



# Judicial Council of California

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## INVITATION TO COMMENT

### SPR25-23

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**Title**

Probate Conservatorship: Acceptance of Transfers Under the California Conservatorship Jurisdiction Act

**Proposed Rules, Forms, Standards, or Statutes**

Amend rule 7.1050; revise forms GC-366 and GC-368

**Proposed by**

Probate and Mental Health Advisory Committee  
Hon. Jayne Chong-Soon Lee, Chair

**Action Requested**

Review and submit comments by May 23, 2025

**Proposed Effective Date**

January 1, 2026

**Contact**

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### Executive Summary and Origin

To assist courts in complying with the requirements of the California Conservatorship Jurisdiction Act and the reporting duties imposed by the Elections Code, the Probate and Mental Health Advisory Committee proposes amending one rule of court and revising two optional forms to provide the court with information it needs for the transfer of conservatorships into California. The rule amendment would require a conservator appointed in another jurisdiction to include *Confidential Supplemental Information* (form GC-312) and *Confidential Conservator Screening Form* (form GC-314) with their petition for orders accepting the transfer of the conservatorship to California. The form revisions would clarify that a proposed *Order Appointing Probate Conservator* (form GC-340) must be attached to each petition for orders accepting a transfer and an executed form GC-340 must be attached to each order accepting a transfer.

### Background

In an effort to clarify jurisdiction and streamline the process of transferring conservatorship proceedings from other states, other countries, or tribal courts, in 2014 the Legislature enacted a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

and gave it the short title of California Conservatorship Jurisdiction Act (CCJA). (Senate Bill 940, Stats. 2014, ch. 553.) To confirm the transfer of an existing conservatorship to California under the CCJA, the court must make specific findings, including those as to the eligibility of the proposed conservator to serve and the appropriateness of the powers requested.<sup>1</sup> To make these determinations and issue narrowly tailored orders that protect a person's interests, the court needs detailed information about the proposed conservator to conduct appropriate background investigations as well as information on the powers previously granted to compare to those allowed under California law.

In addition, Elections Code section 2211.5 (added by Assembly Bill 2841, Stats. 2022, ch. 807)<sup>2</sup> requires the clerk of the superior court to notify the Secretary of State of each judicial determination affecting a person's competency to vote. This notification must include personal identification information including all known names, date of birth, and the last four digits of the person's Social Security number.

When a person files a petition for appointment of a conservator in California, the petitioner must submit *Confidential Supplemental Information* (form GC-312) and *Confidential Conservator Screening Form* (form GC-314) to the court with the petition. (Cal. Rules of Court, rule 7.1050(a).) This requirement does not currently apply to conservators who petition to transfer conservatorships into California. The optional *Petition for Orders Accepting Transfer* (form GC-366) provides only the most basic information regarding the proposed conservatee and the proposed conservator. Item 1 of the form requests the name, address, and telephone number of the proposed conservatee. Item 6 requests the identity of the proposed conservator and, if the proposed conservator is not the petitioner, the name, address, telephone number, and relationship to the conservatee of the proposed conservator. Courts therefore often lack the information needed to perform the duties discussed above.

Probate Code section 2002(i)(1)<sup>3</sup> also requires the court, on acceptance of the conservatorship, to appoint a conservator in conformity with the requirements in section 1830 and all other laws that provide special requirements to exercise a particular conservatorship power. Those sections require the appointment order to include multiple elements, such as contact information for the conservatee's attorney or specific findings regarding the conservatee's capacity, all of which are contained in *Order Appointing Probate Conservator* (form GC-340). The existing *Final Order Accepting Transfer* (form GC-368), however, provides for attachment of form GC-340 only if the court modifies the conservatorship when transferring it to California. Form GC-368 currently allows the California court simply to attach the original conservatorship order from the

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<sup>1</sup> Prob. Code, § 2002(f), (h). Chapter 8 of the Probate Code (commencing with section 1980) was added by SB 940 (Stats. 2014, ch. 553). See Link A.

<sup>2</sup> See Link B.

