215 not later than 15 days after the  
29 inventory and appraisal or other paper is filed with the court.

30  
31 **Probate Code section 2804.**

32 At least 30 days before the hearing, the petitioner shall ~~mail~~ deliver pursuant to Section 1215 a notice of  
33 the time and place of the hearing and a copy of the petition to each person required to be listed in the  
34 petition at the address stated in the petition.

35  
36 **Probate Code section 2808.**

37 (a) If the court’s order provides for the transfer of all of the property of the estate to the foreign guardian  
38 or conservator, the court, upon settlement of the final account, shall order the guardianship of the estate or  
39 the conservatorship of the estate terminated upon the filing with the clerk of the court of a receipt for the  
40 property executed by the foreign guardian or conservator.

41 (b) Unless notice is waived, a copy of the final account of the guardian or conservator and of the petition  
42 for discharge, together with a notice of the hearing thereon, shall be ~~mailed~~ delivered pursuant to Section

1 1215 at least 30 days before the date of the hearing to all persons required to be listed in the petition for  
2 transfer, including the foreign guardian or conservator.

3  
4 **Probate Code section 3088.**

5 (a) \* \* \*

6 (b) \* \* \*

7 (c) \* \* \*

8 (d) \* \* \*

9 (e) \* \* \*

10 (f) The court retains jurisdiction to modify or to vacate an order made under this section where justice  
11 requires, except as to any amount that may have accrued prior to the date of the filing of the petition to  
12 modify or revoke the order. At the request of any interested person, the order of modification or  
13 revocation shall include findings of fact and may be made retroactive to the date of the filing of the  
14 petition to revoke or modify, or to any date subsequent thereto. At least 15 days before the hearing on the  
15 petition to modify or vacate the order, the petitioner shall ~~mail~~ deliver pursuant to Section 1215 a notice  
16 of the time and place of the hearing on the petition, accompanied by a copy of the petition, to the spouse  
17 who has the management or control of the community property. Notice shall be given for the period and  
18 in the manner provided in Chapter 3 (commencing with Section 1460) of Part 1 to any other persons  
19 entitled to notice of the hearing under that chapter.

20 (g) \* \* \*

21  
22 **Probate Code section 3131.**

23 (a) At least 15 days before the hearing on the petition, the petitioner shall cause a notice of the time and  
24 place of the hearing and a copy of the petition to be served upon any nonpetitioning spouse not alleged to  
25 lack legal capacity for the proposed transaction.

26 (b) Service under subdivision (a) shall be made in the manner provided in Section 415.10 or 415.30 of the  
27 Code of Civil Procedure or in such other manner as may be authorized by the court. If the person to be  
28 served is outside this state, service may also be made in the manner provided in Section 415.40 of the  
29 Code of Civil Procedure.

30 (c) At least 15 days before the hearing on the petition, the petitioner shall ~~mail~~ deliver pursuant to Section  
31 1215 a notice of the time and place of the hearing on the petition to those persons required to be named in  
32 the petition at the addresses set forth in the petition.

33  
34 **Probate Code section 3206.**

35 (a) Not less than 15 days before the hearing, notice of the time and place of the hearing and a copy of the  
36 petition shall be personally served on the patient, the patient's attorney, and the agent under the patient's  
37 power of attorney for health care, if any.

38 (b) Not less than 15 days before the hearing, notice of the time and place of the hearing and a copy of the  
39 petition shall be ~~mailed~~ delivered pursuant to Section 1215 to the following persons:

40 (1) The patient's spouse, if any, at the address stated in the petition.

41 (2) The patient's relatives named in the petition at their addresses stated in the petition.

42 (c) For good cause, the court may shorten or waive notice of the hearing as provided by this section. In  
43 determining the period of notice to be required, the court shall take into account both of the following:



- 1 (1) The existing medical facts and circumstances set forth in the petition or in a medical declaration  
2 attached to the petition or in a medical declaration presented to the court.  
3 (2) The desirability, where the condition of the patient permits, of giving adequate notice to all interested  
4 persons.

5  
6 **Probate Code section 3602.**

7 (a)–(e) \* \* \*

8 (f) Notice of the time and place of hearing on a petition under subdivision (d), and a copy of the petition,  
9 shall be ~~mailed~~ delivered pursuant to Section 1215 to the State Director of Health Care Services, the  
10 Director of State Hospitals, and the Director of Developmental Services at the office of each director in  
11 Sacramento at least 15 days before the hearing.

12  
13 **Probate Code section 3704.**

14 (a) Notice of the nature of the proceedings and the time and place of the hearing shall be given by the  
15 petitioner at least 15 days before the hearing date by all of the following means:

16 (1) By ~~mail~~ delivery pursuant to Section 1215, together with a copy of the petition, to all persons  
17 comprising the family of the absentee.

18 (2) By delivery by a method that would be sufficient for service of summons in a civil action, together  
19 with a copy of the petition, to the secretary concerned or to the head of the United States department or  
20 agency concerned.

21 (3) By publication pursuant to Section 6061 of the Government Code in a newspaper of general  
22 circulation in the county in which the proceedings will be held.

23 (b) Whenever notice to an officer or agency of this state or of the United States would be required under  
24 Section 1461 or Section 1822 upon petition for appointment of a conservator, like notice shall be given of  
25 the petition under this chapter.

26  
27 **Probate Code section 3801.**

28 (a) The petition shall be made upon 15 days' notice, by ~~mail or personal~~ delivery pursuant to Section  
29 1215, to all of the following persons:

30 (1) The personal representative or other person in whose possession the property may be.

31 (2) Persons in this state, known to the petitioner, who are obligated to pay a debt, perform an obligation,  
32 or issue a security to the nonresident or the estate of the nonresident.

33 (b) The petition shall be made upon such additional notice, if any, as the court may order.

34  
35 **Probate Code section 3918.**

36 (a) \* \* \*

37 (b) \* \* \*

38 (c) \* \* \*

39 (d) \* \* \*

40 (e) \* \* \*

41 (f) A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian  
42 of the person of the minor, the conservator of the minor, or the minor if the minor has attained the age of

1 14 years, may petition the court to remove the custodian for cause and to designate a successor custodian  
2 other than a transferor under Section 3904 or to require the custodian to give appropriate bond.

3 (g) At least 15 days before the hearing on a petition under subdivision (d) or (f), the petitioner shall ~~serve~~  
4 deliver notice by ~~mail or personal delivery~~ pursuant to Section 1215 ~~on~~ to each of the following persons:

5 (1) The minor.

6 (2) The parent or parents of the minor.

7 (3) The transferor.

8 (h) \* \* \*

9  
10 **Probate Code section 8100.**

11 The notice of hearing of a petition for administration of a decedent's estate, whether ~~served~~ delivered  
12 under Article 2 (commencing with Section 8110) or published under Article 3 (commencing with Section  
13 8120), shall state substantially as follows:

14  
15 NOTICE OF PETITION TO ADMINISTER

16 ESTATE OF \_\_\_\_\_, ESTATE NO. \_\_\_\_\_

17  
18 To all heirs, beneficiaries, creditors, and contingent creditors of \_\_\_\_\_ and persons who may be  
19 otherwise interested in the will or estate, or both:

20  
21 A petition has been filed by \_\_\_\_\_ in the Superior Court of California, County of \_\_\_\_\_,  
22 requesting that \_\_\_\_\_ be appointed as personal representative to administer the estate of \_\_\_\_\_  
23 [and for probate of the decedent's will, which is available for examination in the court file].

24  
25 [The petition requests authority to administer the estate under the Independent Administration of Estates  
26 Act. This will avoid the need to obtain court approval for many actions taken in connection with the  
27 estate. However, before taking certain actions, the personal representative will be required to give notice  
28 to interested persons unless they have waived notice or have consented to the proposed action. The  
29 petition will be granted unless good cause is shown why it should not be.]

30  
31 The petition is set for hearing in Dept. No.

32 at \_\_\_\_\_ (Address) \_\_\_\_\_

33 on \_\_\_\_\_ (Date of hearing) \_\_\_\_\_ at \_\_\_\_\_ (Time of hearing) \_\_\_\_\_ .

