

Probate and Mental Health Advisory Committee
Annual Agenda¹—2024
Approved by Rules Committee: October 26, 2023

I. COMMITTEE INFORMATION

Chair:	Hon. Jayne Chong-Soon Lee, Superior Court of San Joaquin County
Lead Staff:	Mr. Corby Sturges, Attorney, Center for Families, Children & the Courts
<p>Committee’s Charge/Membership: Rule 10.44(a) of the California Rules of Court states the charge of the Probate and Mental Health Advisory Committee, which is to make recommendations to the council for improving the administration of justice in proceedings involving decedents’ estates, trusts, conservatorships, guardianships, and other probate matters, as well as in proceedings involving mental health and developmental disability issues. Rule 10.44(b) also directs the committee to coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.</p> <p>Rule 10.44(c) sets forth the membership positions of the committee. The Probate and Mental Health Advisory Committee currently has 17 members. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²:</p> <ol style="list-style-type: none"> 1. Legislation Subcommittee 2. Conservatorship and Legal Capacity Subcommittee 3. Guardianship Subcommittee 4. Mental Health Subcommittee (<i>New</i>) – Develop recommendations focused on civil mental health proceedings. 	
<p>Meetings Planned for October 2023–September 2024³ (Advisory body and all subcommittees and working groups)</p> <p>Date/Time/Location or Teleconference:</p> <p style="padding-left: 20px;">Full committee, videoconferences on the 3rd Thursday of each month (more frequent as warranted by committee workload)</p> <p style="padding-left: 20px;">Full committee, in-person meeting February 9, 2024</p> <p style="padding-left: 20px;">Legislation Subcommittee, biweekly February–August 2024</p> <p style="padding-left: 20px;">Other subcommittees, as needed</p> <p><input type="checkbox"/> Check here if exception to policy is granted by Executive Office or rule of court.</p>	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² 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.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴
1.	<p data-bbox="180 204 806 237"><i>CARE Act rule amendments and form revisions</i></p> <p data-bbox="1619 204 1797 237"><i>Priority 1(a)⁵</i></p> <p data-bbox="1619 261 1938 293"><i>Strategic Plan Goal⁶ IV</i></p>
	<p data-bbox="180 326 1927 574">Project Summary: The committee will develop a recommendation for amendments to the rules and revisions to the forms implementing the Community Assistance, Recovery, and Empowerment (CARE) Act (Welf. & Inst. Code, §§ 5970–5987) to conform to the law as amended by Senate Bill 35 (Stats. 2023, ch. 283) and to facilitate the act’s implementation. Amendments are expected to address, among other issues, sharing private health information with the courts and specified agencies or providers and—to be developed in collaboration with the Family and Juvenile Law Advisory Committee—communication between a CARE Act court and a juvenile court when a person over the age of 18 who is subject to continuing juvenile court jurisdiction is also the subject of a CARE Act petition. The project is intended to assist litigants and courts in navigating the CARE Act process.</p> <p data-bbox="180 618 1381 651">Status/Timeline: Amended rules and revised forms expected to take effect September 1, 2024.</p> <p data-bbox="180 691 1850 756">Fiscal Impact/Resources: Committee staff. Ongoing significant but uncertain impact from legislation. Rule amendments and form revisions unlikely to increase impact on courts.</p> <p data-bbox="180 773 1902 837"><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="180 886 1094 919">Internal/External Stakeholders: Legal Services, Governmental Affairs</p> <p data-bbox="180 967 1031 1000">AC Collaboration: Family and Juvenile Law Advisory Committee</p>

⁴ 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.

⁵ 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 or accurately reflect the law; 1(b) Council or an internal committee has directed the committee to consider new or amended rules and forms; 1(c) Change is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(d) Proposal is 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 changes in law; 2(b) Responsive to identified concerns or problems; 2(c) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