<sup>3</sup> All further unspecified statutory references are to the Probate Code.

transferring state, country, or tribe if no modifications are required and, thus, does not always enable appointment of a conservator in California in compliance with section 1830 et seq.

## **The Proposal**

The committee proposes to amend rule 7.1050 and revise forms GC-366 and GC-368 to allow courts, in accepting transfer of a conservatorship into California, to identify and order any modifications to out-of-state conservatorship orders necessary to conform to California law, appoint the conservator to serve in California as required by law, perform investigations and monitoring of conservatorships, and report determinations affecting voting rights of conservatees as required by Elections Code section 2211.5. This amendment would apply to conservatorships transferred from another state, which as defined in the CCJA includes a federally recognized Indian tribe and a district, territory, or possession as described in section 1982(m), or, at the court's discretion, a foreign country.

### **Rule 7.1050**

As noted above, rule 7.1050(a) currently requires each person who files a petition for appointment of a conservator to submit *Confidential Supplemental Information* (form GC-312) and *Confidential Conservator Screening Form* (form GC-314) to the court with the petition. The proposed amendment would require a conservator who files a petition for orders accepting a transfer to submit those forms with the transfer petition.

The requirement to submit form GC-312 would give the court the confidential information required to determine whether and how to modify the transferring jurisdiction's conservatorship order and to report any determinations affecting the conservatee's capacity to vote to the Secretary of State.<sup>4</sup> The requirement to submit form GC-314 would provide information about the proposed conservator necessary to investigate the suitability of the proposed conservator for appointment in California<sup>5</sup> as well as to adequately supervise the conservatorship after its transfer by providing the court with the information necessary to run California Law Enforcement Telecommunications System and other background investigations. Requiring submission of form GC-314 would also reduce continuances caused by the inability to complete investigations due to lack of information.

### ***Petition for Orders Accepting Transfer (form GC-366) and Final Order Accepting Transfer (form GC-368)***

Procedurally, California courts cannot issue an order from another jurisdiction as the official order appointing a conservator. A California court must determine whether the conservatorship needs to be modified to conform to the law of this state and whether to take any action necessary to achieve compliance with the law of this state, including, but not limited to, striking or modifying any conservator powers that are not permitted in California.<sup>6</sup> To assist the court in

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<sup>4</sup> Elec. Code, § 2211.5.

<sup>5</sup> § 2002.

<sup>6</sup> § 2002(h)–(i).

making this determination, section 2002(a)(4) requires that the petition specify any modifications necessary to conform the conservatorship to the law of this state and also include the terms of a proposed final order accepting the conservatorship.

The committee proposes modifying *Petition for Orders Accepting Transfer* (form GC-366) to add item 6.c, which will require the petitioner to attach a completed proposed *Order Appointing Probate Conservator* (form GC-340) to the petition and specifically indicate whether the attached order would modify the conservatorship granted to the conservator in the transferring jurisdiction's conservatorship order. *Final Order Accepting Transfer* (form GC-368) would also be modified to require the attachment of form GC-340 in all cases to promote compliance with section 1830. The committee also proposes adding the CCJA's definition of "state" to the first page of both forms to clarify that the term includes federally recognized Indian tribes and any district, territory, or possession as described in section 1982(m).<sup>7</sup>

### **Alternatives Considered**

The committee did not consider taking no action because rule 7.1050 and forms GC-366 and GC-368 need amendment and revision to allow courts to act in conformity with the law.

### **Fiscal and Operational Impacts**

Courts might incur costs to train court employees, revise internal procedures, revise local rules and forms, and update case management systems. The costs associated with the proposed changes result from the underlying legislative requirements.

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<sup>7</sup> The committee also proposes non-substantive revisions to several items on forms GC-366 and GC-368 to improve clarity.

### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### **Attachments and Links**

1. Cal. Rules of Court, rule 7.1050, at page 6
2. Forms GC-366 and GC-368, at pages 7–10
3. Link A: Senate Bill 940,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB940](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB940).
4. Link B: Assembly Bill 2841,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2841](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2841).