34  
35 IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your  
36 objections or file written objections with the court before the hearing. Your appearance may be in person  
37 or by your attorney.

38  
39 IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the  
40 court and mail a copy to the personal representative appointed by the court within the later of either (1)  
41 four months from the date of first issuance of letters to a general personal representative, as defined in  
42 subdivision (b) of Section 58 of the California Probate Code, or (2) 60 days from the date of ~~mailing or~~  
43 ~~personal~~ delivery of the notice to you under Section 9052 of the California Probate Code.

1  
2 YOU MAY EXAMINE the file kept by the court. If you are interested in the estate, you may request  
3 special notice of the filing of an inventory and appraisal of estate assets or of any petition or account as  
4 provided in Section 1250 of the California Probate Code.

5  
6 \_\_\_\_\_ (Name and address of petitioner or petitioner’s attorney) \_\_\_\_\_  
7

8 **8110.**

9 At least 15 days before the hearing of a petition for administration of a decedent’s estate, the petitioner  
10 shall ~~deliver~~ notice of the hearing ~~by mail or personal delivery~~ pursuant to Section 1215 on all of the  
11 following persons:

- 12 (a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner.  
13 (b) Each devisee, executor, and alternative executor named in any will being offered for probate,  
14 regardless of whether the devise or appointment is purportedly revoked in a subsequent instrument.  
15

16 **Probate Code section 8111.**

17 If the decedent’s will involves or may involve a testamentary trust of property for charitable purposes  
18 other than a charitable trust with a designated trustee resident in this state, or involves or may involve a  
19 devise for charitable purposes without an identified devisee, notice of hearing accompanied by a copy of  
20 the petition and of the will shall be ~~served on~~ delivered pursuant to Section 1215 to the Attorney General  
21 as provided in Section 1209.  
22

23 **Probate Code section 8200.**

- 24 (a) Unless a petition for probate of the will is earlier filed, the custodian of a will shall, within 30 days  
25 after having knowledge of the death of the testator, do both of the following:  
26 (1) Deliver personally or by registered or certified mail, the will to the clerk of the superior court of the  
27 county in which the estate of the decedent may be administered.  
28 (2) ~~Mail a copy~~ Deliver a copy of the will pursuant to Section 1215 ~~of the will~~ to the person named in the  
29 will as executor, if the person’s whereabouts is known to the custodian, or if not, to a person named in the  
30 will as a beneficiary, if the person’s whereabouts is known to the custodian.  
31 (b) A custodian of a will who fails to comply with the requirements of this section shall be liable for all  
32 damages sustained by any person injured by the failure.  
33 (c) The clerk shall release a copy of a will delivered under this section for attachment to a petition for  
34 probate of the will or otherwise on receipt of payment of the required fee and either a court order for  
35 production of the will or a certified copy of a death certificate of the decedent.  
36 (d) The fee for delivering a will to the clerk of the superior court pursuant to paragraph (1) of subdivision  
37 (a) shall be as provided in Section 70626 of the Government Code. If an estate is commenced for the  
38 decedent named in the will, the fee for any will delivered pursuant to paragraph (1) of subdivision (a)  
39 shall be reimbursable from the estate as an expense of administration.  
40

41 **Probate Code section 8203.**

42 If a will has been delivered to the clerk of the superior court in a county in which no proceeding is  
43 pending to administer the testator’s estate, that court may order the will transferred to the clerk of the

1 superior court in a county in which such a proceeding is pending. A petition for the transfer may be  
2 presented and heard without notice, but shall not be granted without proof that a copy of the petition has  
3 been ~~mailed~~ delivered pursuant to Section 1215 to the petitioner and any persons who have requested  
4 special notice in the proceeding in the court to which the will is to be transferred. The petition and order  
5 shall include the case number of the proceeding in the court to which transfer is prayed. Certified copies  
6 of the petition, any supporting documents, and the order shall be transmitted by the clerk along with the  
7 original will, and these copies shall be filed in the proceeding by the clerk of the recipient court.

8  
9 **Probate Code section 8469.**

10 (a) For good cause, the court may allow the priority given by Section 8461 to a conservator or guardian of  
11 the estate of the decedent serving in that capacity at the time of death that has not filed a first account, or  
12 that is acting as guardian or conservator for another person, or both.

13 (b) If the petition for appointment as administrator requests the court to allow the priority permitted by  
14 subdivision (a), the petitioner shall, in addition to the notice otherwise required by statute, ~~serve~~ deliver  
15 notice of the hearing pursuant to Section 1215 ~~by mail or personal delivery on~~ to the public administrator.

16  
17 **Probate Code section 8522.**

18 (a) If a vacancy occurs in the office of a personal representative and there are no other personal  
19 representatives, the court shall appoint a successor personal representative.

20 (b) Appointment of a successor personal representative shall be made on petition and ~~service~~ delivery of  
21 notice ~~on~~ to interested persons in the manner provided in Article 2 (commencing with Section 8110) of  
22 Chapter 2, and shall be subject to the same priority as for an original appointment of a personal  
23 representative. The personal representative of a deceased personal representative is not, as such, entitled  
24 to appointment as successor personal representative.

25  
26 **Probate Code section 8803.**

27 On the filing of an inventory and appraisal or a supplemental inventory and appraisal, the personal  
28 representative shall, pursuant to Section 1252, ~~mail~~ deliver a copy to each person who has requested  
29 special notice.

30  
31 **Probate Code section 8903.**

32 (a) The court may, for good cause, waive appraisal by a probate referee in the manner provided in this  
33 section.

34 (b) \* \* \*

35 (c) The hearing on the waiver shall be not sooner than 15 days after the petition is filed. Notice of the  
36 hearing on the petition, together with a copy of the petition and a copy of the proposed inventory and  
37 appraisal, shall be given as provided in Sections 1215 and 1220 to all of the following persons:

- 38 (1) Each person listed in Section 1220.  
39 (2) Each known heir whose interest in the estate would be affected by the waiver.  
40 (3) Each known devisee whose interest in the estate would be affected by the waiver.  
41 (4) The Attorney General, at the office of the Attorney General in Sacramento, if any portion of the estate  
42 is to escheat to the state and its interest in the estate would be affected by the waiver.  
43 (5) The probate referee, if a probate referee has been designated.

1 (d) \* \* \*

2 (e) \* \* \*

3

4 **Probate Code section 8906.**

5 (a) \* \* \*

6 (b) The clerk shall fix a time, not less than 15 days after the filing, for a hearing on the objection.

7 (c) The person objecting shall ~~give~~ deliver notice of the hearing, together with a copy of the objection, as  
8 provided in Section 1220. If the appraisal was made by a probate referee, the person objecting shall also  
9 ~~mail~~ deliver notice of the hearing and a copy of the objection to the probate referee at least 15 days before  
10 the date set for the hearing.

11 (d) \* \* \*

12 (e) \* \* \*

13

14 **Probate Code section 8924.**

15 (a) The court shall remove the designated probate referee in any of the following circumstances:

16 (1) The personal representative shows cause, including incompetence or undue delay in making the  
17 appraisal, that in the opinion of the court warrants removal of the probate referee. The showing shall be  
18 made at a hearing on petition of the personal representative. The personal representative shall ~~mail~~ deliver  
19 pursuant to Section 1215 notice of the hearing on the petition to the probate referee at least 15 days before  
20 the date set for the hearing.

21 (2) The personal representative has the right to remove the first probate referee who is designated by the  
22 court. No cause need be shown for removal under this paragraph. The personal representative may  
23 exercise the right at any time before the personal representative delivers the inventory to the probate  
24 referee. The personal representative shall exercise the right by filing an affidavit or declaration under  
25 penalty of perjury with the court and ~~mailing~~ delivering a copy to the probate referee. Thereupon, the  
26 court shall remove the probate referee without any further act or proof.

27 (3) Any other cause provided by statute.

28 (b) Upon removal of the probate referee, the court shall designate another probate referee in the manner  
29 prescribed in Section 8920.

