

**Probate and Mental Health Advisory Committee**

**Amended Annual Agenda—2016**

**Approved by RUPRO: January 29, 2016**

**I. ADVISORY BODY INFORMATION**

<b>Chair:</b>	Hon. John H. Sugiyama
<b>Staff:</b>	Douglas C. Miller, Senior Attorney, Judicial Council Legal Services Office
<p><b>Advisory Body's Charge:</b> <i>California Rules of Court, Rule 10.44:</i> <b>Probate and Mental Health Advisory Committee</b></p> <p><b>(a) Area of focus</b> The committee makes recommendations to the council for improving the administration of justice in proceedings involving:</p> <ul style="list-style-type: none"><li>(1)Decedents' estates, trusts, conservatorships, guardianships, and other probate matters; and</li><li>(2)Mental health and developmental disabilities issues.</li></ul> <p><b>(b) Additional duty</b> The committee must coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.</p>	

**Advisory Body’s Membership:** There are currently 16 members of the committee, allocated in the following membership categories:

- (1) Judicial officer with experience in probate: **4 members**
- (2) Lawyer whose primary practice involves decedents' estates, trusts, guardianships, conservatorships, or elder abuse law; **4 members**
- (3) Lawyer or examiner who works for the court on probate or mental health matters: **4 members**
- (4) Investigator who works for the court to investigate probate guardianships or conservatorships; **1 member**
- (5) Person knowledgeable in mental health or developmental disability law: **1 member\***
- (6) Person knowledgeable in private management of probate matters in a fiduciary capacity: **1 member**
- (7) County counsel, public guardian, or other similar public officer familiar with guardianship and conservatorship issues: **1 member**

\*The “person knowledgeable in mental health . . . law” is Hon. James N. Bianco, a new member, who is the Presiding Judge of his court’s three-courtroom mental health department. A second member also qualified under this category is Hon. Maria E. Stratton, one of the members listed as qualified under the first membership category. Her prior assignment, before moving to her court’s probate department and thereafter becoming its managing judge, was Assistant Presiding Judge of the mental health department now managed by Judge Bianco.

**Subgroups/Working Groups:** *[List the names of each subgroup/working group, including groups made up exclusively of advisory body members and joint groups with other advisory bodies, and provide additional information about the subgroups/working groups in Section IV below. To request approval for the creation of a new subgroup/working group, include “new” before the name of the proposed subgroup/working group and describe its purpose and membership in section IV below.<sup>1</sup>]*

*Subgroup or working group name:* Legislation Subcommittee

A new subcommittee created last year, the Special Immigrant Juvenile Status (SIJS) Working Group, has completed its work.

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<sup>1</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

**Advisory Body's Key Objectives for 2016:**

*[An objective is a strategic aim, purpose, or "end of action" to be achieved. Enter as bullet points the advisory body's objectives for the coming year.]*

1. Completion and publication of the Third Edition of the Judicial Council's *Handbook for Conservators*.
2. Improvement in practice, access to the courts, court supervision of fiduciaries, and protection of vulnerable persons in court proceedings under the Probate Code.
3. Completion of implementation of the responses to legislative direction in 2014's Senate Bill 873 and 2015's Assembly Bill 900, concerning at-risk immigrant children and young adults in California court proceedings affecting them.
4. Further implementation of the California Conservatorship Jurisdiction Act beyond adoption of the Judicial Council forms specifically mandated by that legislation.
5. Provision of greater efficiencies and cost savings in court management of probate proceedings.

## II. ADVISORY BODY PROJECTS

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Complete Third Edition of the Judicial Council’s <i>Handbook for Conservators</i> , to reflect substantial changes in conservatorship law and practice since the Second Edition was published in 2002; present proposed publication to the Judicial Council for approval; post the approved publication online and make publication available to courts for production of paper copies, as needed for distribution to newly appointed conservators.	1	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal I, Policy 2; Goal IV, Policy 3; Operational Plan, Goal I, Objective 2b; Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i> This project is required by statute, Probate Code sections 1835(a), (c) and (e), which require the Judicial Council to develop and make available to individual courts, and courts to provide to newly-appointed private conservators, an “information package” concerning a conservator’s rights, duties, limitations, and responsibilities under the Guardianship-Conservatorship Law. Since 1992, the information package has taken the form of the <i>Handbook for Conservators</i>.</p> <p><i>Resources:</i> JCSS, Copyediting and advice on changes in format from print to</p>	August 2016 Judicial Council meeting for approval of revised product. Distribution to courts and placement on website by October 1, 2016.	Distribution and publication of electronic version of the <i>Handbook for Conservators</i> for newly appointed conservators and others.

