



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 29, 2010

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| Title | Agenda Item Type |
| Probate Conservatorships: Orders Appointing and Directing the Actions of Court Investigators | Action Required |
| Rules, Forms, Standards, or Statutes Affected | Effective Date |
| Adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve forms GC-331 and GC-332 | January 1, 2011 |
| Recommended by | Date of Report |
| Probate and Mental Health Advisory Committee | August 30, 2010 |
| Hon. Mitchell L. Beckloff, Chair | Contact |
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Executive Summary

The Probate and Mental Health Advisory Committee recommends revising the *Order Appointing Court Investigator* (form GC-330) and converting it to an optional form; moving some of its contents into two new optional forms, designated as forms GC-331 and GC-332; conforming the orders in the new and revised forms to recent changes in the law and adding an order for an investigation required by law that is absent from the current form; and adopting rule 7.1060 of the California Rules of Court. The new rule would authorize courts, by local rule, to either require the use of these forms and prescribe their preparation and filing, or direct that general orders, court-prepared orders, or local form orders be used instead.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2011:

1. Revise the *Order Appointing Court Investigator* (form GC-330) to satisfy the requirements of current law, remove orders for review investigations from the form, and convert it to an optional form;
2. Approve two new optional forms, *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331) and *Order Setting Biennial Review Investigation and Directing Status Report Before Review* (form GC-332), to contain the orders removed from form GC-330, modified to conform to current law, and to add an order directing an investigation required under some circumstances when the appointment of a successor conservator has been proposed; and
3. Adopt rule 7.1060 of the California Rules of Court, which would authorize courts to determine by local rule whether to use these forms and prescribe their preparation and filing.

Previous Council Action

The *Order Appointing Court Investigator* (form GC-330) was originally approved as an optional form in 1977.¹ The form was last revised in 1998 but was converted to a mandatory form in 1999, effective January 1, 2000, together with all other optional probate forms.²

Rationale for Recommendation

Form GC-330 is an all-purpose form order that is used by some courts to appoint and assign court investigators to specific cases, and to direct them to complete and report to the court on initial and review investigations in conservatorships under Probate Code sections 1826 and 1850–1851. The form also addresses specific investigations and reports required when conservators or persons seeking their appointment petition for exclusive medical consent authority and the (proposed) conservatee is unwilling or unable to attend the hearing on the petition (Prob. Code, § 1894), and when a temporary conservator proposes a change of the temporary conservatee’s residence (Prob. Code, § 2253).

Conservatorship reform legislation enacted in 2006 and additional legislation the following year³ made significant changes in the frequency and scope of investigations currently addressed in form GC-330. The contents and requirements for service of copies of reports of these investigations were also changed. In addition, the legislation introduced a new investigation and report that are required when a petition for appointment of a temporary conservator is filed.

¹ Optional and mandatory forms are defined in Cal. Rules of Court, rules 1.35 and 1.31, respectively.

² In 1999, 55 of 60 Judicial Council forms used in probate proceedings were optional forms. Because many courts then had local rules requiring the use of some of these forms—in effect making them mandatory—the council converted all optional probate forms to mandatory forms but did not establish a general policy against approval of optional probate forms. See Judicial Council of Cal. mins. (Oct. 22, 1999), p. 9, proposal 1N, and fn. 6 below.

³ Omnibus Conservatorship and Guardianship Reform Act of 2006 (Omnibus Act), Senate Bills 1116, 1550, and 1716, and Assem. Bill 1363 (Stats. 2006, chs. 490–493). The 2007 legislation is Assem. Bill 1727 (Stats. 2007, ch. 553, §§ 7 and 9).

These changes require a substantial revision of the existing form, but current practice with the form in many courts indicates that threshold questions concerning the form's use should also be addressed.

Current use of form GC-330

Form GC-330 is now a mandatory form. Under rule 1.31(a) of the California Rules of Court, the form must be used by all parties and accepted for filing by all courts if it is applicable to the situation. However, this form's actual use in the courts is uneven. As of 2006, four courts had adopted local rules providing that general orders appointing and directing the activities of their court investigators must be used instead of form GC-330. Four other courts required the use of a local form for this purpose instead of the Judicial Council form. On the other hand, 10 courts had local rules expressly requiring the use of the form, in virtually all cases requiring it to be submitted with the petition for appointment of a general conservator. Twenty-seven courts did not mention the form in their local probate rules, and 13 others did not have local probate rules.

This history indicates that a Judicial Council form order appointing an investigator and directing the appointee to conduct and file reports on specified investigations required by statute in each conservatorship matter may be unnecessary, at least in some courts.⁴ The advisory committee requested comments, particularly from judicial officers, probate staff attorneys, and other court respondents, concerning (1) their court's use of the existing form, (2) whether or not the form is useful, (3) alternatives employed by the court if the form is not used, (4) whether the form should simply be withdrawn and not replaced, and, if so, (5) the steps courts should take to assign and direct the performance of court investigators in individual cases. One commentator, the Superior Court of Los Angeles County responded to these specific inquiries. The court uses the form and desires to retain it. Based on this response and the lack of a desire expressed by other commentators to dispense with the form, the advisory committee decided to recommend retention of the form, modified as described below.

The committee recommends revision of the existing form and its conversion to an optional form, and approval of two new optional forms to replace the current single mandatory form. The

⁴ Probate Code section 1454 requires courts to "appoint a court investigator when one is required for the purposes of a proceeding under this division [Division 4 of the Probate Code, Guardianship, Conservatorship, and Other Protective Proceedings]. The person appointed as the court investigator shall be an officer or special appointee of the court"

This language suggests that an appointment, and possibly an appointment order, is to be made on a case by case basis even if the appointee is already an officer of the court. But section 1454 does not explicitly require a formal signed appointment order in every case, particularly in courts that employ investigators on a full-time basis; and it is not clear that a standing order appointing court investigators to conservatorship matters would not be sufficient if tied to each proceeding by a minute order referring to the standing order and entered in the court's minutes for that matter. Moreover, section 1454 does not expressly require an appointment order to list the specific duties required of the investigator. But investigators in some courts are not full-time court employees. They work instead under contract with their courts. Courts using part-time contract investigators might prefer to appoint them and direct their activities by explicit orders in each matter, whereas courts with full-time employee investigators might conclude that formal appointment orders in each case are unnecessary.