30

31 **Probate Code section 9052.**

32 The notice shall be in substantially the following form:

33

34 NOTICE OF ADMINISTRATION OF  
35 ESTATE OF \_\_\_\_\_, DECEDENT

36 Notice to creditors:

37

38 Administration of the estate of \_\_\_\_\_ (deceased) has been commenced by \_\_\_\_\_ (personal  
39 representative) in Estate No. \_\_\_\_\_ in the Superior Court of California, County of \_\_\_\_\_. You  
40 must file your claim with the court and ~~mail~~ deliver a copy pursuant to Section 1215 of the California  
41 Probate Code ~~a copy~~ to the personal representative within the last to occur of four months after  
42 \_\_\_\_\_ (the date letters were first issued to a general personal representative, as defined in  
43 subdivision (b) of Section 58 of the California Probate Code), or 60 days after the date this notice was

1 mailed to you or, in the case of personal delivery, 60 days after the date this notice was delivered to you,  
2 or you must petition to file a late claim as provided in Section 9103 of the California Probate Code.  
3 Failure to file a claim with the court and serve a copy of the claim on the personal representative will, in  
4 most instances, invalidate your claim. A claim form may be obtained from the court clerk. For your  
5 protection, you are encouraged to file your claim by certified mail, with return receipt requested.

6  
7 (Date of mailing this notice)

8 (Name and address of personal representative or attorney)

9  
10 **Probate Code section 9153.**

11 A claim form adopted by the Judicial Council shall inform the creditor that the claim must be filed with  
12 the court and a copy ~~mailed or~~ delivered pursuant to Section 1215 to the personal representative. The  
13 claim form shall include a proof of ~~mailing or~~ delivery of a copy of the claim to the personal  
14 representative, which may be completed by the creditor.

15  
16 **Probate Code section 9732.**

17 (a) \* \* \*

18 (b) To obtain an order under this section, the personal representative or any interested person shall file a  
19 petition showing the general condition of the estate and the types of investments that are proposed to be  
20 made.

21 (c) Notice of the hearing on the petition shall be ~~given~~ delivered as provided in Section 1220. In addition,  
22 the petitioner shall cause notice of the hearing and a copy of the petition to be ~~mailed~~ delivered pursuant  
23 to Section 1215 to all known devisees of property which is proposed to be invested. Where the property  
24 proposed to be invested is devised to a trust or trustee, notice of the hearing and a copy of the petition  
25 shall be ~~mailed~~ delivered pursuant to Section 1215 to the trustee or, if the trustee has not yet accepted the  
26 trust, to the person named in the will as trustee. Mailing Delivery pursuant to this subdivision shall be to  
27 the person's last known address as provided in Section 1220.

28 (d) \* \* \*

29  
30 **Probate Code section 9762.**

31 (a) \* \* \*

32 (b) \* \* \*

33 (c) \* \* \*

34 (d) To obtain an order under this section, the personal representative or any interested person shall file a  
35 petition showing that the order requested would be to the advantage of the estate and in the best interest of  
36 the interested persons. Notice of the hearing on the petition shall be given as provided in Section 1220. In  
37 addition, unless the court otherwise orders, the petitioner, not less than 15 days before the hearing, shall  
38 cause notice of hearing and a copy of the petition to be ~~mailed~~ delivered pursuant to Section 1215 to each  
39 of the surviving general partners at his or her last known address.

40  
41 **Probate Code section 9783.**

42 A person described in Section 9782 may personally deliver or mail a written objection to the disposition  
43 or abandonment to the personal representative on or before the date specified in the notice as the date on

1 or after which the property will be disposed of or abandoned. Subject to Section 9788, after receipt of the  
2 written objection, the personal representative shall not dispose of or abandon the property without  
3 authorization by order of the court obtained under Section 9611.  
4

5 **Probate Code section 9787.**

6 (a) Except as provided in subdivision (b), a person described in Section 9782 who receives notice of the  
7 proposed disposition or abandonment as provided in Section 9782, waives the right to have the court later  
8 review the disposition or abandonment of the property unless the person does one of the following:

9 (1) Personally delivers or mails a written objection as provided in Section 9783.

10 (2) Serves a restraining order obtained under Section 9784 before whichever of the following is the later  
11 time:

12 (A) The date specified in the notice of proposed disposition or abandonment as the date on or after which  
13 the property will be disposed of or abandoned.

14 (B) The date the property has actually been disposed of or abandoned.

15 (b) Subject to Section 9785, the court may review the disposition or abandonment of the property upon  
16 the motion of a person described in subdivision (a) of Section 9782 who establishes that he or she did not  
17 actually receive notice of the proposed disposition or abandonment before the time to object expired.  
18  
19

20 **Probate Code section 10585.**

21 (a) The notice of proposed action shall state all of the following:

22 (1) The name, ~~and~~ mailing address, and electronic address of the personal representative.

23 (2) The person, ~~and~~ telephone number, and electronic address, to ~~call~~ contact to get additional  
24 information.

25 (3)-(4) \* \* \*

26 (b) The notice of proposed action may be given using the most current Notice of Proposed Action form  
27 prescribed by the Judicial Council.

28 (c) If the most current form prescribed by the Judicial Council is not used to give notice of proposed  
29 action, the notice of proposed action shall satisfy all of the following requirements:

30 (1) The notice of proposed action shall be in substantially the same form as the form prescribed by the  
31 Judicial Council.

32 (2) The notice of proposed action shall contain the statements described in subdivision (a).

33 (3) The notice of proposed action shall contain a form for objecting to the proposed action in substantially  
34 the form set out in the Judicial Council form.  
35

36 **Probate Code section 10586.**

37 The notice of proposed action shall be ~~mailed or personally delivered to~~ pursuant to Section 1215 each  
38 person required to be given notice of proposed action not less than 15 days before the date specified in the  
39 notice of proposed action on or after which the proposed action is to be taken. If mailed, the notice of  
40 proposed action shall be addressed to the person at the person's last known address. ~~Sections 1215 and~~  
41 ~~1216 apply to the mailing or delivery of the notice of proposed action.~~

1 **Probate Code section 10587.**

2 (a) Any person entitled to notice of proposed action under Section 10581 may object to the proposed  
3 action as provided in this section.

4 (b) The objection to the proposed action is made by delivering pursuant to Section 1215 ~~or mailing a~~  
5 written objection to the proposed action to the personal representative at the address stated in the notice of  
6 proposed action. The person objecting to the proposed action either may use the Judicial Council form or  
7 may make the objection in any other writing that identifies the proposed action with reasonable certainty  
8 and indicates that the person objects to the taking of the proposed action.

9 (c) The personal representative is deemed to have notice of the objection to the proposed action if it is  
10 delivered or received at the address stated in the notice of proposed action before whichever of the  
11 following times is the later:

12 (1) The date specified in the notice of proposed action on or after which the proposed action is to be  
13 taken.

14 (2) The date the proposed action is actually taken.

15  
16 **Probate Code section 11601.**

17 Notice of the hearing on the petition shall be ~~given~~ delivered as provided in Section 1220 to all of the  
18 following persons:

19 (a) Each person listed in Section 1220.

20 (b) Each known heir whose interest in the estate would be affected by the petition.

21 (c) Each known devisee whose interest in the estate would be affected by the petition.

22 (d) The Attorney General, at the office of the Attorney General in Sacramento, if any portion of the estate  
23 is to escheat to the state and its interest in the estate would be affected by the petition.

24 (e) The Controller, if property is to be distributed to the state because there is no known beneficiary or if  
25 property is to be distributed to a beneficiary whose whereabouts is unknown. A copy of the latest account  
26 filed with the court shall be ~~served on~~ delivered to the Controller with the notice.

27  
28 **Probate Code section 13200.**

29 (a) No sooner than six months from the death of a decedent, a person or persons claiming as successor of  
30 the decedent to a particular item of property that is real property may file in the superior court in the  
31 county in which the decedent was domiciled at the time of death, or if the decedent was not domiciled in  
32 this state at the time of death, then in any county in which real property of the decedent is located, an  
33 affidavit in the form prescribed by the Judicial Council pursuant to Section 1001 stating all of the  
34 following:

35 (1) The name of the decedent.