<sup>2</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>3</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

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			<p>electronic publication and distribution in the absence of a print publication budget.</p> <p>Key Objective Supported: 1</p>		
2.	<p>Implement, in probate guardianship proceedings, the directives contained in SB 873 (Stats. 2014, ch. 685) § 1, which added Chapter 7 to Title 1 of Part 1 of the Code of Civil Procedure, commencing with section 155, concerning findings in state court proceedings involving qualified minors that would support their applications for favored immigration status as Special Immigrant Juveniles (SIJS).</p>	1(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal IV, Policy 3; Operational Plan, Goal IV, Objectives 1d and 1f.</p> <p><i>Origin of Project:</i> Project is a response to the 2014 addition of section 155 to the Code of Civil Procedure. Where possible, implementation will be in cooperation and collaboration with similar efforts by the Family and Juvenile Law Advisory Committee; the Center for Families, Children, and the Courts; and the Center for Judiciary Education and Research.</p> <p><i>Resources:</i> Family and Juvenile Law Advisory Committee; Center for Families, Children, and the Courts; and Center for Judiciary Education and Research</p> <p><i>Key Objective Supported:</i> 3.</p>	<p>This is an ongoing project. It has to some extent merged into the next item, a response to additional SIJS legislation, AB 900 (Stats. 2015, ch. 694), which created a new type of guardianship for persons aged 18 to 21 years to facilitate their applications for SIJS findings.</p>	<p>Rules of court and Judicial Council forms to assist persons seeking findings that would support Special Immigrant Juvenile Status in federal immigration proceedings.</p>

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3.	Develop rules of court and Judicial Council forms as necessary to implement the provisions of AB 900 (Stats. 2015, ch. 694), which creates a new type of guardianship of the person for persons 18 to 21 years of age “in connection with a petition to make the necessary findings regarding special immigrant juvenile status pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure.”	1(b)	<p><i>Judicial Council Direction:</i> Strategic Plan Goal IV, Policy 3; Operational Plan, Goal IV, Objectives 1d and 1f.</p> <p><i>Origin of Project:</i> Probate Code section 1510.1(e), added by section 3 of AB 900</p> <p><i>Resources:</i> Family and Juvenile Law Advisory Committee, CFCC</p> <p><i>Key Objective Supported:</i>3</p>	July 1, 2016, effective date of new rule of court and new or revised forms to enable an application for and an order establishing an adult guardianship or extending a regular guardianship beyond the ward’s 18th birthday.	A rule of court and forms of a petition for appointment of a guardian or extension of a regular guardianship beyond the ward’s 18th birthday, an order, and Letters of Guardianship for the adult guardianship.
4.	Consider Mental Health Issues Implementation Task Force Referrals: Review and consider recommendations referred by the Judicial Council following the task force’s final report to the council. Recommend appropriate action within the committee’s purview (Recommendations 24–26 of the 2015 draft of the final report).	1	<p><i>Judicial Council Direction:</i> As referred by the Judicial Council and Strategic Plan, Goal III, Policy 6 Operational Plan, Goal III, Objective B5a</p> <p><i>Origin of Project:</i> The Judicial Council’s Task Forces for Criminal Justice Collaboration on Mental Health Issues and Mental Health Issues Implementation.</p> <p><i>Resources:</i> Center for Families, Children and the Courts (CFCC), Criminal Services Office</p> <p><i>Key Objective Supported:</i> 2 and 5</p>	Ongoing. This project was postponed during 2015 because the task force’s existence was extended and its final report changed to a date in 2016.	Greater coordination of criminal and mental health conservatorship proceedings; legislation to permit joinder of county conservatorship investigator, public guardian or conservator, and private mental health conservators in criminal cases involving (proposed) mental health conservatees; and legislation to permit judicial officers in