committee also recommends the adoption of a rule of court that would expressly authorize courts to determine whether and to what extent these forms are to be used and to fix responsibility for their preparation and filing. The new rule would not require courts to make this determination but would authorize them to do so explicitly by local rule, so practitioners active in several courts would be informed of the practice in each court and of their responsibilities concerning these orders.⁵

Revised form GC-330; new forms GC-331 and GC-332

Revised form GC-330 is proposed as an optional form.⁶ The form would address investigations required on the filing of a petition for (1) appointment of a conservator, commonly referred to as an initial investigation (Prob. Code, § 1826); (2) appointment of a temporary conservator (Prob. Code, § 2250.6);⁷ (3) authority for a temporary conservator to change the temporary conservatee's residence (Prob. Code, § 2253); and (4) a conservator's exclusive authority to consent to the conservatee's medical treatment if the petition alleges that the conservatee cannot or will not attend the hearing (Prob. Code, § 1894).

The form would be limited to these four investigations because the filing of a petition creates the need for all of them. The court may require petitioners to prepare and submit proposed orders with their petitions, and petitioners may easily comply.

The existing form provides for three of these investigations. But it also orders review investigations required by Probate Code sections 1850 and 1851. Review investigations are required periodically after the appointment of a conservator. They are not connected to the filing of a petition or any other action by a party.⁸ The advisory committee proposes to move orders concerning review investigations to new forms (forms GC-331 and GC-332) because orders for

⁵ The advisory committee decided to encourage and authorize courts to make this determination but not to require them to do so because of its concern about imposing on any court the cost of adopting and implementing a local rule.

⁶ The Judicial Council did not establish a general policy against approval of optional probate forms when it converted existing optional forms to mandatory forms in 1999. (See fn. 2.) Many optional probate forms have been approved since then. Examples include forms used to prove service or courthouse posting: forms DE-120(MA), DE-120(P), DE-120(PA), GC-020(MA), GC-020(PA), GC-079(MA), GC-080(MA), and GC-341(MA). Other optional probate forms approved after 2000 include GC-045, GC-112, GC-112(A-1), GC-112(A-2), GC-115, and most of the 35 accounting schedule forms (GC-400s and GC-405s).

⁷ This is a new investigation required by the Omnibus Act. Section 2250.6 was added by Assem. Bill 1363 (Stats. 2006, ch. 493, § 17, effective July 1, 2007).

⁸ See item 3 on page 2 of the current form. Before passage of the Omnibus Act, review investigations were required after the first year of the conservatorship and biennially thereafter. The Omnibus Act amended section 1850 to require them six months after the appointment of a conservator, at the end of the first year of the conservatorship, and annually thereafter, subject to the court's authority to postpone a full investigation for an additional year if the prior annual review report finds that the conservator is acting in the best interests of the conservatee (Prob. Code, § 1850(a), as amended by Sen. Bill 1716 (Stats. 2006, ch. 492, § 3); and Assem. Bill 1363 (Stats 2006, ch. 493, § 11.5).

these investigations are usually prepared by court staff, not by the conservator or another party on the filing of a petition. The new forms would also be optional forms.⁹

Form GC-331 would also provide for an investigation that is not addressed in the existing form although it has been required since 1981.¹⁰ This investigation is sometimes required when a petition for appointment of a successor conservator has been filed. Although this investigation may be triggered by the filing of a petition, it is not required for all petitions. The investigation is mandated only when the petition alleges that the conservatee cannot attend or refuses to attend the hearing (Prob. Code, § 2684) or, in the absence of these allegations, when the hearing must be continued because the conservatee fails to attend (Prob. Code, § 2686). Thus the petitioner may believe when he or she files the petition that an order directing an investigation will not be required and may not know before the hearing date that this belief is unfounded. For this reason, the advisory committee concluded that an order directing this investigation properly belongs in a form with orders concerning review investigations, to be prepared by court staff rather than by petitioners.

The second new form, GC-332, would contain the order authorized by Probate Code section 1850(a)(2) after an annual review investigation if the court decides that the next full review may take place in two years, with only a status review in the following year, because it has determined that the conservator is acting in the best interests of the conservatee. This order is placed in a separate form because it would be made after rather than before a review investigation; the order would never be combined with an order directing that investigation. This form, like form GC-331, would be prepared by court staff, not by a conservator or other petitioner.

The Omnibus Act and the 2007 legislation made changes in most of the investigations or reports identified in the forms. These changes are reflected in the text of the new and revised orders. The changes are (all references to form GC-330 are to the revised version):

1. The investigator's report on an initial investigation must be mailed to the conservatee's spouse or registered domestic partner and second degree relatives and others designated by the court, except as the court may otherwise order to prevent harm to the proposed conservatee (form GC-330, item 1f, on page 1);
2. If a temporary conservator seeks to change the conservatee's residence, the investigation required by Probate Code section 2253 must be completed unless the court otherwise orders

⁹ Petitioners required to submit form GC-330 with their petitions for the appointment of a conservator do not select the review investigation order in the form because that investigation is not required until at least six months after the appointment petition has been granted. But the court files currently retain these unselected orders. Some courts later prepare other orders, either using another copy of the form or court-drafted documents, to direct their review investigations, thereby collecting unnecessary copies of these orders in the case files.