36 (2) The date and place of the decedent's death.

37 (3) A legal description of the real property and the interest of the decedent therein.

38 (4) The name and address of each person serving as guardian or conservator of the estate of the decedent  
39 at the time of the decedent's death, so far as known to the affiant.

40 (5) "The gross value of all real property in the decedent's estate located in California, as shown by the  
41 inventory and appraisal attached to this affidavit, excluding the real property described in Section 13050  
42 of the California Probate Code, does not exceed fifty thousand dollars (\$50,000)."

43 (6) "At least six months have elapsed since the death of the decedent as shown in a certified copy of



1 decedent's death certificate attached to this affidavit."

2 (7) Either of the following, as appropriate:

3 (A) "No proceeding is now being or has been conducted in California for administration of the decedent's  
4 estate."

5 (B) "The decedent's personal representative has consented in writing to use of the procedure provided by  
6 this chapter."

7 (8) "Funeral expenses, expenses of last illness, and all unsecured debts of the decedent have been paid."

8 (9) "The affiant is the successor of the decedent (as defined in Section 13006 of the Probate Code) and to  
9 the decedent's interest in the described property, and no other person has a superior right to the interest of  
10 the decedent in the described property."

11 (10) "The affiant declares under penalty of perjury under the laws of the State of California that the  
12 foregoing is true and correct."

13 (b) For each person executing the affidavit, the affidavit shall contain a notary public's certificate of  
14 acknowledgment identifying the person.

15 (c) There shall be attached to the affidavit an inventory and appraisal of the decedent's real property in  
16 this state, excluding the real property described in Section 13050. The inventory and appraisal of the real  
17 property shall be made as provided in Part 3 (commencing with Section 8800) of Division 7. The  
18 appraisal shall be made by a probate referee selected by the affiant from those probate referees appointed  
19 by the Controller under Section 400 to appraise property in the county where the real property is located.

20 (d) If the affiant claims under the decedent's will and no estate proceeding is pending or has been  
21 conducted in California, a copy of the will shall be attached to the affidavit.

22 (e) A certified copy of the decedent's death certificate shall be attached to the affidavit. If the decedent's  
23 personal representative has consented to the use of the procedure provided by this chapter, a copy of the  
24 consent and of the personal representative's letters shall be attached to the affidavit.

25 (f) The affiant shall ~~mail~~ deliver pursuant to Section 1215 a copy of the affidavit and attachments to any  
26 person identified in paragraph (4) of subdivision (a).

27  
28 **Probate Code section 13655.**

29 (a) If proceedings for the administration of the estate of the deceased spouse are pending at the time a  
30 petition is filed under this chapter, or if the proceedings are not pending and if the petition filed under this  
31 chapter is not filed with a petition for probate of the deceased spouse's will or for administration of the  
32 estate of the deceased spouse, notice of the hearing on the petition filed under this chapter shall be ~~given~~  
33 delivered as provided in Section 1220 to all of the following persons:

34 (1) Each person listed in Section 1220 and each person named as executor in any will of the deceased  
35 spouse.

36 (2) All devisees and known heirs of the deceased spouse and, if the petitioner is the trustee of a trust that  
37 is a devisee under the will of the decedent, all persons interested in the trust, as determined in cases of  
38 future interests pursuant to paragraph (1), (2), or (3) of subdivision (a) of Section 15804.

39 (b) The notice specified in subdivision (a) shall also be ~~mailed~~ delivered as provided in subdivision (a) to  
40 the Attorney General, addressed to the office of the Attorney General at Sacramento, if the petitioner  
41 bases the allegation that all or part of the estate of the deceased spouse is property passing to the surviving  
42 spouse upon the will of the deceased spouse and the will involves or may involve either of the following:

43 (1) A testamentary trust of property for charitable purposes other than a charitable trust with a designated

1 trustee, resident in this state.

2 (2) A devise for a charitable purpose without an identified devisee or beneficiary.

3  
4 **Probate Code section 15686.**

5 (a) As used in this section, “trustee’s fee” includes, but is not limited to, the trustee’s periodic base fee,  
6 rate of percentage compensation, minimum fee, hourly rate, and transaction charge, but does not include  
7 fees for extraordinary services.

8 (b) A trustee may not charge an increased trustee’s fee for administration of a particular trust unless the  
9 trustee first gives at least 60 days’ written notice of that increased fee to all of the following persons:

10 (1) Each beneficiary who is entitled to an account under Section 16062.

11 (2) Each beneficiary who was given the last preceding account.

12 (3) Each beneficiary who has made a written request to the trustee for notice of an increased trustee’s fee  
13 and has given an address for receiving notice ~~by mail~~.

14 (c) If a beneficiary files a petition under Section 17200 for review of the increased trustee’s fee or for  
15 removal of the trustee and serves a copy of the petition on the trustee before the expiration of the 60-day  
16 period, the increased trustee’s fee does not take effect as to that trust until otherwise ordered by the court  
17 or the petition is dismissed.

18  
19 **Probate Code section 16061.7.**

20 (a) \* \* \*

21 (b) \* \* \*

22 (c) \* \* \*

23 (d) \* \* \*

24 (e) The notification by trustee shall be ~~served~~ delivered by mail to the last known address, pursuant to  
25 Section 1215, ~~or by personal delivery~~.

26 (f) \* \* \*

27 (g) The notification by trustee shall contain the following information:

28 (1) The identity of the settlor or settlors of the trust and the date of execution of the trust instrument.

29 (2) The name, ~~mailing~~ address, and telephone number of each trustee of the trust.

30 (3) The address of the physical location where the principal place of administration of the trust is located,  
31 pursuant to Section 17002.

32 (4) Any additional information that may be expressly required by the terms of the trust instrument.

33 (5) A notification that the recipient is entitled, upon reasonable request to the trustee, to receive from the  
34 trustee a true and complete copy of the terms of the trust.

35 (h) If the notification by the trustee is served because a revocable trust or any portion of it has become  
36 irrevocable because of the death of one or more settlors of the trust, or because, by the express terms of  
37 the trust, the trust becomes irrevocable within one year of the death of a settlor because of a contingency  
38 related to the death of one or more of the settlors of the trust, the notification by the trustee shall also  
39 include a warning, set out in a separate paragraph in not less than 10-point boldface type, or a reasonable  
40 equivalent thereof, that states as follows:

41 “You may not bring an action to contest the trust more than 120 days from the date this notification by the  
42 trustee is served upon you or 60 days from the date on which a copy of the terms of the trust is ~~mailed or~~  
43 ~~personally~~ delivered to you during that 120-day period, whichever is later.”

1 (i) \* \* \*

2 (j) \* \* \*

3

4 **Probate Code section 16061.8.**

5 No person upon whom the notification by the trustee is served pursuant to this chapter, whether the notice  
6 is served on him or her within or after the time period set forth in subdivision (f) of Section 16061.7, may  
7 bring an action to contest the trust more than 120 days from the date the notification by the trustee is  
8 served upon him or her, or 60 days from the day on which a copy of the terms of the trust is ~~mailed or~~  
9 ~~personally~~ delivered pursuant to Section 1215 to him or her during that 120-day period, whichever is  
10 later.

11

12 **Probate Code section 16061.9.**

13 (a) A trustee who fails to serve the notification by trustee as required by Section 16061.7 on a beneficiary  
14 shall be responsible for all damages, attorney’s fees, and costs caused by the failure unless the trustee  
15 makes a reasonably diligent effort to comply with that section.

16 (b) A trustee who fails to serve the notification by trustee as required by Section 16061.7 on an heir who  
17 is not a beneficiary and whose identity is known to the trustee shall be responsible for all damages caused  
18 to the heir by the failure unless the trustee shows that the trustee made a reasonably diligent effort to  
19 comply with that section. For purposes of this subdivision, “reasonably diligent effort” means that the  
20 trustee has ~~sent~~ delivered notice pursuant to Section 1215 ~~by first class mail~~ to the heir at the heir’s last  
21 ~~mailing~~ address actually known to the trustee.