Rule 7.1050 of the California Rules of Court would be amended, effective January 1, 2026, to read:

1 **Rule 7.1050. Conservator forms**

2

3 **(a) Forms to be submitted with petition**

4

5 Each petitioner, unless the petitioner is a bank or other entity entitled to conduct the  
6 business of a trust company, must submit to the court with the petition for  
7 appointment of conservator or the petition for orders accepting transfer a completed  
8 *Confidential Supplemental Information* statement (form GC-312). In addition, each  
9 proposed conservator, except a bank or other entity entitled to conduct the business  
10 of a trust company, or a public guardian, must submit a completed *Confidential*  
11 *Conservator Screening Form* (form GC-314).

12

13 **(b)–(c) \* \* \***

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR ( <i>name</i> ):	STATE BAR NUMBER:  STATE:                      ZIP CODE: FAX NO.:	FOR COURT USE ONLY  <p style="text-align: center;"><b>DRAFT</b>  <b>Not approved by</b>  <b>the Judicial Council</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CONSERVATORSHIP OF ( <i>name</i> ):		CASE NUMBER:
<b>PETITION FOR ORDERS ACCEPTING TRANSFER</b> <b>(California Conservatorship Jurisdiction Act)</b>		HEARING DATE AND TIME:                      DEPT.:
CONSERVATEE		

1. Protected person's (the conservatee's or ward's) personal information:

Name:

Residence address:

Telephone number:

Email address:

2. I, (*name*):

was appointed the conservator or guardian for the person named in 1 by a court of record of the state\* of

(*specify*): (the transferring state) on (*date*): . My appointment remains in effect.

3.  The California Conservatorship Jurisdiction Act (CCJA) (Prob. Code §§ 1981–2033) applies to this proceeding because the protected person:

- Is 18 years of age or older;
- Is **not** involuntarily committed to a mental health facility or receiving any other involuntary mental health care or treatment; and
- Has **not** been diagnosed or assessed with a developmental disability.

4.  A certified copy of the provisional order of transfer issued by a court of record in the transferring state is attached to this form.

The existing protective proceeding is best described under California law as (*check all that apply*):

- a.  A conservatorship of the person (*The court order gives me powers and duties to manage the protected person's needs for food, clothing, shelter, or health care.*)
- b.  A conservatorship of the estate (*The court order gives me powers and duties to manage the protected person's finances and property.*)

\*Under the CCJA, "state" includes a federally recognized Indian tribe and a district, territory, or possession described in Probate Code section 1982(m). Page 1 of 3

CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
CONSERVATEE	

5. Factors relevant to determining the jurisdiction of the California court:

a.  The conservatee has been physically present in California since *(date)*: \_\_\_\_\_ and remains present in California.

b.  The conservatee was physically present in California from *(date)*: \_\_\_\_\_ to *(date)*: \_\_\_\_\_, ending within six months of the date this petition is filed.

c.  The conservatee has the following connections to California *(list all that apply)*:

(1)  The following relatives and other persons required to receive notice of the proceeding reside in California:

Continued on Attachment 5c(1). *(Use a blank sheet of paper or form MC-025.)*

(2)  The conservatee was physically present in California during the following periods:

From *(date)*: \_\_\_\_\_ to *(date)*: \_\_\_\_\_

From *(date)*: \_\_\_\_\_ to *(date)*: \_\_\_\_\_

From *(date)*: \_\_\_\_\_ to *(date)*: \_\_\_\_\_

From *(date)*: \_\_\_\_\_ to *(date)*: \_\_\_\_\_

Continued on Attachment 5c(2). *(Use a blank sheet of paper or form MC-025.)*

(3)  The conservatee will move permanently to California and reside at the following address *(provide if known)*:

(4)  The conservatee holds a legal or beneficial interest in the following property located in California *(describe each piece of property; give the street address of real property or the location of personal property)*:

Additional property is described on Attachment 5c(4). *(Use a blank sheet of paper or form MC-025.)*

(A) Estimated value of real property in California: \$

(B) Estimated value of personal property in California: \$

(C) Annual gross income from

(i) Real property: \$

(ii) Personal property: \$

(iii) Pensions: \$

(iv) Wages: \$

(v) Public assistance benefits: \$

(vi) Other: \$

Subtotal of (C): \$

(D) **Total** of (A), (B), and (C): \$

(5)  The conservatee has the following other ties to California *(for example, voter registration, driver's license, tax filing)*:

Continued on Attachment 5c(5). *(Use a blank sheet of paper or form MC-025.)*



CONSERVATORSHIP OF <i>(name):</i>  <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:
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6. I request that the court:

a. Accept transfer of this proceeding and recognize the transferring state's conservatorship order.

b. (1)  Appoint me as conservator of the  person  estate under California law for the person named in 1, or

(2)  Appoint *(name):*  
*(mailing address):*

*(telephone number):*

*(email):*

*(relationship to conservatee):*

, who is eligible for appointment under California law,  
as conservator of the  person  estate for the person named in 1.

c. Issue the attached *Order Appointing Probate Conservator* (form GC-340).

(1)  The attached order does not modify the powers granted to the conservator or any other material terms in the transferring state's conservatorship order.

(2)  The attached order modifies the powers granted to the conservator or other material terms in the transferring state's conservatorship order to conform to California law as follows:

(A) Powers modified:

(B) Duties modified:

(C) Bond modified:

(D) Other information needed:

Additional modifications are included on Attachment 6c(2). *(Attach a blank sheet of paper or form MC-025.)*

d. Issue *Letters of Conservatorship* (form GC-350) upon the appointee's qualification.

7.  A *Petition for Appointment of Temporary Conservator* (form GC-111) is filed with this petition.

8.  The conservatee  has  has not been diagnosed with a major neurocognitive disorder (major NCD, such as dementia).

a.  A completed *Petition for Exclusive Authority to Give Consent for Medical Treatment* (form GC-380), with *Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder* (form GC-313), is filed with this petition.

b.  I intend to petition the court for major NCD/dementia powers under section 2356.5 of the Probate Code as soon as the court issues a final order accepting transfer of this conservatorship.

I declare under penalty of perjury under the laws of the State of California that the information stated on this form and any attachments is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
\_\_\_\_\_  
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): STATE BAR NUMBER: STATE:                      ZIP CODE: FAX NO.:	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE    OF (name):  <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:
<b>FINAL ORDER ACCEPTING TRANSFER</b> <b>(California Conservatorship Jurisdiction Act)</b>	

1. The court held a hearing to review the conservatorship and determine its conformity to California law on (date):
2. The court has read and considered the report of the review investigation conducted under Probate Code section 1851.1, which was filed on (date):                      Based on the information in the report and all other evidence admitted at the hearing,

**THE COURT FINDS THAT:**

3.  Notice of the hearing was given as required by law.
4. The conservatee  attended  was excused under Probate Code section 1825 and did not attend the hearing.
5. **An Order Appointing Probate Conservator (form GC-340) is also being filed. The powers granted to the conservator or other material terms in the original conservatorship order  were  were not modified to conform to California law.**
6.  The conservatee does not wish to petition for termination of the conservatorship.
7.  The conservatee does not object to the appointment of the person identified below as conservator in California.
8.  The conservatee was informed of **their** rights to attend the hearing and to be represented by legal counsel of **their** choice or, if desired, by counsel appointed by the court.
9.  The conservatorship is still the least restrictive alternative necessary to protect the conservatee's interests.
10.  Other (specify):  
 Additional findings are set forth on Attachment 5c(1).
11. The court has received a final order issued by a court of record in (state\*):                      confirming the transfer of the conservatorship to California.

**THE COURT ORDERS THAT:**

12. The transfer of the conservatorship proceeding to California is accepted.
13. Name:  
 Address:  
 Telephone number:                      Email address:  
 is appointed conservator of the  person  estate for (name):  
 under California law as specified in the accompanying **Order Appointing Probate Conservator (form GC-340).**  
 The clerk is ordered to issue *Letters of Conservatorship* (form GC-350) when the appointee has qualified under section 2002(i)(2).

Date: \_\_\_\_\_

\_\_\_\_\_  
(JUDICIAL OFFICER)

**\*Under the CCJA, "state" includes a federally recognized Indian tribe and a district, territory, or possession described in Probate Code section 1982(m). Page 1 of 1**