¹⁰ Probate Code sections 2684 and 2686, added by Stats. 1981, ch. 9, § 4.

or directs a different investigation. Under former law, an investigation was required only if ordered by the court (form GC-330, items 3b and 3c, at page 2);

3. An investigation is now required when the appointment of a temporary conservator is requested (form GC-330, item 2, on pages 1 and 2);
4. The review investigations required by Probate Code section 1850 and described in detail in section 1851 must include a personal visit to the conservatee without prior notice to the conservator unless the court determines that such notice is necessary or would prevent harm to the conservatee (form GC-331, item 1a, on page 1);
5. The investigator's determination in a review investigation of whether the conservator is acting in the best interests of the conservatee must include examinations of the conservatee's placement, quality of care (including physical and mental treatment), and the conservatee's finances (form GC-331, item 1b, on page 1);
6. The review investigation must include, "to the greatest extent possible," interviews with the conservator, the conservatee's spouse or registered domestic partner, and the conservatee's first degree relatives, or, if none, his or her second degree relatives (form GC-331, item 1b, on page 1);
7. The review investigation must include a review of the conservator's accounting with a conservatee of sufficient capacity, "to the extent practicable" (form GC-331, item 1d, on page 1);
8. The body of the investigator's report to the court must not include confidential medical or criminal history information. Such information must be provided in separate attachments to the report (form GC-331, item 1i, on page 2);
9. Copies of the investigator's report, including its confidential attachments, must be mailed to the conservator, the conservatee, and their attorneys. Copies of the report without the confidential attachments must also be mailed to the conservatee's spouse or registered domestic partner and first degree relatives. If there are no first degree relatives, the report must be mailed to the conservatee's next closest relative, except as the court determines that such mailings will result in harm to the conservatee (form GC-331, items 1j, 1k, and 1l, on page 2);
10. The court may order a review investigation at any time on its own motion or at the request of any interested person (form GC-331, item 2, on page 2); and
11. If the court determines at the first annual or any later review investigation that the conservator is acting in the best interests of the conservatee, it may order that the next full review take place two years later. In that event, an investigation is still necessary at the end of the next year but only a status report must be filed concerning whether the conservatorship

is still warranted and whether the conservator is still acting in the best interests of the conservatee (form GC-332).

Form GC-330 currently recites in detail the determinations that investigators must make in the investigations identified in the form.¹¹ The revised form instead refers to the statutes that specify these determinations. This change permits the revised form to retain its two-page length despite the much greater detail needed to describe the investigations, reports, and service of reports required under the new law. See item 1d on page 1 of revised form GC-330 (initial investigations); item 2c on page 2 (investigations of temporary conservatorships); item 3a(2) on page 2 (investigation of temporary conservatee's change of residence); and item 4b on page 2 (investigations of requests for conservators' exclusive medical consent authority).

New form GC-331 follows this practice in its item on review investigations (item 1b on page 1) but recites the determinations required by Probate Code section 2684 in items 3c(3)–(5) on page 3, concerning successor conservator investigations. The latter determinations are not complex, and referring to the statutes instead of reciting the determinations in the form would not reduce the form's length. Form GC-332 also recites the determinations the court and the investigators must make instead of the statutes that impose these obligations, but the form is only one page long.

The new and revised forms recite in detail the investigator's statutory obligations to report to the court and, where required by law, to serve copies of his or her written report. These requirements were either established or substantially changed by the Omnibus Act and the 2007 legislation. See revised form GC-330, items 1e and f, page 1; items 2d and f, page 2; item 3a(3), page 2; and item 4c, page 2; form GC-331, items 1i–1l, page 2; and items 3c(6) and (7), page 3; and form GC-332, item 2.

Rule 7.1060

The advisory committee determined that courts should have the authority to require or dispense with the use of optional Judicial Council form orders appointing and directing the actions of court investigators in conservatorship cases. However, the committee recommends that courts should be encouraged to make the election to use or dispense with the form orders explicitly, by the adoption of local rules that provide guidance to practitioners and parties appearing in conservatorship cases. New rule 7.1060 of the California Rules of Court is proposed for this purpose.

The new rule creates an exception to rule 1.35's definition of an optional Judicial Council form. That rule provides that the option to use an optional form belongs to the filing party, not to the

¹¹ See existing form GC-330 on pages 1 and 2, items 1b (initial investigation), 2b (investigations required for a temporary conservatee's change of residence and for a conservator's request for exclusive authority to consent to the conservatee's medical treatment), and 3b–e (review investigations).

court; if the form is applicable the court must accept it. The advisory committee believes that the unique circumstances of these forms justify the exception.

These forms are orders directing officers of the court to perform investigations and make, file, and serve copies of reports required by law. The orders confer no particular benefit to petitioners beyond the continued progress of their matters because the investigations and reports required by law are ordered. Without clear directions from the court, a petitioner would be unlikely to submit an order of this kind, in an optional form or otherwise: the concerns addressed by rule 1.35—the imposition of local requirements on the voluntary filing of optional Judicial Council forms by parties—are not present. The courts’ mixed experience with current form GC-330—despite its present status as a mandatory form—bears this out. Within the limits of statutes governing court investigators, the courts should be permitted to determine how to appoint and direct their own investigators in individual cases.

Rule 7.1060(a) applies to revised form GC-330. The rule would authorize courts to either require or dispense with use of the form by local rule and also to prescribe who is to prepare the form and other details of its delivery and execution. If the court elects to dispense with the form, the alternatives mentioned in the rule are a general order, a court-drafted order, or a local form order. These are the alternatives to form GC-330 currently identified in some courts’ local rules.

Rules 7.1060(b) and (c) concern new forms GC-331 and GC-332. These subdivisions also permit courts to require or dispense with these forms by rule, but they identify the forms as court-use forms only, not to be prepared and filed by a petitioner, for the reasons discussed above at pages 4 and 5.

Comments, Alternatives Considered, and Policy Implications

This proposal was circulated for comment as part of the spring 2010 invitation to comment cycle. Seven comments were received. Four commentators approved of the proposal, one approved of it if modified, and two did not state a position. Two commentators, Peter S. Stern, a Palo Alto attorney and a former member of this advisory committee, and the Superior Court of Los Angeles County, recommended changes.

Mr. Stern addressed the inquiry required of court investigators as part of an annual review investigation when powers to place a conservatee suffering from dementia in a secure facility or to consent to medications appropriate for the treatment of that condition have previously been granted. (See Prob. Code, § 2356.5(g) and form GC-331, item 1f, on page 1.) Mr. Stern expressed surprise that investigations are not required when dementia powers are requested because the court in which he primarily practices, the Superior Court of Santa Clara County, always orders an investigation in that situation. He asked the committee to seek legislation to require an investigation whenever dementia powers are requested, and to revise the form to provide an order for such an investigation.