#	New or One-Time Projects⁴	
2.	<i>Probate conservatorship care plan form</i>	<i>Priority 1(a)⁵</i> <i>Strategic Plan Goal⁶ IV</i>
<p><i>Project Summary:</i> The committee will develop a recommendation for revisions to form GC-355, <i>Determination of Conservatee’s Appropriate Level of Care</i>, to incorporate the requirements for a care plan in Probate Code sections 2351.2 (added by SB 280 [Stats. 2023, ch. 705, § 1]) and 2352.5 and to make technical and conforming changes.</p> <p><i>Status/Timeline:</i> Revised form expected to take effect January 1, 2025.</p> <p><i>Fiscal Impact/Resources:</i> Committee staff. Rule amendments and form revisions unlikely to have a significant impact on courts. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> Legal Services, Governmental Affairs</p> <p><i>AC Collaboration:</i> none</p>		
3.	<i>Probate conservatorship forms, including those used for petition, order, letters, and capacity evaluation</i>	<i>Priority 1(a)⁵</i> <i>Strategic Plan Goal⁶ IV</i>
<p><i>Project Summary:</i> Recent legislation, including Assembly Bill 1194 (Stats. 2021, ch. 417) and Assembly Bill 1663 (Stats. 2022, ch. 894), modified the probate conservatorship process to clarify the standards for appointment of a conservator, to increase court oversight of a conservator after appointment, to add to the information that the conservator and the court must provide to a conservatee, and to enact a framework for supported decisionmaking. As a result, many conservatorship forms are, either subtly or more clearly, out of date. The committee will develop a recommendation for revisions to multiple conservatorship forms to bring them into conformity with current law.</p> <p><i>Status/Timeline:</i> Revised forms expected to take effect January 1, 2025.</p> <p><i>Fiscal Impact/Resources:</i> Committee staff. Rule amendments and form revisions unlikely to have a significant impact on courts. <input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> Legal Services, Governmental Affairs</p>		

#	New or One-Time Projects⁴	
	<i>AC Collaboration:</i> none	
4.	<i>Forms for Special Immigrant Juvenile findings</i>	<i>Priority 1(a)⁵</i> <i>Strategic Plan Goal⁶ IV</i>
<p><i>Project Summary:</i> The committee will collaborate with the Family and Juvenile Law Advisory Committee to develop a recommendation for revisions to the forms used for requesting and making the findings required for a person under 21 to file a federal application for classification as a Special Immigrant Juvenile and the rules governing those requests and their disposition to conform to the requirements of Code of Civil Procedure section 155, as amended by AB 1650 (Stats. 2023, ch. 851).</p> <p><i>Status/Timeline:</i> Amended rules and revised forms expected to take effect January 1, 2025.</p> <p><i>Fiscal Impact/Resources:</i> Committee staff. Rule amendments and form revisions unlikely to have a significant impact on courts.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> none</p> <p><i>AC Collaboration:</i> Family and Juvenile Law Advisory Committee</p>		
5.	<i>Legal updates and technical revisions to the Judicial Council’s Handbook for Conservators</i>	<i>Priority 1⁵</i> <i>Strategic Plan Goal⁶ IV</i>
<p><i>Project Summary:</i> The committee will develop a recommendation for updates and technical revisions to the Judicial Council’s <i>Handbook for Conservators</i> to reflect recent changes to the law, simplify the language, and reorganize the <i>Handbook</i> to make it more user-friendly for conservators to use online. Probate Code section 1835 requires the council to develop an information package, to make that package available to the courts, and periodically to update the package when changes to the law warrant. (Prob. Code, § 1835(c), (e).) The courts may use the information package to fulfill their duty, under Probate Code section 1835(a)–(b), to provide conservators with specified information. The Judicial Council approved the first edition of the <i>Handbook</i> in 1991 to serve as the information package required by section 1835; it was published in 1992. The second edition was published in 2002. The Rules Committee approved work on the third edition of the <i>Handbook</i> in this committee’s 2015 and 2016 annual agendas. The council approved the third edition, effective October 28, 2016. Several recent statutes, notably AB 1194 (Stats. 2021, ch. 417), AB 1663 (Stats. 2022, ch. 894), and SB 280 (Stats. 2023, ch. 705) have made changes to the law that require updating the <i>Handbook</i> again.</p>		