22

23 **Probate Code section 16336.6.**

24 Unless expressly prohibited by the governing instrument, a trustee may reconvert the trust from a unitrust  
25 or change the payout percentage of a unitrust.

26 (a) The trustee may make the reconversion or change in payout percentage without a court order if all of  
27 the following conditions are satisfied:

28 (1) At least three years have elapsed since the most recent conversion to a unitrust.

29 (2) The trustee determines that reconversion or change in payout percentage would enable the trustee to  
30 better comply with the provisions of subdivision (b) of Section 16335.

31 (3) One of the following notice requirements is satisfied:

32 (A) In the case of a proposed reconversion, the trustee gives written notice of the trustee’s intention to  
33 convert that complies with the requirements of Chapter 5 (commencing with Section 16500) and no  
34 beneficiary objects to the proposed action in a writing delivered pursuant to Section 1215 to the trustee  
35 within the period prescribed by subdivision (d) of Section 16502. The trustee’s notice shall include the  
36 information described in subdivision (3) and (4) of subdivision (c) of Section 16336.4.

37 (B) In the case of a proposed change in payout percentage, the trustee gives written notice stating the new  
38 payout percentage that the trustee proposes to adopt, which notice shall comply with the requirements of  
39 Chapter 5 (commencing with Section 16500), and no beneficiary objects to the proposed action in a  
40 writing delivered pursuant to Section 1215 to the trustee within the period prescribed by subdivision (d)  
41 of Section 16502.

42 (b) The trustee may make the reconversion or change in payout percentage at any time pursuant to court  
43 order provided that: (1) the court determines that reconversion or change in payout percentage will enable

1 the trustee to better comply with the provisions of subdivision (b) of Section 16335, and (2) in the case of  
2 a change in payout percentage, the new payout percentage is at least 3 percent and no greater than 5  
3 percent. The court may enter an order pursuant to this subdivision upon the petition of the trustee or any  
4 beneficiary.

5  
6 **Probate Code section 16501.**

7 (a) The trustee who elects to provide notice pursuant to this chapter shall ~~mail~~ deliver notice pursuant to  
8 Section 1215 of the proposed action to each of the following:

9 (1) A beneficiary who is receiving, or is entitled to receive, income under the trust, including a  
10 beneficiary who is entitled to receive income at the discretion of the trustee.

11 (2) A beneficiary who would receive a distribution of principal if the trust were terminated at the time the  
12 notice is given.

13 (b) Notice of proposed action is not required to be given to a person who consents in writing to the  
14 proposed action. The consent may be executed at any time before or after the proposed action is taken.

15 (c) A trustee is not required to provide a copy of the notice of proposed action to a beneficiary who is  
16 known to the trustee but who cannot be located by the trustee after reasonable diligence or who is  
17 unknown to the trustee.

18 (d) Notwithstanding any other provision of this chapter, the trustee may not use a notice of proposed  
19 action in any of the following actions:

20 (1) Allowance of the trustee's compensation.

21 (2) Allowance of compensation of the attorney for the trustee.

22 (3) Settlement of accounts.

23 (4) Preliminary and final distributions and discharge.

24 (5) Sale of property of the trust to the trustee or to the attorney for the trustee.

25 (6) Exchange of property of the trust for property of the trustee or for property of the attorney for the  
26 trustee.

27 (7) Grant of an option to purchase property of the trust to the trustee or to the attorney for the trustee.

28 (8) Allowance, payment, or compromise of a claim of the trustee, or the attorney for the trustee, against  
29 the trust.

30 (9) Compromise or settlement of a claim, action, or proceeding by the trust against the trustee or against  
31 the attorney for the trust.

32 (10) Extension, renewal, or modification of the terms of a debt or other obligation of the trustee, or the  
33 attorney for the trustee, owing to or in favor of the trust.

34  
35 **Probate Code section 16502.**

36 The notice of proposed action shall state that it is given pursuant to this section and shall include all of the  
37 following:

38 (a) The name, mailing address, and ~~mailing~~ electronic address of the trustee.

39 (b) The name, ~~and~~ telephone number, and electronic address of a person who may be contacted for  
40 additional information.

41 (c) A description of the action proposed to be taken and an explanation of the reasons for the action.

42 (d) The time within which objections to the proposed action can be made, which shall be at least 45 days  
43 from the mailing delivery or receipt of the notice of proposed action.

1 (e) The date on or after which the proposed action may be taken or is effective.

2  
3 **Probate Code section 16503.** Objections to proposed actions by beneficiary; failure to object; petitions

4 (a) A beneficiary may object to the proposed action by ~~mailing~~ delivering pursuant to Section 1215 a  
5 written objection to the trustee at the address stated in the notice of proposed action within the time period  
6 specified in the notice of proposed action.

7 (b) A trustee is not liable to a beneficiary for an action regarding a matter governed by this part if the  
8 trustee does not receive a written objection to the proposed action from a beneficiary within the applicable  
9 period and the other requirements of this section are satisfied. If no beneficiary entitled to notice objects  
10 under this section, the trustee is not liable to any current or future beneficiary with respect to the proposed  
11 action. This subdivision does not apply to a person who is a minor or an incompetent adult at the time of  
12 receiving the notice of proposed action unless the notice is served on a guardian or conservator of the  
13 estate of the person.

14 (c) If the trustee receives a written objection within the applicable period, either the trustee or a  
15 beneficiary may petition the court to have the proposed action taken as proposed, taken with  
16 modifications, or denied. In the proceeding, a beneficiary objecting to the proposed action has the burden  
17 of proving that the trustee's proposed action should not be taken. A beneficiary who has not objected is  
18 not estopped from opposing the proposed action in the proceeding.

19 (d) If the trustee decides not to implement the proposed action, the trustee shall notify the beneficiaries of  
20 the decision not to take the action and the reasons for the decision, and the trustee's decision not to  
21 implement the proposed action does not itself give rise to liability to any current or future beneficiary. A  
22 beneficiary may petition the court to have the action taken, and has the burden of proving that it should be  
23 taken.

24  
25 **Probate Code section 17203.**

26 (a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of  
27 hearing to be ~~mailed~~ delivered pursuant to Section 1215 to all of the following persons:

28 (1) All trustees.

29 (2) All beneficiaries, subject to Chapter 2 (commencing with Section 15800) of Part 3.

30 (3) The Attorney General, if the petition relates to a charitable trust subject to the jurisdiction of the  
31 Attorney General.

32 (b) At least 30 days before the time set for hearing on the petition, the petitioner shall cause notice of the  
33 hearing and a copy of the petition to be served in the manner provided in Chapter 4 (commencing with  
34 Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure on any person, other than a trustee or  
35 beneficiary, whose right, title, or interest would be affected by the petition and who does not receive  
36 notice pursuant to subdivision (a). The court may not shorten the time for giving notice under this  
37 subdivision.

38 (c) If a person to whom notice otherwise would be given has been deceased for at least 40 days, and no  
39 personal representative has been appointed for the estate of that person, and the deceased person's right,  
40 title, or interest has not passed to any other person pursuant to Division 8 (commencing with Section  
41 13000) or otherwise, notice may instead be given to the following persons:

42 (1) Each heir and devisee of the decedent, and all persons named as executors of the will of the decedent,  
43 so far as known to the petitioner.

1 (2) Each person serving as guardian or conservator of the decedent at the time of the decedent's death, so  
2 far as known to the petitioner.

3  
4 **Probate Code section 17204.**

5 (a) If proceedings involving a trust are pending, a beneficiary of the trust may, in person or by attorney,  
6 file with the court clerk where the proceedings are pending a written request stating that the beneficiary  
7 desires special notice of the filing of petitions in the proceeding relating to any or all of the purposes  
8 described in Section 17200 and giving an address for receiving notice by mail. A copy of the request shall  
9 be ~~personally~~ delivered pursuant to Section 1215 ~~or mailed~~ to the trustee or the trustee's attorney. If  
10 personally delivered, the request is effective when it is delivered. If mailed or electronically delivered, the  
11 request is effective when it is received. When the original of the request is filed with the court clerk, it  
12 shall be accompanied by a written admission or proof of service. A request for special notice may be  
13 modified or withdrawn in the same manner as provided for the making of the initial request.