The committee responded to Mr. Stern by expressing its willingness to consider recommending Judicial Council sponsorship or support of legislation to mandate investigations whenever dementia powers are requested but also expressed its view that the current proposal should not be held up in the meantime. The committee declined to place a dementia-power investigation order in form GC-331 in the absence of an express statutory mandate for it, although in the committee's view, courts have discretion to order such an investigation in any case.

The Superior Court of Los Angeles County submitted a detailed comment. Most of it is in response to specific questions asked in the Invitation to Comment. The court uses the existing form and requires its submission with appointment petitions; it believes the form should be retained. The court generally supports the proposal.

However, the court's comment also includes a discussion of the court's practice of placing the name of the court's supervising probate investigator in the space on the existing form for the name of the appointed investigator. The comment is unclear whether the petitioner is instructed to fill in this name when preparing the form or leaves it blank, to be filled in by the court.

The committee's response to this comment recommends that courts prescribe by local rule how this part of the form is to be filled in if the court requires petitioners to complete and submit the form. Although the existing form and the new versions of it contemplate that the name of the specific investigator assigned to do the work is to be filled in, a petitioner will have no way of knowing which investigator will be assigned to the case when he or she submits the form. If the court desires specific identification of the responsible investigator, the petitioner submitting the form should simply leave the space blank, to be filled in by the court when the investigator is assigned.

The Los Angeles court also recommends that forms GC-330 and GC-331 be modified to instruct petitioners to submit supporting declarations if they submit a form with any of the optional or additional orders selected. These are orders based on the existence of unusual facts, such as the order directing that certain persons are not to receive copies of the investigator's report to protect the conservatee from harm. See form GC-330, item 1f on page 1 and items 3b and 3c on page 2, and form GC-331, item 1l on page 2.

The committee declined to modify the forms to specify a required method of showing evidence in support of an optional or additional order. The provisions that authorize these orders, Probate Code sections 1826(l)(4), 1851(b)(2), and 2253(b), do not require declarations to be submitted with the orders or prescribe any other method of showing supporting facts. Sometimes sufficient evidence to support these orders is shown in the verified appointment petition or in the confidential supplemental information declaration filed with it. In other cases, particularly with respect to the optional order in review investigations in form GC-331, the supporting evidence will be shown in the investigator's report.

The court also recommends that an order concerning the scheduling of future review investigations contained in the draft of form GC-331 as circulated for comment should be moved to a separate form because that order would be made only after completion of a review investigation, not at the time that investigation is ordered. The committee agreed with this comment. In response, the committee removed the affected item entirely from form GC-331 and placed it in a second new form, GC-332. A new subdivision (c) was also added to proposed rule 7.1060 to refer to that new form.

In light of the mixed use of the existing form in the courts, the committee considered withdrawing it entirely. The committee actively solicited comments concerning the continued utility of the form. In part based on the comments received, the committee decided against withdrawing the form. The committee also considered keeping the forms mandatory, but when it decided to authorize courts to either require or refrain from the use of these forms, in effect, to permit them to continue their past practice with the current form but to do so explicitly by local rules, the committee determined that the new and revised forms should be optional forms.

Implementation Requirements, Costs, and Operational Impacts

This proposal would incur the costs associated with the revision of an existing Judicial Council form and the approval of new forms, and the adoption of a new rule of court. Courts that accept the invitation in the proposed rule of court to adopt a local rule that requires or prohibits the use of the new and revised forms will incur the expense associated with that process. But if the existing form is to be retained, it must be revised to reflect the significant changes in the law affecting the duties and responsibilities of court investigators since its last revision.

The new and revised forms will help courts and investigators to implement the new requirements, directly in courts that use the forms, and indirectly as instructional tools in courts that elect not to use them.

Relevant Strategic Plan Goals and Operational Plan Objectives

This proposal is in furtherance of Goal IIIB2 of the Judicial Council's strategic plan: to ensure that statewide policies, rules of court, standards of judicial administration, and court forms promote the fair, timely, effective, and efficient processing of cases. It also carries out Goal IV, Objective 1 of the council's operational plan, to foster excellence in public service to ensure that all court users receive satisfactory services and outcomes. See Objective 1f, improved practices, procedures, and administration of probate conservatorship and guardianship cases.

Attachments

1. Cal. Rules of Court, rule 7.1060, at pages 11–12
2. Form GC-330, at pages 13–14
3. Form GC-331, at pages 15–17
4. Form GC-332, at page 18
5. Chart of comments, at pages 19–26

Rule 7.1060 of the California Rules of Court is adopted, effective January 1, 2011, to read as follows:

1 **Rule 7.1060. Investigations and reports by court investigators**
2

3 **(a) Order Appointing Court Investigator (form GC-330)**
4

5 Order Appointing Court Investigator (form GC-330) is an optional form
6 within the meaning of rule 1.35 of these rules, except as follows:
7

8 (1) A court may, by local rule, require that form GC-330 be used for orders
9 appointing court investigators and directing them to conduct all or any
10 of the investigations described in the form and to prepare, file, and
11 serve copies of reports concerning those investigations. The local rule
12 may also prescribe the form's preparation, service, and delivery to the
13 court for execution and filing.
14

15 (2) A court may, by local rule, require that a general order, a court-
16 prepared order, or a local form order instead of form GC-330 be used to
17 appoint and direct the actions of court investigators concerning all or
18 any of the investigations and reports described in form GC-330.
19

20 **(b) Order Appointing Court Investigator (Review and Successor Conservator**
21 **Investigations) (form GC-331)**
22

23 Order Appointing Court Investigator (Review and Successor Conservator
24 Investigations) (form GC-331) is an optional form within the meaning of rule
25 1.35 of these rules, except as follows:
26

27 (1) A court may, by local rule, require that form GC-331 be used for orders
28 appointing court investigators and directing them to conduct all or any
29 of the review investigations under Probate Code sections 1850 and
30 1851 or investigations concerning the appointment of successor
31 conservators under Probate Code sections 2684 and 2686 described in
32 the form and to prepare, file, and serve copies of reports concerning
33 those investigations. Form GC-331 is to be prepared by the court only.
34

35 (2) A court may, by local rule, require that a general order, a court-
36 prepared order, or a local form order instead of form GC-331 be used to
37 appoint and direct the actions of court investigators concerning all or
38 any of the investigations and reports described in form GC-331.
39

1 **(c) Order Setting Biennial Review Investigation and Directing Status Report**
2 **Before Review (form GC-332)**

3
4 Order Setting Biennial Review Investigation and Directing Status Report
5 Before Review (form GC-332) is an optional form within the meaning of rule
6 1.35 of these rules, except as follows:

7
8 (1) A court may, by local rule, require that form GC-332 be used for orders
9 setting biennial review investigations and directing status reports under
10 Probate Code section 1850(a)(2). Form GC-332 is to be prepared by the
11 court only.