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					<p>criminal cases involving mentally ill criminal defendants to order conservatorship evaluations and filing of mental health conservatorship proceedings.</p>
5.	<p>Review and consider recommendations for changes in law, practice, and procedures in limited conservatorships for the developmentally disabled.</p>	2	<p><i>Judicial Council Direction:</i>  CRC, rule 10.44(a)(1)  Strategic Plan, Goal I, Policy 10;  Goal IV, Policy 3;  Operational Plan, Goal I, Objective 3;  Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i>  This project arose out of a 2014 request from the Abuse &amp; Disability Project of the Spectrum Institute for creation of a limited conservatorship task force modeled after the 2006 Chief Justice’s Probate Conservatorship Task Force. The committee conducted a public portion of its November 2014 meeting to consider the request. The committee does not support creation of a task force, but the issues raised by the Spectrum Institute concerning training of appointed counsel for (proposed) limited conservatees and routine deprivation of voting rights of</p>	Ongoing.	<p>Possible changes in legislation, rules of court, Judicial Council forms, and training of judicial officers, court staff, and court-appointed counsel in limited conservatorship cases.</p>

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			<p>these conservatees by courts, coupled with 2014 and 2015 changes in the law concerning those rights and their role in conservatorship cases (AB 1311 (Stats. 2014, ch. 591), §§ 1, 2, and 4–8; and SB 589 (Stats. 2015, ch. 736), §§ 6.5, 7.5, 8, 9, and 10).</p> <p><i>Resources:</i> Office of Governmental Affairs, Access and Fairness Advisory Committee; CFCC</p> <p><i>Key Objective Supported: 3.</i></p>		
6.	<p>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.</p>	2(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal I, Policy 10; Goal IV, Policy 3; Operational Plan, Goal I, Objective 3; Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i> Spectrum Institute</p> <p><i>Resources:</i> Center for Judiciary Education and Research</p> <p><i>Key Objective Supported: 3</i></p>	<p>This is a two-year project, concluding with effective date of rules of court and Standards of Judicial Administration, if any are proposed, effective January 1, 2018.</p>	<p>If committee determines that they are appropriate, adoption of one or more rules of court and/or Standards of Judicial Administration.</p>



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7.	Proposals for Judicial Council forms in addition to those specifically mandated by the California Conservatorship Jurisdiction Act (Chapter 8 of Part 3 of Division 4 of the Probate Code, commencing with section 1980), added by SB 940 (Stats. 2014, ch. 553), and possible rules of court to complete implementation of the Act.	1(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2 Operational Plan, Goal III, Objective 5.</p> <p><i>Origin of Project:</i> California Conservatorship Jurisdiction Act, SB 940 (Stats. 2014, ch. 553)</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 4</i></p>	This is a two year project, ending with additional forms effective in January 2017 and possibly others in January 2018.	The end product in 2017 is expected to be forms for transfers of conservatorship cases into or out of this state.
8.	Rules Modernization Project – Phase 2 (with ITAC): Statutory amendments to authorize e-notice (revision of Probate Code mail service provisions to permit consensual e-service);	1	<p><i>Judicial Council Direction:</i> Goal III, Policy B1 Operational Plan, Goal III, Objective 5a</p> <p><i>Origin of Project:</i> Court Technology Advisory Committee</p> <p><i>Resources:</i> Court Technology Advisory Committee, Information Technology Advisory Committee</p> <p><i>Key Objective Supported: 5</i></p>	Ongoing. This project extends item no. 13 of the committee’s 2015 Annual Agenda from rules of court to service provisions of the Probate Code, following council adoption this year of rule 7.802, which will apply civil litigation rules concerning e-service to contested matters under the Probate Code.	The provisions of the Probate Code prescribing service by mail on interested parties in probate matters will be proposed for modification to permit e-service to consenting recipients in the 2017 Legislature. If successful, the changed provisions would be effective on January 1, 2018.

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9.	Proposal to address possible conflict in court records retention statutes affecting retention of original Wills and codicils, a joint project with CEAC.	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy A2; Operational Plan, Goal III, Objective 2b.</p> <p><i>Origin of Project:</i> Court Executives Advisory Committee</p> <p><i>Resources:</i> Court Executives Advisory Committee JCC, Office of Governmental Affairs JCC, Legal Services Office, Legal Opinions Unit</p> <p><i>Key Objective Supported: 5</i></p>	The proposal is for legislation in the 2017 Legislature that would become effective on January 1, 2018.	Clarification of the law to specify which original Wills and codicils held by courts may be stored electronically and which must be stored in their original form.
10	Proposal for legislation to authorize automatic appointment of counsel for (proposed) conservatees in limited conservatorship cases	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal I, Policy 5; Operational Plan, Goal I, Objective 4b.</p> <p><i>Origin of Project:</i> Committee Chair</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2, 5</i></p>	Effective date of legislation introduced in 2017 Legislature would be January 1, 2018.	Legislation requiring appointment of counsel for proposed conservatee in a limited conservatorship case whether or not counsel has been requested by petitioner for the appointment of a conservator.
11	Proposal for revision of the <i>Capacity Declaration—Conservatorship</i> (form GC-335)	2(a)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal IV, Policy 3; Operational Plan, Goal IV, Objective 1f.</p> <p><i>Origin of Project:</i> Committee Chair</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2, 5</i></p>	This would be a multi-year project, with 2016 devoted to consultation with medical experts and analysis of whether legislation would be required.	Substantially modified Capacity Declaration for use in conservatorship cases.