14 (b)(1) An interested person may request special notice in the same manner as a beneficiary under  
15 subdivision (a), for the purpose set forth in paragraph (9) of subdivision (b) of Section 17200. The request  
16 for special notice shall be accompanied by a verified statement of the person's interest.

17 (2) For purposes set forth in paragraphs (2), (4) to (6), inclusive, (8), (12), (16), (20), and (21) of  
18 subdivision (b) of Section 17200, an interested person may petition the court for an order for special  
19 notice of proceedings involving a trust. The petition shall include a verified statement of the creditor's  
20 interest and may be served on the trustee or the trustee's attorney by personal delivery or in the manner  
21 required by Section 1215. The petition may be made by ex parte application.

22 (3) For purposes of this subdivision, an "interested person" means only a creditor of a trust or, if the trust  
23 has become irrevocable upon the death of a trustor, a creditor of the trustor.

24 (4) This section does not confer standing on an interested person if standing does not otherwise exist.

25 (c) Except as provided in subdivision (d), after serving and filing a request and proof of service pursuant  
26 to subdivision (a) or paragraph (1) of subdivision (b), the beneficiary or the interested person is entitled to  
27 notice pursuant to Section 17203. If the petition of an interested person filed pursuant to paragraph (2) of  
28 subdivision (b) is granted by the court, the interested person is entitled to notice pursuant to Section  
29 17203.

30 (d) A request for special notice made by a beneficiary whose right to notice is restricted by Section 15802  
31 is not effective.

32  
33 **Probate Code section 17205.**

34 If a trustee or beneficiary has served and filed either a notice of appearance, in person or by counsel,  
35 directed to the petitioner or the petitioner's counsel in connection with a particular petition and  
36 proceeding or a written request for a copy of the petition, and has given an address to which notice or a  
37 copy of the petition may be ~~mailed or~~ delivered pursuant to Section 1215, the petitioner shall cause a copy  
38 of the petition to be ~~mailed~~ delivered to that person within five days after service of the notice of  
39 appearance or receipt of the request.

1 **Probate Code section 17403.**

2 (a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of  
3 the time and place of the hearing to be ~~mailed~~ delivered pursuant to Section 1215 to each of the persons  
4 named in the petition at their respective addresses as stated in the petition.

5 (b) Any person interested in the trust, as trustee, beneficiary, or otherwise, may appear and file written  
6 grounds in opposition to the petition.

7  
8 **Probate Code section 17454.**

9 (a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of  
10 the time and place of the hearing to be ~~mailed~~ delivered pursuant to Section 1215 to each of the persons  
11 named in the petition at their respective addresses as stated in the petition.

12 (b) Any person interested in the trust, as trustee, beneficiary, or otherwise, may appear and file written  
13 grounds in opposition to the petition.

14  
15 **Probate Code section 19011.**

16 (a) The Judicial Council may prescribe the form and contents of the petition, notice, claim form, and  
17 allowance or rejection form to be used pursuant to this part. The allowance or rejection form may be part  
18 of the claim form.

19 (b) Any claim form adopted by the Judicial Council shall inform the creditor that the claim must be filed  
20 with the court and a copy ~~mailed or~~ delivered pursuant to Section 1215 to the trustee. The claim form  
21 shall include a proof of ~~mailing or~~ delivery of a copy of the claim to the trustee, which may be completed  
22 by the claimant.

23  
24 **Probate Code section 19024.**

25 At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of the  
26 time and place of the hearing, together with a copy of the petition, to be ~~mailed~~ delivered pursuant to  
27 Section 1215 to each of the following persons who is not a petitioner:

28 (a) All trustees of the trust and of any other trusts to which an allocation of liability may be approved by  
29 the court pursuant to the petition.

30 (b) All beneficiaries affected.

31 (c) The personal representative of the deceased settlor's estate, if any is known to the trustee.

32 (d) The Attorney General, if the petition relates to a charitable trust subject to the jurisdiction of the  
33 Attorney General, unless the Attorney General waives notice.

34  
35 **Probate Code section 19040.**

36 (a) \* \* \*

37 (b) The caption of the notice, the deceased settlor's name, and the name of the trustee shall be in at least  
38 8-point type, the text of the notice shall be in at least 7-point type, and the notice shall state substantially  
39 as follows:

40 NOTICE TO CREDITORS

41 OF \_\_\_\_\_

42 # \_\_\_\_\_

43 SUPERIOR COURT OF CALIFORNIA

1 COUNTY OF \_\_\_\_\_

2

3 Notice is hereby given to the creditors and contingent creditors of the above-named decedent, that all  
4 persons having claims against the decedent are required to file them with the Superior Court, at \_\_\_\_\_,  
5 and ~~mail~~ deliver pursuant to Section 1215 of the California Probate Code a copy to \_\_\_\_\_, as trustee of  
6 the trust dated \_\_\_\_\_ wherein the decedent was the settlor, at \_\_\_\_\_, within the later of four months after  
7 \_\_\_\_\_ (the date of the first publication of notice to creditors) or, if notice is mailed or personally delivered  
8 to you, 60 days after the date this notice is mailed or personally delivered to you. A claim form may be  
9 obtained from the court clerk. For your protection, you are encouraged to file your claim by certified mail,  
10 with return receipt requested.

11 (name and address of trustee or attorney)

12 (c) \* \* \*

13

14 **Probate Code section 19052.**

15 The notice shall be in substantially the following form:

16 NOTICE TO CREDITORS  
17 OF \_\_\_\_\_

18

19 # \_\_\_\_\_

20 SUPERIOR COURT OF CALIFORNIA  
21 COUNTY OF \_\_\_\_\_

22 Notice is hereby given to the creditors and contingent creditors of the above-named decedent, that all  
23 persons having claims against the decedent are required to file them with the Superior Court, at \_\_\_\_\_,  
24 and ~~mail or~~ deliver pursuant to Section 1215 of the California Probate Code a copy to \_\_\_\_\_, as trustee  
25 of the trust dated \_\_\_\_\_ wherein the decedent was the settlor, at \_\_\_\_\_, within the later of four months  
26 after \_\_\_\_\_ (the date of the first publication of notice to creditors) or, if notice is mailed or personally  
27 delivered to you, 60 days after the date this notice is mailed or personally delivered to you, or you must  
28 petition to file a late claim as provided in Section 19103 of the Probate Code. A claim form may be  
29 obtained from the court clerk. For your protection, you are encouraged to file your claim by certified mail,  
30 with return receipt requested.

31 \_\_\_\_\_

32 (Date of mailing this  
33 notice if applicable)

34

35 \_\_\_\_\_

36 (name and address of  
37 trustee or attorney)

38

39 **Probate Code section 19150.**

40 (a) A claim may be filed by the creditor or a person acting on behalf of the claimant.

41 (b) A claim shall be filed with the court and a copy shall be ~~mailed~~ delivered pursuant to Section 1215 to  
42 the trustee. Failure to ~~mail~~ deliver a copy to the trustee does not invalidate a properly filed claim, but any  
43 loss that results from the failure shall be borne by the creditor.



1 **Probate Code section 19153.**

2 The Judicial Council may adopt a claim form which shall inform the creditor that the claim must be filed  
3 with the court and a copy ~~mailed or~~ delivered pursuant to Section 1215 to the trustee. Any such claim  
4 form shall include a proof of ~~mailing or~~ delivery of a copy of the claim to the trustee which may be  
5 completed by the creditor.  
6

7 **Probate Code section 19323.**

8 (a) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of  
9 the time and place of the hearing and a copy of the petition to be served on the surviving spouse in the  
10 manner provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil  
11 Procedure.