12
13 (2) A court may, by local rule, require that a general order, a court-
14 prepared order, or a local form order instead of form GC-332 be used
15 concerning the matters described in form GC-332.
16

| | |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE | |
| ORDER APPOINTING COURT INVESTIGATOR <input type="checkbox"/> Conservatorship <input type="checkbox"/> Limited Conservatorship | CASE NUMBER: _____ |

TO (name): _____

You are hereby appointed Court Investigator in the matter entitled above.

1. **Before the appointment of a general conservator** YOU ARE DIRECTED TO:
- a. Conduct the interviews required by Probate Code section 1826(a). Interview the proposed conservatee personally.
 - b. Provide to the proposed conservatee the information required by Probate Code section 1826(b).
 - c. Determine whether it appears that the proposed conservatee is unable to attend the hearing and, if able to attend, whether he or she is willing to attend.
 - d. Make the determinations required by Probate Code sections 1826(d)–(j). In making those determinations, review the allegations of the *Petition for Appointment of Probate Conservator* (form GC-310) as to why the appointment of a conservator is required and refer to the *Confidential Supplemental Information* (form GC-312) submitted by the petitioner. Consider the facts shown in the latter form that address each of the categories specified in Probate Code section 1821(a)(1)–(5) and consider, to the extent practicable, whether you believe the proposed conservatee suffers from any of the mental function deficits listed in Probate Code section 811(a) that significantly impairs his or her ability to understand and appreciate the consequences of his or her actions in connection with any of the functions described in Probate Code section 1801(a) (if a conservator of the person is sought) or section 1801(b) (if a conservator of the estate is sought). If you believe the proposed conservatee suffers from one or more mental function deficits listed in Probate Code section 811(a), identify all observations that support your belief.
 - e. Report to the court in writing, at least five days before the hearing, concerning all of the foregoing, including the proposed conservatee's express communications concerning (1) representation by legal counsel; and (2) whether he or she is not willing to attend the hearing, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefers that another person act as conservator.
 - f. Mail, at least five days before the date set for hearing, a copy of your report (1) to all persons listed in Probate Code section 1826(f) **except** for the persons listed in attachment 1f(1) because the court has determined that mailing to those persons will result in harm to the proposed conservatee; **and** (2) to the other persons ordered by the court listed in Attachment 1f(2) (*specify names and addresses in the attachment*).
 - g. Comply with the other orders specified in Attachment 1g.
2. **On the filing of a *Petition for Appointment of Temporary Conservator*** YOU ARE DIRECTED TO:
- a. To the extent feasible, before the hearing on the petition or, if not feasible, within two court days after the hearing, conduct the interviews required by Probate Code section 2250.6(a)(1) (prehearing) or 2250.6(b)(1) (posthearing). Interview the temporary conservatee or proposed temporary conservatee personally.
 - b. Provide to the temporary conservatee or proposed temporary conservatee the information required by Probate Code section 2250.6(a)(2) (prehearing) or 2250.6(b)(2) (posthearing).

| | |
|---|--------------|
| CONSERVATORSHIP OF (Name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE | CASE NUMBER: |
|---|--------------|

2. c. To the extent feasible, make the determinations required by Probate Code section 2250.6(a)(3)–(5) before the hearing on the petition.
- d. To the extent feasible, before the hearing on the petition, report to the court in writing concerning all of the matters stated in items 2a–c.
- e. If you do not visit the temporary conservatee until after the hearing at which a temporary conservator was appointed and the temporary conservatee objects to the appointment of the temporary conservator or requests an attorney, report this information to the court promptly and in no event more than three court days after the date of your interview with the temporary conservatee.
- f. If it appears to you that the temporary conservatorship is inappropriate, immediately, and in no event more than two court days after you make your determination, make a written report of your determination to the court.
3. **Before the court grants an order under Probate Code section 2253 authorizing the temporary conservator to change the residence of the temporary conservatee**
- a. YOU ARE DIRECTED TO:
- (1) Personally interview and inform the temporary conservatee of the contents of the request by the temporary conservator for authority to change the temporary conservatee's residence; of the nature, purpose, and effect of the proceedings; and of the right to oppose the request, attend the hearing, and be represented by legal counsel.
- (2) Make the determinations required by Probate Code section 2253(b)(3)–(7).
- (3) At least two days before the hearing on change of residence, report your findings concerning the foregoing in writing to the court, including in your report the temporary conservatee's express communications concerning representation by legal counsel and whether he or she is not willing to attend the hearing and does not wish to contest the petition.
- (4) Comply with the other orders specified in Attachment 3a(4).
- b. Good cause appearing, YOU ARE DIRECTED NOT to conduct the investigation and NOT make the report described in Probate Code section 2253(b).
- c. Good cause appearing, YOU ARE DIRECTED as specified on Attachment 3c, INSTEAD of proceeding with the investigation and report described in Probate Code section 2253(b).
4. **Before the court grants an order relating to medical consent under Probate Code section 1880.**
- The petition for an order determining that there is no form of medical treatment for which the conservatee or proposed conservatee has the capacity to give informed consent alleges that he or she is not willing to attend the hearing, or the court has received an affidavit or certificate attesting to the medical inability of the conservatee or proposed conservatee to attend the hearing.
- YOU ARE DIRECTED TO:
- a. Personally interview and inform the conservatee or proposed conservatee of the contents of the petition; of the nature, purpose, and effect of the proceedings; and of the right to oppose the petition, attend the hearing, and be represented by legal counsel.
- b. Make the determinations required by Probate Code section 1894(c)–(g).
- c. At least five days before the hearing on the petition, report your findings concerning the foregoing in writing to the court, including in your report the conservatee's express communications concerning representation by legal counsel and whether the conservatee is not willing to attend the hearing and does not wish to contest the petition.
- d. Comply with the other orders specified in Attachment 4d.
5. Number of pages attached: _____