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12	Proposal for legislation and rules of court and forms for simplified guardianship accountings in which all funds are held in blocked account.	2, 2(b)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Judge of the Superior Court, County of San Bernardino</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2, 5</i></p>	This would be a two-year project, with 2016 to be devoted to a preliminary review to determine if the proposal should be pursued in the 2017 committee year.	Streamlined and simplified procedure and forms for use in appropriate guardianship accountings.
13	Proposal for development of a form petition for the establishment of a special needs trust and/or a model trust or checklist for petitions to establish this kind of trust.	2(a)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Judge of the Superior Court of San Bernardino County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported:</i></p>	This would be a two-year project, with 2016 to be devoted to a preliminary review to determine if the proposal should be pursued in the 2017 committee year.	Forms for establishing special needs trusts under court supervision.
14	Proposal for legislation to dispense with filing fees for petitions to establish a guardianship of the person only, and for petitions filed by appointed guardians in these cases.	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B1; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Probate Attorney, Superior Court of San Joaquin County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2, 5</i></p>	This proposal would be a 2016 item, which would become effective, if legislation is successful, on January 1, 2018.	Elimination of filing fees for guardians of the person and petitioners for their appointment would eliminate the complex new fee waiver process in these matters, with little loss of revenue,

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					because virtually all guardianships of the person qualify for fee waivers under the 2014 law and the forms adopted effective in September of 2015.
15	Proposal for general review and possible modification of the forms used for guardianship appointments.	2(a)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B1; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Probate Attorney, Superior Court of San Joaquin County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2, 5</i></p>	This project would be a two-year project, with the analysis to take place in 2016 and the revisions, if any are decided upon, to go forward in 2017, effective January 1, 2018.	Revised guardianship petitions.
16	Proposal to modify <i>Petition for Probate</i> (form DE-111) to state: whether the decedent was a citizen of a foreign country; whether the will offered for probate is lost; and whether the appointment is sought as a successor personal representative.	2(a)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Managing Probate Attorney, Superior Court of Riverside County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2</i></p>	The project would be considered, and if supported by the committee, completed, in 2016, with an effective date of January 1, 2017.	A revised <i>Petition for Probate</i> .

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17	Proposal to study development of expedited trials and other court procedures for self-represented litigants in probate matters.	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal IV, Policy 3; Operational Plan, Goal IV, Objectives 1b and f.</p> <p><i>Origin of Project:</i> Comments on Survey of Self Represented Litigants Subcommittee</p> <p><i>Resources:</i> CFCC</p> <p><i>Key Objective Supported:</i></p>	Ongoing.	Uncertain at this time.
18	Proposal for creation of a form for court confirmation of a trustee's sale of real property.	2(a)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Los Angeles Attorney Danielle E. Miller</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 5</i></p>	This would be a current project, with an effective date of January 1, 2017.	A new form for use by trustees on sale of real property subject to court confirmation.
19	Proposal to revise <i>Petition to Determine Succession to Real Property</i> (form DE-310) to require a statement of the character of the property as community, separate, or quasi-community	2(a)	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Senior Staff Research Attorney, Superior Court of Solano County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 5</i></p>	Effective date of revised petition, January 1, 2017.	Revised form.

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20	Proposal for legislation to amend Probate Code to permit funeral expenses of a decedent to be treated as administration expenses and thus payable without creditors' claims in his or her estate.	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Managing Probate Attorney, Superior Court of Riverside County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2, 5</i></p>	Effective date of legislation, January 1, 2018	Smoother estate administration that would permit estates to reimburse funeral expenses paid at or before commencement of administration by the decedent's family members.
21	Proposal to amend Probate Code section 10953 to permit awards to Public Administrators for services they render under Probate Code section 7600, et seq. because of estate personal representative's failure to account even if the Public Administrator is not appointed successor administrator.	2	<p><i>Judicial Council Direction:</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project:</i> Managing Probate Attorney, Superior Court of Riverside County</p> <p><i>Resources:</i></p> <p><i>Key Objective Supported: 2</i></p>	Effective date of legislation, January 1, 2018	Changed law would permit Public Administrators to be compensated for services rendered in this distressed estate circumstance without requiring them to petition for appointment as successor administrator.
22	Review and analyze pending legislation affecting practice and procedure in proceedings under the Probate Code and in mental health law to assist the Judicial Council in developing positions concerning the legislation.	1	<p><i>Judicial Council Direction:</i> CRC, rule 10.44(a)</p> <p><i>Origin of Project:</i> This project has been a core committee function since creation of the permanent committee in 2000.</p>	Ongoing	Development of recommendations to the Judicial Council's Policy Coordination and Liaison Committee for council positions on the legislation