#	New or One-Time Projects⁴	
	<p>Status/Timeline: Revised edition expected to be published by July 1, 2024.</p> <p>Fiscal Impact/Resources: Committee staff, EGG. Revisions unlikely to have a significant impact on courts.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: none</p> <p>AC Collaboration: none</p>	
6.	<p>Report to the Legislature on court effectiveness in conservatorship cases</p>	<p>Priority 1⁵</p> <p>Strategic Plan Goal⁶ IV</p>
	<p>Project Summary: Probate Code section 1458 (added by Assembly Bill 1194; Stats. 2021, ch. 417, § 4) requires the Judicial Council to “report to the Legislature the findings of a study measuring court effectiveness in conservatorship cases, including the effectiveness of protecting the legal rights and best interests of a conservatee.” The statute requires the report to include specific caseload statistics and to recommend “statewide performance measures to be collected, best practices to protect the legal rights of conservatees, and staffing needs to meet case processing requirements.” Council staff will develop the study, then contract with a consultant who will collect the required data, analyze the data, and draft the report. The committee will advise staff on the recommendations to be included in the report, review the final report, and recommend council approval and submission to the Legislature.</p> <p>Status/Timeline: Ongoing; report to the Legislature due January 1, 2026.</p> <p>Fiscal Impact/Resources: Committee staff, CFCC Mental Health Unit staff. Legislature has appropriated \$1.25 million to engage a consultant for the project. The impact on the courts will depend on the Legislature’s response to the report.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Governmental Affairs</p> <p>AC Collaboration: none</p>	

#	Ongoing Projects and Activities ⁴	
1.	<i>Review pending legislation</i>	<i>Priority 1⁵</i>
		<i>Strategic Plan Goal⁶ IV</i>
<p>Project Summary: Review pending legislation affecting judicial administration, practice, or procedure in proceedings under the Probate Code, the Lanterman-Petris-Short Act, and other statutes protecting persons with mental health disorders or developmental disabilities; provide technical assistance to Governmental Affairs office, legislative staff, sponsors, and stakeholders, as appropriate; and recommend positions to the council’s Legislation Committee, as required by rule 10.34(a)(3).</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Governmental Affairs, Legal Services, CFCC</p> <p>AC Collaboration: TBD depending on subject of legislation. In the past, the committee has collaborated with the Civil and Small Claims Advisory Committee, the Collaborative Justice Courts Advisory Committee, the Criminal Law Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Tribal Court–State Court Forum.</p>		
2.	<i>Review enacted legislation</i>	<i>Priority 1⁵</i>
		<i>Strategic Plan Goal⁶ IV</i>
<p>Project Summary: Review all enacted legislation referred to the committee by the Judicial Council’s Governmental Affairs staff to determine whether it raises issues within the advisory committee’s purview and, when appropriate, develop recommendations for amendment to the rules of court or revisions to Judicial Council forms to implement the legislation or to bring rules and forms into conformity with it.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p>		

#	Ongoing Projects and Activities⁴	
	<p>Internal/External Stakeholders: Governmental Affairs, Legal Services, CFCC</p> <p>AC Collaboration: TBD</p>	
3.	Review and recommend changes to the rules and forms used in the probate conservatorship process	Priority 2⁵
		Strategic Plan Goal⁶ IV
	<p>Project Summary: In addition to one-time projects 2 and 3, proposed above, the Conservatorship and Legal Capacity Subcommittee will continue to examine the Judicial Council rules and forms adopted for use in probate conservatorship proceedings to identify amendments and revisions needed to improve notice and an opportunity to be heard for a proposed conservator; to promote provision of more detailed, relevant information to the court by petitioners, objectors, interested persons, and court-connected professionals, and to promote judicial consideration whether to grant specific requested powers to an appointed conservator.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: Legal Services, Governmental Affairs; consultants. Any proposal for new or amended rules of court or new or revised forms would circulate for public comment.</p> <p>AC Collaboration: TBD</p>	
4.	Review and recommend changes to the rules and forms used in the probate guardianship process	Priority 2⁵
		Strategic Plan Goal⁶ IV
	<p>Project Summary: The Guardianship Subcommittee will continue to examine the Judicial Council rules and forms adopted for use in guardianship proceedings to identify amendments and revisions needed to provide notice and an opportunity to be heard to parents whose children are the subject of a guardianship petition, to implement changes to California law, and to simplify the probate guardianship process.</p> <p>Status/Timeline: Ongoing</p>	

#	Ongoing Projects and Activities⁴	
	<p>Fiscal Impact/Resources: TBD</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Governmental Affairs, Legal Services, Language Access Program staff; Superior Court Self-Help Centers, translation services, plain language consultation. Any proposal for new or revised forms would circulate for public comment.</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee</p>	
5.	Promote gender neutrality in forms	<p>Priority 1(b)⁵</p> <p>Strategic Plan Goal⁶ I, IV</p>
	<p>Project Summary: As forms are revised for independent reasons, continue to review and, when possible, replace gendered terms or gender identity questions to conform to legislation providing for gender neutrality and nonbinary gender identity.</p> <p>Status/Timeline: Ongoing. Any proposal for revised forms would circulate for public comment.</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services staff. Any proposal for new or amended rules of court or new or revised forms would circulate for public comment.</p> <p>AC Collaboration: N/A</p>	
6.	Review suggestions	<p>Priority 1⁵</p> <p>Strategic Plan Goal⁶ IV</p>
	<p>Project Summary: As mandated by rule 10.21(c), review suggestions referred by the Chief Counsel from members of the judicial branch and the public for improving judicial administration, practice, and procedure in decedents’ estate, trust, guardianship, conservatorship, and</p>	