12 (b) At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of  
13 the time and place of hearing, together with a copy of the petition, to be ~~mailed~~ delivered pursuant to  
14 Section 1215 to each of the following persons who are not petitioners:

- 15 (1) All trustees of the trust and of any trusts to which an allocation of liability may be approved by the  
16 court pursuant to the petition.
- 17 (2) All beneficiaries affected.
- 18 (3) The personal representative of the deceased settlor's estate, if any is known to the trustee.
- 19 (4) The Attorney General, if the petition relates to a charitable trust subject to the jurisdiction of the  
20 Attorney General, unless the Attorney General waives notice.

21  
22 **Probate Code section 20122.**

23 Not less than 30 days before the hearing, the petitioner shall do both of the following:

24 (a) Cause notice of the hearing and a copy of the petition to be ~~mailed~~ delivered pursuant to Section 1215  
25 to the personal representative and to each person interested in the estate against whom prorated amounts  
26 may be charged pursuant to paragraph (1) of subdivision (a) of Section 20123.

27 (b) Cause a summons and a copy of the petition to be served on each person interested in the estate who  
28 may be directed to make payment of prorated amounts pursuant to paragraph (2) of subdivision (a) of  
29 Section 20123. The summons shall be in the form and shall be served in the manner prescribed in Title 5  
30 (commencing with Section 410.10) of Part 2 of the Code of Civil Procedure.  
31

32 **Probate Code section 20222.**

33 Not less than 30 days before the hearing the petitioner shall do both of the following:

34 (a) Cause notice of the hearing and a copy of the petition to be ~~mailed~~ delivered pursuant to Section 1215  
35 to the trustee and each transferee against whom prorated amounts may be charged pursuant to paragraph  
36 (1) of subdivision (a) of Section 20223.

37 (b) Cause a summons and a copy of the petition to be served on each transferee who may be directed to  
38 make payment of prorated amounts pursuant to paragraph (2) of subdivision (a) of Section 20223. The  
39 summons shall be in the form and shall be served in the manner prescribed in Title 5 (commencing with  
40 Section 410.10) of Part 2 of the Code of Civil Procedure.

1 **Welfare and Institutions Code section 728**

2 (a) \* \* \*

3  
4 (b) If the juvenile court decides to terminate or modify a guardianship previously established  
5 under the Probate Code pursuant to subdivision (a), the juvenile court shall provide notice of that  
6 decision to the court in which the guardianship was originally established. The clerk of the  
7 superior court, upon receipt of the notice, shall file the notice with other documents and records  
8 of the pending proceeding and send by first-class mail or electronic service pursuant to Section  
9 1215 of the Probate Code a copy of the notice to all parties of record in the superior court.

10  
11 (c)–(g) \* \* \*

12  
13 **Welfare and Institutions Code section 5362**

14 (a) The clerk of the superior court shall notify each conservator, his or her conservatee and the  
15 person in charge of the facility in which the person resides, and the conservatee's attorney, at  
16 least 60 days before the termination of the one-year period. If the conservator is a private party,  
17 the clerk of the superior court shall also notify the mental health director and the county officer  
18 providing conservatorship investigation pursuant to Section 5355, at least 60 days before the  
19 termination of the one-year period. Notification shall be ~~given in person or by first-class mail~~  
20 delivered pursuant to Section 1215 of the Probate Code. The notification shall be in substantially  
21 the following form:

22  
23 [Form text here, unchanged from the form text in the current statute]

24  
25 (b) Subject to a request for a court hearing or jury trial, the judge may, on his or her own motion,  
26 accept or reject the conservator's petition.

27  
28 If the conservator does not petition to reestablish conservatorship at or before the termination of  
29 the one-year period, the court shall issue a decree terminating conservatorship. The decree shall  
30 be ~~sent~~ delivered to the conservator and his or her conservatee ~~by first-class mail~~ pursuant to  
31 Section 1215 of the Probate Code and shall be accompanied by a statement of California law as  
32 set forth in Section 5368.

**LEG16-09**

**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

(Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Hon. Julia Keley Judge of the Superior Court, County of San Diego, San Diego	AM	<p>My bottom line is that I think the proposal is good, but as I discuss below, there is some additional work to do, including modifying current forms; and fixing CRC 2.500 et seq., which governs access to the court’s electronic records, before the changes can be implemented.</p> <p>The best part about this proposal is that it cleans up the entire Probate Code by replacing the notice requirements sprinkled throughout the code with a universal reference to a new section 1215.</p> <p>However, there are several areas that need additional consideration.</p> <p>First, as you can see in the new 1215, electronic service is only available on those who have “filed written consent to receive electronic service and provided an electronic service address.” The language may need to be tightened up to ensure that the consent is filed in the instant matter, not elsewhere, and that the written consent include the electronic service</p>	<p>Clarification that the consent to e-service must be filed in the particular matter in which service is involved is an excellent suggestion that the committee supports. Proposed section 1215(c)(1)</p>

**LEG16-09**

**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

(Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	Commentator	Position	Comment	Committee Response
			<p>address. It will be very hard for Probate Examiners and the court to know whether service is correct if there is any ambiguity in the court file. It may be necessary to have a form that the party files in the probate matter which contains the necessary consent language as well as the service address.</p> <p>Second, the existing “Proof of Service” forms will have to be changed to incorporate the provisions of the new 1215. For example, the current notice of hearing doesn’t track the proposed rule:  <a href="http://www.courts.ca.gov/documents/de120.pdf">http://www.courts.ca.gov/documents/de120.pdf</a></p> <p>Finally, Rule of Court 2.503 will need to be re-done before the new rule can be implemented. That Rule of Court deals with electronic access to court records. It provides that in conservatorships and guardianships, the court may not give non-parties remote access to electronic records, other than ROA matters, which are defined in the government code as title of the case, date of commencement, and</p>	<p>does require the person to be served electronically to provide an electronic address. The committee will revise the <i>Request for Special Notice</i> (form DE-154/GC-035) to provide a consent to e-service and an electronic address, and will consider development of a separate form for these purposes not tied to a <i>Request for Special Notice</i>.</p> <p>The committee will review in 2017 all probate-connected proof-of-service forms to see what changes are necessary. The forms revised in that year would become effective on January 1, 2018, the same date the legislation would become effective if it is passed by the Legislature and signed by the Governor in 2017.</p> <p>The committee does not agree that the proposed statutory provisions authorizing electronic service of notice in probate proceedings are inconsistent with the rules on remote access to court records, or that the rules on remote access need to be changed to implement the new provisions. The provision of electronic notice by the court to persons entitled to such notice is not the same as providing remote access to court records by the</p>

**LEG16-09**

**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings** (Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	Commentator	Position	Comment	Committee Response
			<p>memo of subsequent proceedings and their dates.</p> <p>As I read the CRC, If we agree that a court-generated notice constitutes a court <b>[record?]</b>, then the clerk could not send it electronically to a non-party (e.g. a surety or the Attorney General) because the notice goes beyond the ROA limits. CRC 2.501 excepts parties from its prohibition on access to electronic records, but in probate, notice is often required to others beyond the immediate parties. Thus, 2.503 will have to be addressed and fixed as part of this process.</p> <p>(And lastly, there is a typo in [Welfare &amp; Institutions Code] section 728, which now erroneously refers to “215” instead of “1215”.)</p> <p>Thank you for the opportunity to comment on this proposal.</p>	<p>public. Further, to the extent that electronic notice is authorized by statute, the rules governing remote access to the public would not apply. (See Cal. Rules of Court, rule 2.501(b): “[t]he rules in the chapter on remote access apply only to access to court records by the public and do not limit access to court records by a party in an action or proceeding, by the attorney of a party, or <i>by other persons or entities that are entitled to access by statute or rule.</i>”) (Italics added.) Thus, because the proposed legislation would provide by statute that non-parties entitled to notice may receive such notice electronically, rule 2.501(b) makes it clear that the rules on remote access to court records would not apply to these non-parties respecting electronic notices to them from the court.</p> <p>The committee has revised the proposal to correct this error, and thanks Judge Keley for spotting it and notifying us.</p>