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			<p><i>Resources:</i> Office of Governmental Affairs</p> <p><i>Key Objective Supported:</i> 2 and 5.</p>		
23	Review and analyze reported appellate court decisions in proceedings under the Probate Code and in civil mental health matters during the current year and make recommendations for legislative changes and changes in practice and procedure made necessary or advisable by these decisions.	1	<p><i>Judicial Council Direction:</i> CRC, rule 10.44(a)</p> <p><i>Origin of Project:</i> This project has been a core committee function since the committee was made a permanent advisory committee in 2000.</p> <p><i>Key Objective Supported:</i> 2 and 5.</p>	Ongoing	Recommendations for legislation or changes in court rules and forms in response to appellate court decisions.
24	Develop and propose adoption of a form for the conservator to use to give notice of the conservatee's death to persons interested in the conservatorship.	1(b)	<p><i>Judicial Council Direction</i> Strategic Plan, Goal III, Policy B2; Operational Plan, Goal III, Objective 5a.</p> <p><i>Origin of Project</i> The proposed form is needed because of legislation that added Section 2361 to the Probate Code (Assembly Bill 1085 (Stats. 2015, ch. 92), § 3). The new provision requires the conservator to give notice of the conservatee's death to the persons listed in Probate Code section 1460 and file proof of service with the court.</p>	January 1 2017, the effective date of the new form to be presented to the Judicial Council for adoption in October, 2016.	A new mandatory form <i>Notice of the Conservatee's Death.</i>





### III. STATUS OF 2015 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1	Complete Third Edition of the Judicial Council's <i>Handbook for Conservators</i> .	A draft of the Third Edition has been completed, approved by the advisory committee, and sent to JCC's Editing and Graphics Unit for technical assistance and copyediting. The final draft is scheduled for presentation to the committee for approval in March, 2016, and to the Judicial Council for its approval in August, 2016, with posting of the publication on the Internet and distribution to the courts by October 1, 2016.
2	Review the management, scheduling, and disposition of probate proceedings in small courts and make recommendations for improvements to the Trial Court Presiding Judges and Court Executives Advisory Committees.	This project has been dropped for now. Initial inquiry of all small courts' probate staff or departments elicited no special concerns or problems and no requests for responses from the council on these matters. The committee has not had the time and resources in the last few years to complete a detailed review in the absence of any apparent need for changes.
3	Evaluate and report to the Trial Court Presiding Judges Advisory Committee and to the Judicial Council on the impact on small courts of rules 7.1101, 10.478, and 10.777, adopted effective January 1, 2008.	See response to item 2. No complaints have been received from small courts concerning the application of these rules, independently or in response to the initial inquiry mentioned above.
4	Proposal for adoption of a new rule of court and new or revised Judicial Council forms to implement recent statutory provisions and civil rules of court concerning court fee waivers in the unique circumstances of decedents' estates, conservatorships, and guardianships.	This project has been completed, with the adoption, effective September 1, 2015, of rule 7.5, governing fee waivers in decedent estates, guardianships, and conservatorships; and 11 new and two revised fee waiver forms for use in guardianship and conservatorship cases and in civil cases by these fiduciaries.
5	Develop and propose revision of one Judicial Council form and adoption of three new forms necessary to implement provisions of the California Conservatorship Jurisdiction Act (Chapter 8 of Part 3 of Division 4 of the Probate Code, commencing with section 1980), added by SB 940 (Stats. 2014, ch. 553), § 20.	This project has been completed, with the revision, effective January 1, 2016, of the <i>Petition for Appointment of Probate Conservator</i> (form GC-310), and the adoption of three new forms for registration of foreign conservatorships in this state, forms GC-360, GC-361, and GC-362, also effective on January 1, 2016.