Date:

JUDICIAL OFFICER

 SIGNATURE FOLLOWS LAST ATTACHMENT

FOR PREPARATION BY THE COURT ONLY

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

CONSERVATORSHIP OF THE PERSON ESTATE OF

(Name):

CONSERVATEE

ORDER APPOINTING COURT INVESTIGATOR
(Review and Successor Conservator Investigations)* Conservatorship Limited Conservatorship

CASE NUMBER:

TO (name):

You are hereby appointed Court Investigator in the matter entitled above.

1. Review investigation

YOU ARE DIRECTED TO:

- a. Without prior notice to the conservator With prior notice to the conservator because of necessity or to prevent harm to the conservatee visit and personally inform the conservatee that he or she is under a conservatorship and give the name of the conservator to the conservatee.
- b. Make the determinations required by Probate Code section 1851(a), including whether the conservator is acting in the best interests of the conservatee. This last determination must include an examination of the conservatee's placement; the quality of care, including physical and mental treatment; and the conservatee's finances and must include, to the greatest extent possible, interviews with the conservator, the conservatee's spouse or registered domestic partner and relatives within the first degree, or, if none, the conservatee's relatives within the second degree.
- c. The court has made an order or orders under (select all that apply): Probate Code section 1873 (authority of conservatee to enter into transactions) Probate Code section 1880 (conservatee's capacity to give informed consent to medical treatment) Probate Code section 1901 (conservatee's capacity to marry). Determine whether the present condition of the conservatee is such that the terms of the court order or orders identified above should be modified or the order or orders revoked.
- d. To the extent practicable, review the conservator's accounting with the conservatee if he or she has sufficient capacity.
- e. Inform the court immediately if you are unable at any time to locate the conservatee.
- f. (If the conservator is authorized to act under Probate Code section 2356.5--dementia treatment or placement) Advise the conservatee specifically that he or she has the right to object to the conservator's powers granted under section 2356.5. Determine whether the conservatee objects to the conservator's powers under section 2356.5, whether the powers granted under section 2356.5 are warranted, and whether some change in those powers is warranted.
- g. (For limited conservatorship only) Make a recommendation regarding the continuation or termination of the limited conservatorship.

* This form is for ordering review investigations and reports under Probate Code sections 1850 and 1851 or investigations and reports concerning appointment of a successor conservator under Probate Code section 2684 or 2686. The *Order Appointing Court Investigator* (form GC-330) may be used to order initial and other investigations and reports under Probate Code sections 1826, 1894, 2250.6, and 2253. The *Order Setting Biennial Review Investigation and Directing Status Report Before Review* (form GC-332) may be used to order a biennial review investigation and status report under Probate Code section 1850(a)(2)). See Cal. Rules of Court, rule 7.1060.

Page 1 of 3

| | |
|-------------------------------------|--------------|
| CONSERVATORSHIP OF _____ (Name): | CASE NUMBER: |
| CONSERVATEE | |

1.
 - h. (For conservatorships existing on December 31, 1980, in which the conservatee has not been adjudged incompetent) Determine whether an order should be made under Probate Code section 1873 broadening the capacity of the conservatee.
 - i. Certify in writing to the court your determinations and findings, including a statement of the facts on which the findings are based, not less than 15 days before the date of review under Probate Code section 1850. Do not disclose confidential medical information or confidential criminal history information from the California Law Enforcement Telecommunications System (CLETS) in the body of your report. Place all such information in one or more separate attachments to the report.
 - j. At the same time your report is certified to the court, mail copies to the conservator and to the attorneys of record for the conservator and the conservatee.
 - k. Mail copies of your report, modified by deletion of all attachments containing confidential medical information and confidential information from CLETS, to the conservatee's spouse or registered domestic partner and relatives within the first degree or, if there are no such relatives, to the conservatee's next closest relative.
 - l. Mail copies of your report, modified by deletion of all attachments containing confidential medical information and confidential information from CLETS, to the conservatee's spouse or registered domestic partner and relatives within the first degree or, if there are no such relatives, to the conservatee's next closest relative **except** the person or persons named in Attachment 1/ because the court has determined that mailing to that person or persons will result in harm to the conservatee.
 - m. Comply with the other orders specified on Attachment 1m.

2. **Review investigation on the court's own motion or on request by an interested person**

YOU ARE DIRECTED, on the court's own motion,

at the request of (name): _____ an interested person,
 to conduct a review investigation of the conservatorship and make a report to the court as follows (specify):

Continued in Attachment 2.

| | |
|--|--------------|
| CONSERVATORSHIP OF _____ (Name): <div style="text-align: right;">CONSERVATEE</div> | CASE NUMBER: |
|--|--------------|

3. **Successor conservator investigation**

- a. A petition for appointment of a successor conservator has been filed in this matter. The petition does not allege that the conservatee will be present at the hearing on the petition, which is scheduled as follows:

Date: _____ Time: _____ Dept.: _____

- b. A petition for appointment of a successor conservator has been filed in this matter. The petition alleges that the conservatee would be present at the hearing on the petition, but the conservatee failed to appear at the hearing. The hearing has been continued to the following date, time, and department:

Date: _____ Time: _____ Dept.: _____

c. **YOU ARE DIRECTED TO:**

- (1) Interview the conservatee personally.
- (2) Inform the conservatee of the nature of the proceeding to appoint a successor conservator, the name of the proposed successor conservator, and the conservatee's rights to appear personally at the hearing, to object to the person proposed as successor conservator, to nominate a person to be appointed as successor conservator, to be represented by legal counsel if the conservatee chooses, and to have legal counsel appointed by the court if the conservatee is unable to retain legal counsel.
- (3) Determine whether the conservatee objects to the person proposed as successor conservator or prefers another person to be appointed.
- (4) If the conservatee is not represented by legal counsel, determine whether he or she wishes to be represented by legal counsel and, if so, identify the attorney whom the conservatee wishes to retain or whether he or she desires the court to appoint legal counsel.
- (5) If the conservatee does not plan to retain legal counsel and has not requested appointment of legal counsel by the court, determine whether the appointment of legal counsel would be helpful to resolution of the matter or is necessary to protect the interests of the conservatee.
- (6) Report to the court in writing, at least five days before the hearing or continued hearing, concerning items (2)–(5), including the conservatee's express communications concerning representation by legal counsel and whether the conservatee objects to the person proposed as successor conservator or prefers that some other person be appointed.
- (7) Mail, at least five days before the hearing or continued hearing, a copy of the report identified in item (6) to the attorneys, if any, for the petitioner and the conservatee and to the following additional persons (*specify*):

Continued in Attachment 3.

4. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

FOR PREPARATION BY THE COURT ONLY

FOR COURT USE ONLY

| | |
|--|---------------------|
| <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p> | |
| <p>CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF</p> <p>(Name):</p> <p style="text-align: right;">CONSERVATEE</p> | |
| <p>ORDER SETTING BIENNIAL REVIEW INVESTIGATION AND DIRECTING STATUS REPORT BEFORE REVIEW</p> <p><input type="checkbox"/> Conservatorship <input type="checkbox"/> Limited Conservatorship</p> | <p>CASE NUMBER:</p> |

TO (name): _____, court investigator:

1. Biennial review investigation

- a. In its review of the conservatorship for the period ending on (date): _____, including the report of the investigator named above, the court has determined that the conservator is acting in the best interests of the conservatee.
- b. The next review in this conservatorship is to cover a period of two years ending on (date): _____.

2. Investigation and status report before review

YOU ARE DIRECTED TO conduct an investigation under Probate Code section 1851(a) one year before the review described in 1b and file a status report in the case file regarding whether the conservatorship still appears to be warranted and whether the conservator is acting in the best interests of the conservatee as regards the conservatee's placement; quality of care, including physical and mental treatment; and finances.

3. Additional orders

Comply with the following additional orders:

Continued on Attachment 3.

4. Number of pages attached: _____

Date:

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

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Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|----|--|-----------------|---|---|
| 1. | Orange County Bar Association by Lei Lei Wang Ekvall, President Newport Beach | A | No specific additional comment. | No response necessary. |
| 2. | Peter S. Stern Attorney Palo Alto | NI | <p>I was looking at the new and revised forms for orders appointing and directing court investigators (I find both orders to be superfluous, but the rationale given—to use them in small counties without regular staffs—does make sense) and came away with a shock: There is no requirement under Probate Code section 2356.5 that a court investigator (CI) investigate a petition for either of the dementia powers. The revised form for use at the beginning of a conservatorship (form GC-330) does not mention dementia powers; only the new form, for use by the court only for review investigations, mentions dementia powers. We've only had the statute in play for twelve years now. . . . and of course all CIs in the counties where I practice investigate and report on the suitability of granting dementia powers, even though the statute speaks only of subsequent review.</p> <p>It would be appropriate now to look at the CI order forms and consider adding language directing a CI to look into the factors to be applied in a dementia petition.</p> | <p>The committee will consider whether to recommend Judicial Council sponsorship or support of legislation to amend section 2356.5 to provide for mandatory investigations of all dementia-power petitions, or at least to explicitly authorize courts to order them.</p> <p>Without a mandated investigation of every dementia power request or explicit authority to order a particular investigation in Probate Code section 2356.5, the committee is reluctant to expressly provide for such an investigation in either form. However, the committee believes</p> |

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Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|----|--------------------------------------|----------|--|---|
| | | | | <p>that the court does have discretion to order an investigation of a particular dementia-power petition. An order for this investigation may be added by the court in item 1g on the first page of form GC-330 if dementia powers are requested at the time of the appointment petition. A court may continue to use a general order or a local form if it desires to order an investigation of a dementia-power petition filed separately from a petition for appointment of a conservator.</p> |
| 3. | Superior Court of Los Angeles County | AM | <p>Court’s use of existing forms-In Los Angeles County, form GC 330, <i>Order Appointing Court Investigator</i>, is part of the initial packet of forms given to a petitioner for the appointment of a probate conservator. The order is used in conjunction with the other forms in the packet to gain information for the court investigators to begin their investigation. The form requests a name to be inserted after the heading on the form, ie “To (name). . .” At present, the practice is to put “Frank Cowen, Supervising Court Investigator” in that blank. The identity of the particular investigator would not be known at the time of filing. The form is forwarded to the investigator’s office . . . , and is made part of the case file for the investigators. The case is [then] assigned to an investigator, and with the completed packet of forms, the investigator goes out into the field to obtain information. With the current form, the duties of the court</p> | <p>The first five comments are informational responses to requests in the invitation to comment, requests inquiring about current practices and whether the existing form should be withdrawn. Except as shown below, the committee has no reply to these comments. The committee is grateful, however, for the wealth of information provided in them.</p> |

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Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|--|--------------------|
| | | | <p>investigator are spelled out for the various facilities, agencies, and individuals from whom the investigators are obtaining information. The problem with the existing form is that it has not been updated to reflect changes in the 2006 Omnibus Conservatorship and Guardianship Reform Act. The form has continued in use after the changes in the law. There have been very few (if any) complaints about its content but legally, it must reflect the changes in the law to be accurate.</p> <p>Whether or not the form is useful: Yes, the forms are very useful for use by court investigators. Revised form GC-330 and proposed new form GC 331 describe in detailed language and spell out, with references to Probate Code sections, what are the duties of the court investigator and why he or she is seeking information from the various parties and facilities, and why the investigator must speak to the (proposed) conservatee. The existing form order (together with the existing order authorizing disclosure of medical information to an investigator under the regulations adopted under the Health Insurance Portability and Accountability Act (HIPAA) (form GC- 336)) is often given, along with identification of the Court Investigator, to the administrator, head nurse, RN's, social workers in facilities, or day program administrators to photocopy for their</p> | |