**LEG16-09**

**Probate: Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings**

(Enact a new Probate Code section 1265; Restate existing Probate Code section 1265 as a new section 1266; amend Probate Code sections 366, 453, 1050, 1209, 1212–1215, 1217, 1220, 1250, 1252, 1460, 1461, 1461.4, 1461.5, 1511, 1513.2, 1516, 1542, 1822, 1826, 1827.5, 1830, 1842, 1847, 1851, 2214, 2250, 2352, 2357, 2361, 2610, 2611, 2612, 2614, 2683, 2684, 2700, 2702, 2804, 2808, 3088, 3131, 3206, 3602, 3704, 3801, 3918, 8100, 8110, 8111, 8469, 8522, 8803, 8903, 8906, 8924, 9052, 9153, 9732, 9762, 9783, 9787, 10585–10587, 11601, 13200, 13655, 15686, 16061.7–16061.9, 16336.6, 16501–16503, 17203–17205, 17403, 17454, 19011, 19024, 19040, 19052, 19150, 19153, 19323, 20122, and 20222; amend Welfare and Institutions Code sections 728 and 5362; and repeal Probate Code section 1216)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
2.	Orange County Bar Association, by Todd G. Friedland, President, Newport Beach	A	No specific comments received.	No response necessary.
3.	Cheryl Siler Aderant Holdings, Inc. Culver City	AM	<p>I am writing to comments on the proposed amendments to the California Probate Code as set forth in Leg 16-09.</p> <p>As you know, Leg 16-09 contains proposed amendments relating to the “Electronic Service of Notices and Other Papers in Probate, Guardianship, Conservatorship, and Other Protective Proceedings.” As part of this proposal, Probate Code 1215 is being revised to include provisions for service of notices and other papers by personal delivery, mail and electronic means.</p> <p>Generally, I have no problem with the proposed amendments. However, one issue does concern</p>	

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			<p>me and that is whether or not the provisions of California Code of Civil Procedure (CCP) 1016.6 are applied to extend the notice period if a notice is served by electronic means prior to a hearing. If so, this would be inconsistent with the treatment of notices served by mail under Probate Code 1215.</p> <p>Currently, Probate Code 1215(e) states:</p> <p>When the notice or other paper is deposited in the mail, mailing is complete and the period of notice is not extended.</p> <p>Generally, this section is understood to mean that if a notice must be served a certain number of days prior to a hearing, for instance 15 days, the notice may be served by mail 15 days before the hearing and the provisions of CCP 1013(a) extending the notice period by 5 days are not applicable.</p> <p>In the proposed amendments, Probate Code 1215(e) is renumbered 1215(a)(4), however, the language remains the same.</p>	

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			<p>Proposed Probate Code 1215(c) is being added to permit service via electronic means and states:</p> <p>(1) A notice or other paper may be electronically served on a person under subdivision (a) of Section 1010.6 of the Code of Civil Procedure if the person has filed written consent to receive electronic service and provided an electronic service address.</p> <p>(2) Electronic service is complete when the notice or other paper is sent.</p> <p>The proposed language of Section 1215(c) is problematic in light of the language used in proposed Section 1215(a)(4). The new language in Section 1215(c) suggests that the provisions of CCP 1010.6(a) apply to service of a notice by electronic means in a probate matter. CCP 1010.6(a)(4) extends the period of notice by two court days if service of the notice is made by electronic means.</p>	



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			<p>Thus, under the rules as proposed, the time to serve a notice by mail before the hearing would not be extended under CCP 1013(a), but the time to serve the notice by electronic means before the hearing would be extended under CCP 1010.6.</p> <p>This creates odd and confusing results. For example, where a notice must be served 15 days before the hearing, under the rules as proposed, the notice would be required to be served 15 days before the hearing if served by mail. In contrast, the same notice would be required to be served 15 days and 2 court days before the hearing if served by electronic means. It seems this would result in parties avoiding electronic service as it requires them to act sooner than if serving by mail.</p> <p>To avoid such problems, I suggest the language of proposed Probate Code section 1215(c)(2) be revised to mimic 1215(a)(4). This could be done as follows:</p> <p>(2) Electronic service is complete when the</p>	<p>The committee agrees with this comment, and will recommend that Probate Code section 1215(c)(2) be revised to read as follows:</p> <p>“(2) Electronic service is complete when the</p>

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			notice or other paper is sent <u>and the period of notice is not extended</u> .  Thank you for your time and please let me know if you have any questions or comments.	notice or other paper is sent and the period of notice is not extended.”
4.	Standing Committee on the Delivery of Legal Services, State Bar of California, by Phong S. Wong, Chair, San Francisco	A	<b>Does the proposal appropriately address the stated purpose?</b>  Yes. The amendments that will be made to the probate code to authorize electronic service of notices and other papers on a person only apply to those who have filed consent to receive electronic service and have provided an electronic service address. Individuals, including self-represented litigants and low-income parties, without access to email will not be impacted, as they simply do not have to consent to electronic service.	No response necessary.
5.	Superior Court, County of Los Angeles, Los Angeles	A	This proposal appropriately addresses the stated purpose. <ul style="list-style-type: none"> <li>This proposed legislation does not mandate any new requirements for the Court.</li> </ul>	

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			<ul style="list-style-type: none"> <li>Under WIC 5362 the Court is required to give notice to the parties [and to the person in charge of the facility where the conservatee resides] 60 days in advance of termination of the conservatorship. It would be of great benefit if this notice may one day be mandated to occur electronically to certain parties that file written consent to electronic service.</li> </ul>	<ul style="list-style-type: none"> <li>Section 5362 applies to mental health conservatorships under the Lanterman-Petris-Short (LPS) Act, not to probate conservatorships, but the procedural provisions of the Probate Code applicable to the latter matters also apply to LPS conservatorships, except as provided in Welfare and Institutions Code section 5350. Section 5362 would be amended by the proposed legislation to provide for notification “pursuant to section 1215,” which would include electronic service.</li> </ul> <p>The Los Angeles County Public Guardian is the conservator in most LPS conservatorships in that county, and most LPS conservatees there are represented by county public defenders. The committee therefore anticipates that electronic notice would be feasible in such cases for notice to the conservator, the facility where the conservatee resides, to the county public defender’s office—and to the other county officers required if the conservator is a private party. Electronic service of this notice to a private conservator would also be reasonably feasible, subject to the need to get prior consent</p>

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				to electronic service.  However, electronic service of this notice to the LPS conservatee does not appear to be feasible.
6.	Superior Court, County of San Diego by Michael M. Roddy, Court Executive Officer, San Diego	AM	Judicial Council and local forms with proof or service or a clerk’s certificate of service by mail will need to be revised to accommodate electronic service.  Additionally, it would be helpful if the Judicial Council developed a mandatory form for individuals to file, when consenting to electronic service. It needs to be very clear to the Probate Examiners and Judicial Officers whether the electronic service has been consented to and is therefore valid; a mandatory form could accomplish this.  CRC 2.503 will need to be reviewed and	The committee will propose any new forms or revisions of existing forms made necessary or desirable by this proposed legislation in 2017, to match the effective date of the proposed legislation.  See the committee’s response to Hon. Julia

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			<p>modified before court staff can fully take advantage of this new rule in Guardianship and Conservatorship cases. CRC 2.503 deals with electronic access to court records and provides that in conservatorships and guardianships, the court may not give non-parties remote access to electronic records, other than ROA matters, which are defined in the government code as title of the case, date of commencement, and memo of subsequent proceedings and their dates. Court-generated notice constitutes a court record, meaning the clerk could not send it electronically to a non-party (e.g. a surety; the Attorney General; 1st and 2nd degree relatives) because the notice goes beyond the ROA limits. CRC 2.501 excepts parties from its prohibition on access to electronic records, but in probate, notice is often required to others beyond the immediate parties.</p> <p><b>Q: Does the proposal appropriately address the stated purpose?</b></p> <p>A: Yes, although further action is necessary to fully accomplish the goal.</p>	<p>Keley, Judge of the Superior Court, County of San Diego, above.</p>