6	Development of legislation and a new rule of court to clarify the use of statements of decision in probate proceedings.	A proposal concerning statements of decision in probate matters was developed by the committee and circulated for comment in the spring 2015 comment cycle. In response to strong opposition in comments received, the committee decided to abandon the project for now. The topic may be revived if there is a proposal by others to modify current legislation and the applicable rule of court in civil litigation and extend its application to probate and family law matters.
7	Implement, in probate guardianship proceedings, the directives contained in SB 873 (Stats. 2014, ch. 685) § 1, concerning immigrant minors in California.	Completed efforts in 2015 include council adoption, effective January 1, 2016, of a committee-sponsored rule 7.1020 of the California Rules of Court, concerning Special Immigrant Juvenile Status petitions in probate guardianship cases; adoption of a committee proposal for a form for that petition (form GC-220); adoption of an order making SIJS findings, designed for use in family law custody matters, juvenile court, and probate guardianship cases (form FL-357/ GC-224/JV-357); and revocation of existing form orders (JV-224 and GC-224), replaced by the joint form order.
8	Consider Mental Health Issues Implementation Task Force Referrals: Review and consider recommendations referred by the Judicial Council following the task force's final report to the council. Recommend appropriate action within the committee's purview (Recommendations 24–26)	This matter was postponed because the Task Force's life was extended into next year. Its final report is expected in the spring of 2016.
9	Review and consider recommendations for changes in law, practice, and procedures in limited conservatorships for the developmentally disabled.	This item has borne immediate fruit this year because of the passage of SB 589 (Stats. 2015, ch. 736). This legislation changed the standard for termination of a conservatee's voting rights. The old standard was expressed in four Judicial Council forms. The committee has revised these forms to eliminate the standard entirely in one of them and state the new standard in the other three. The committee will present the revised forms to the Judicial Council in December for a January 1, 2016 effective date, matching the effective date of the legislation, and will propose a public comment period to follow adoption.

10	Consider development of statewide optional or mandatory forms for use in civil mental health proceedings under the Lanterman-Petris-Short (LPS) Act, including mental health conservatorships.	No progress was made on this matter in 2015 because of the pressure of other business. It is unclear that statewide forms would be necessary or advisable in LPS proceedings, most of which are conducted by county mental health departments represented by county attorneys, with their own forms, and are defended by county public defenders or other experienced appointed counsel who have developed their own forms and procedures. This item is not proposed for renewal in 2016.
11	Review and analyze pending legislation affecting practice and procedure in proceedings under the Probate Code and in mental health law to assist the Judicial Council in developing positions concerning the legislation.	Work on this item is the prime responsibility of the committee's legislation Subcommittee, which met monthly throughout the 2015 legislative session and developed numerous recommendations concerning the legislation to the Judicial Council's Policy Coordination and Liaison Committee.
12	Review and analyze reported appellate court decisions in proceedings under the Probate Code and in civil mental health matters during the current year and make recommendations for legislative changes and changes in practice and procedure made necessary or advisable by these decisions.	New appellate decisions were not a significant factor affecting rules of court, forms, and established procedures in probate and mental health matters within the purview of this committee this year.
13	Modernize title 7 of the California Rules of Court to implement Judicial Council electronic-filing and electronic service program in superior court proceedings under the Probate Code.	A new rule of court, rule 7.802, concerning electronic service in contested probate matters, was drafted by the committee, and was adopted by the council effective January 1, 2016.
14	Court Records Sampling Project: Consider developing a proposal to repeal the court records sampling program under rule 10.855(f) to relieve courts from the burden of indefinitely retaining certain court records.	This committee did not work on this project this year.

#### IV. Subgroups/Working Groups - Detail

**Subgroups/Working Groups:** *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

*Subgroup or working group name:* Legislation Subcommittee

*Purpose of subgroup or working group:*

Review current legislation affecting the judicial branch and make recommendations to Judicial Council’s Policy Coordination and Liaison Committee for development of the Judicial Council positions on the legislation; provide technical assistance to make improvements in probate-related legislative proposals.

*Number of advisory body members on the subgroup or working group:* **5**

*Number and description of additional members (not on this advisory body):* **0**

*Date formed:*

At time of formation of permanent advisory committee (from the previous Probate and Mental Health Task Force) on July 1, 2000.

*Number of meetings or how often the subgroup or working group meets:*

Legislation Subcommittee meets monthly (by teleconference) when the California Legislature is in session.

*Ongoing or date work is expected to be completed:* Ongoing