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NEWS RELEASE

Release Number: 70

Release Date: October 26, 2007

Judicial Council Approves New Protections for Conservatees in California Courts

Report Follows 18-Month Study of Probate Courts; Improved Oversight of Conservatorships to Result

San Francisco—At a public meeting today, the Judicial Council of California approved a report with a sweeping set of recommendations that will offer new protections for conservatees in state trial courts and improved court oversight of these important cases.

“Today, the Judicial Council has approved a far-reaching report that will improve the safety and protection of conservatees in California courts – among the most vulnerable members of society,” declared Chief Justice Ronald M. George. “The task force has made comprehensive and meaningful recommendations that will ensure the accountability of private and family conservators and improve the court’s management of these cases.”

By a unanimous vote, the 29-member council accepted the final report and recommendations of the Probate Conservatorship Task Force, a statewide panel chaired by Administrative Presiding Justice Roger W. Boren, of the Court of Appeal, Second Appellate District (Los Angeles). The council also directed the Administrative Director of the Courts to refer the recommendations to the appropriate committees for proposed action.

After an 18-month exhaustive study that involved public hearings, research, and interviews, the task force developed 85 separate recommendations, including the following:

- **Counsel in all cases:** Counsel should be appointed automatically for proposed conservatees in all cases unless good cause is shown that there is no need.
- **Advocacy program:** An advocacy program should be established for all conservatees, modeled after the Court Appointed Special

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Advocate (CASA) program, which provides volunteer advocates for minors in juvenile cases.

- **Detecting fraud:** A team of fraud detection professionals should survey existing procedures and recommend improved practices.
- **Background checks:** Judges should be provided with criminal and credit background checks before appointment of either a professional or nonprofessional conservator.
- **Web-based filings and accounts:** A uniform schedule of accounts and a Web-based accounting system should be established that will flag unusual expenditures so that judges have the information they need to make reasoned decisions.
- **Minimum visitation:** The conservator or a qualified, responsible designee should visit the conservatee monthly at a minimum in cases involving the conservatorship of a person. In estate conservatorships, the visitation should be annual.
- **Education Requirements:** Education and training should be developed for judicial officers, attorneys, examiners, investigators, and court-appointed counsel in probate conservatorship cases.
- **Caseload standards:** Statewide caseload standards for probate investigators and examiners should be developed.

The task force's report is available on the California Courts Web site at www.courtinfo.ca.gov/jc/documents/reports/102607itemD.pdf.

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The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.