#	Ongoing Projects and Activities⁴	
	<p>other proceedings under the Probate Code, as well as civil mental health proceedings under the Lanterman-Petris-Short Act and the CARE Act, and recommend action by the council or one of its committees.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: N/A</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: TBD</p> <p>AC Collaboration: TBD</p>	
7.	Monitor developments in California guardianship law related to immigrant children	<p>Priority 2⁵</p> <p>Strategic Plan Goals⁶ IV</p>
	<p>Project Summary: In addition to one-time project 4, proposed above, continue to monitor the implementation, in probate guardianship proceedings, of section 155 of the Code of Civil Procedure (added by Stats. 2014, ch. 685, § 1), section 1510.1 of the Probate Code (added by Stats. 2015, ch. 694), and other statutes concerning state judicial findings to support (proposed) wards’ federal petitions for Special Immigrant Juvenile classification. If necessary, recommend amended rules of court or revised forms.</p> <p>Status/Timeline: Ongoing. Any proposal for new or amended rules of court or new or revised forms would circulate for public comment.</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Legal Services staff. Any proposal for new or amended rules of court of new or revised forms would circulate for public comment.</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee</p>	
8.	Provide subject-matter expertise	Priority 1⁵

#	Ongoing Projects and Activities ⁴	
		<i>Strategic Plan Goals⁶ IV</i>
	<p>Project Summary: Serve as subject-matter resource for the Judicial Council, its internal committees, other advisory bodies, and Judicial Council staff to support legal work, avoid duplication of efforts, and contribute to the development of recommendations for council action. These efforts may include providing probate and mental health procedural expertise and review to working groups, advisory committees, subcommittees, and Judicial Council staff, as needed.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: Committee staff</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Judicial Council, internal committees, advisory bodies, Judicial Council staff</p> <p>AC Collaboration: TBD</p>	

III. LIST OF 2023 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Developed a recommendation for adoption or approval, effective September 1, 2023, of 11 rules of court and 13 Judicial Council forms to implement the Community Assistance, Recovery, and Empowerment (CARE) Act (SB 1338; Stats. 2022, ch. 319).
2.	Developed a recommendation to amend 3 rules of court and revise form GC-312, <i>Confidential Supplemental Information</i> , effective January 1, 2024, to implement statutory requirements related to less restrictive alternatives to probate conservatorship enacted by AB 1663 (Stats. 2022, ch. 894).
3.	Collaborated with the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee to develop a recommendation, effective January 1, 2024, for revisions to 5 forms used for appointment of guardians ad litem in civil actions and proceedings as well as proceedings under the Family Code and Probate Code to conform to statutory amendments enacted by SB 1279 (Stats. 2022, ch. 843).
4.	Collaborated with the Criminal Law Advisory Committee to develop a recommendation for adoption, effective January 1, 2024, of a rule of court and 2 forms to implement requirements in Elections Code section 2211.5 (added by AB 2841; Stats. 2022, ch. 807, § 11) relating to court notification of the Secretary of State of specified judicial determinations regarding a person’s capacity to vote.
5.	Developed a recommendation to amend California Rules of Court Appendix E, <i>Guidelines for Determining Financial Eligibility for County Payment of the Cost of Counsel Appointed by the Court in Proceedings Under the Guardianship-Conservatorship Law</i> , effective January 1, 2024, to update the standards for determining a person’s presumptive eligibility for county payment of the cost of counsel appointed in probate guardianship and conservatorship proceedings to conform to changes to the standards in Government Code section 68632(a)–(b) for determining a person’s eligibility for a waiver of court fees enacted by AB 199 (Stats. 2022, ch. 57).
6.	Provided expert technical and drafting assistance for more than two dozen bills affecting the branch, including SB 35 (CARE Act cleanup), SB 133 (remote proceedings in civil protective matters), and SB 652 (scope of additional limits on expert testimony).