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Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|---|--------------------|
| | | | <p>records. The orders are our “calling cards” so to speak. They overcome the HIPAA nondisclosure regulations and demonstrate the investigator’s right to the information sought.</p> <p>Alternatives employed by the court if the form is not used: If a Judicial Council form were not adopted or continued, we would still recommend a variant of form GC 330 for petitions in Los Angeles County and of from GC 331 for the various review investigations be employed as well, to be authorized in a local rule. Of course, the use of a Judicial Council form would standardize practice throughout the state. The utility of the forms for investigators has been shown to be invaluable.</p> <p>Whether the form should be withdrawn and not replaced. The form should not be withdrawn. It is a useful tool in the court investigator’s arsenal for seeking information. Indeed, the proposed revised form GC 330 for petitions, and the new form GC 331 for reviews should be implemented. The forms instruct interested persons (including petitioners and proposed conservators) concerning the responsibilities of the court investigator, and what they can expect from the investigator’s report.</p> | |

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Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|--|--|
| | | | <p>The steps courts should take to assign and direct the performance of court investigators to particular cases: The Superior Court of Los Angeles County’s current procedure is as follows: The current form, GC-330, is used in this court. The form calls for an investigator’s name to be inserted by the petitioner. The Supervising Probate Investigator’s name is entered currently because the petitioner cannot know the assigned investigator when the order is submitted with the petition and other supporting documents. When the petition packet reaches the investigator’s office, the particular investigator is assigned, usually by geographic location. We propose that the form be changed to refer to the Office of the Probate Investigator” to replace an investigator’s name. The case will then be assigned as is the present practice. Likewise, if a new form, GC-331 is adopted for all types of reviews of cases, then too, the form should be directed “To: Office of the Probate Investigators.” The case will then be assigned to the appropriate investigator based on geography.</p> <p>Proposed Rule 7.1060—Agree with Proposal</p> | <p>The committee understands that petitioners preparing the current form commonly leave the space for the name of the assigned investigator blank, to be filled in by court staff when the case is assigned to a particular investigator. The committee recommends that courts adopting local rules calling for the use of these forms also specify how this part of the form is to be completed.</p> <p>Many small courts do not have full time investigators who are employed by the court. These courts appoint contract investigators on a case-by-case basis. The committee expects that if these courts want petitioners to prepare these orders, petitioners would be instructed to leave the name space blank.</p> <p>No response necessary. As noted below, however, the proposed new rule has been</p> |

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Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|---|--|
| | | | <p>Order Appointing Court Investigator – GC-330 Revised – Agree with proposed changes if modified as follows:</p> <p>Item 1.f.—Should require declarations supporting claims of harm to conservatees resulting from mailing copies of reports to specific individuals.</p> <p>Items 3.b. and 3.c.—Should require declarations supporting “good cause”.</p> <p>Items 1.g., 3.a.(4), and 4.d.—Should require declarations or other supporting information when orders are made under these sections. The form could include instructions to the preparer providing supporting information, when orders are made under these sections.</p> <p>Order Appointing Court Investigator – GC-331 New—Agree with proposal if modified.</p> <p>The form should require declarations to support the court’s orders under the following items:</p> <p>Item 1.a.—when the court investigators</p> | <p>modified to refer to the proposed new form GC-332, to be proposed in response to the court’s comment below concerning form GC-331.</p> <p>The committee is reluctant to add detailed instructions to this form concerning requirements for a showing of evidence in support of a petitioner’s selection of any of the optional or additional orders identified in items 1f, 1g, 3a(4), 3b, and 3c of the form. No particular procedure for this purpose is provided in Probate Code section 1826, and additional supporting declarations may not always be necessary for this purpose; facts shown in the verified petition or in the <i>Confidential Supplemental Information</i> statement (form GC-312) filed with the petition, or disclosed in the investigator’s report, may be sufficient to support an optional or additional order.</p> <p>Instructions to petitioners concerning supporting evidence for the court’s optional orders identified in items 1a and 3 are unnecessary for form GC-331 (and for the order in new form GC-332—see next paragraph below) because those forms are to be prepared by court staff, not by a petitioner.</p> |

SPR10-39**Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships** (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|----|---|-----------------|---|--|
| | | | <p>visit conservatees after prior notice is given to the conservators to prevent harm to the conservatee.</p> <p>Item 3—when court investigators’ reports are ordered under this item.</p> <p>Item 2 of form GC-331 should be deleted from this form and moved to a new separate form. Item 2 is an order that directs a biennial review investigation, and an investigation and status report a year before that review under the provisions of Probate Code section 1850(a)(2). That order could not be made until after the review investigation and report ordered by item 1 of that form has been completed.</p> | <p>The committee agrees with this comment. It has deleted the entire item 2 of form GC-331 and renumbered the following items accordingly; and prepared a proposed new optional form, GC-332, that contains the material formerly in item 2 of form GC-331. Proposed rule 7.1060 has also been revised to refer to the new form and give the same authority to courts concerning its use that is now provided in the rule for form GC-331.</p> |
| 4. | Superior Court of Orange County by Mary Malk, Manager, Probate and Mental Health Department | A. | No specific additional comment. | No response necessary. |
| 5. | Superior Court of Sacramento County by Robert Turner, ASO II, Finance Division | NI | No specific comments. | No response necessary. |
| 6. | Superior Court of San Bernardino County by Debra Meyers, Deputy Court Executive Officer/General Counsel | A | No specific additional comment. | No response necessary. |

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Orders Appointing and Directing the Actions of Court Investigators in Probate Conservatorships (adopt Cal. Rules of Court, rule 7.1060; revise form GC-330 and convert it to an optional form; approve form GC-331)

All comments are verbatim unless indicated by an asterisk (*).

| | Commentator | Position | Comment | Committee Response |
|----|---|-----------------|---------------------------------|---------------------------|
| 7. | Superior Court of San Diego County by Michael M. Roddy, Executive Officer | A | No specific additional comment. | No response necessary. |