



JUDICIAL COUNCIL OF CALIFORNIA

PROBATE AND MENTAL HEALTH
ADVISORY COMMITTEE

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PROBATE AND MENTAL HEALTH ADVISORY COMMITTEE

CLOSED MEETING AGENDA

Closed to the Public (Cal. Rules of Court, rule 10.75(c)(3)(E))

Date: February 26, 2016
Time: 9:30 a.m. to 4:30 p.m.

Meeting materials will not be posted on the advisory body web page on the California Courts website. Materials are only posted for open meetings. (Cal. Rules of Court, rule 10.75(h).)

I. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(C)(3)(E))

The entire meeting will be closed pursuant to California Rules of Court, rule 10.75(c)(3)(E) and 10.75(d). As specified in rule 10.75(c)(3)(E), the Probate and Mental Health Advisory Committee is a “rule committee” and none of the items to be considered in this closed session are budget items, within the meaning of rule 10.75(c)(1). The Chair has not concluded that any of these items may be addressed in open session.

Call to Order and Roll Call

Item 1 Committee Roster

Review 2015-2016 committee roster and advise of any desired additions or corrections
(Information)

Item 2 Subcommittee Roster

Review expanded roster of the Legislation Subcommittee **(Information)**

Item 3 Approval of Minutes

Review and approve minutes of the committee’s last meeting, held on November 6, 2015
(Action)

Item 4 2015-2016 Annual Agenda

Review the committee’s revised Annual Agenda, approved by RUPRO on January 29, 2016 **(Information)**

Legislation

Item 5 Legislative Report

Report on 2016 judicial branch budget issues and probate-related legislation introduced or contemplated in the 2016 session of the California Legislature.

Item 6 Probate Code Modernization Project

Review and consider committee support of proposed 2017 legislation, sponsored by the Information Technology Advisory Committee, to revise the Probate Code's provisions concerning service or delivery of notices and other documents to interested persons and parties to permit electronic service and to update provisions concerning mailing
(Information and Action)

Item 7 Modification of Court Records Retention Legislation

Review and consider committee support of proposed 2017 legislation to clarify court records law concerning retention of original wills and codicils.

Item 8 Referral from California Law Revision Commission

Review and discuss referral from the California Law Revision Commission of an apparent inconsistency between Probate Code section 13202 and the Judicial Council form *Affidavit re Real Property of Small Value* (form DE-310) **(Information and Action)**

Item 9 Implementation of Senate Bill 589 and Assembly Bill 1020

Review and discuss draft letter from the Secretary of State concerning transmittal of voter disqualification and reinstatement orders and information in conservatorships under 2015 legislation **(Information and Discussion)**

Item 10 Investigation Requirements in Guardianships of 18–21 year old wards

Discuss decision of San Bernardino County concerning use of county Child Protective Services Department workers as investigators of non-relative proposed guardians in SIJS-connected guardianships for wards 18–21 years old **(Information and Discussion)**

Rules and Forms

Winter 2016 comment cycle

Item 11 New and revised forms for Guardianships of the Person of Wards 18–21 years old

Review public comments received on the committee's proposal for new and revised guardianship forms to implement Assembly Bill 900, concerning guardianships for wards 18–21 years old in connection with their application for Special Immigrant Juvenile

Status, and develop final proposal for submission to Judicial Council in April, for adoption of changes to the new and revised forms effective July 1, 2016 **(Information and Action)**

Item 12 Revision of conservatorship forms to implement a change in the standard for voting capacity of conservatees

Review public comments received on the committee's proposal for revised conservatorship forms effective on January 1, 2016 and January 15, 2016, to reflect a change in the standard for determining that a conservatee lacks capacity to vote, and consideration of any additional changes in these forms recommended by the commentators **(Information and Action)**

Spring 2016 comment cycle

Item 13 Adoption of *Notice of the Conservatee's Death* (form GC-399)

Proposal to develop and circulate for comment a form notice of a conservatee's death and an attached proof of service, in response to a provision of Assembly Bill 1085, which added section 2361 to the Probate Code. **(Information and Action)**.

Item 14 Revision of *Petition for Probate* (form DE-111)

Consider whether to support and propose circulation for public comment and adoption of a proposal to revise the *Petition for Probate* (form DE-111) to: 1) allege a decedent's foreign citizenship; 2) state if an original will offered for probate has been lost and, if so, allege facts against application of the presumption of Probate Code section 6124; and 3) state whether the proposed personal representative would be a successor **(Information and Action)**

Item 15 Revision of *Petition to Determine Succession to Real Property* (form DE-310)

Consider whether to propose circulation for public comment and adoption of a proposal to revise the *Petition to Determine Succession to Real Property* (form DE-310) to state the character of the affected property as community, separate, or quasi-community **(Information and Action)**

General Matters

Item 16 Mental Health Issues Implementation Task Force Referrals

Discuss referral for implementation to this committee of recommendations of the Judicial Council's Mental Health Issues Implementation Task Force **(Information and Discussion)**

Item 17 Spectrum Institute Proposal

Discuss proposal from Spectrum Institute for rules of court and Standards of Judicial Administration concerning qualifications, continuing education requirements, and performance standards for court-appointed counsel in limited conservatorships
(Information and Discussion)

Closing matters

Item 18 2016 Committee Nominations

Item 19 Travel Expenses

Item 20 Next Meeting

II. ADJOURNMENT

Adjourn Closed Session