

**Probate and Mental Health Advisory Committee**  
**Annual Agenda<sup>1</sup>—2022**  
**Approved by Rules Committee: November 2, 2021**

**I. COMMITTEE INFORMATION**

<b>Chair:</b>	Hon. Jayne C. Lee, Judge, Superior Court of San Joaquin County
<b>Lead Staff:</b>	Corby Sturges, Attorney, Center for Families, Children & the Courts
<b>Committee’s Charge/Membership:</b>	
<p><a href="#">Rule 10.44(a)</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. <a href="#">Rule 10.44(b)</a> 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><a href="#">Rule 10.44(c)</a> sets forth the membership positions of the committee. The Probate and Mental Health Advisory Committee currently has 17 members. The current committee <a href="#">roster</a> is available on the committee’s web page.</p>	
<b>Subcommittees/Working Groups<sup>2</sup>:</b>	
<ol style="list-style-type: none"> <li>1. Legislation Subcommittee</li> <li>2. Guardianship Subcommittee</li> <li>3. Conservatorship and Legal Capacity Subcommittee</li> <li>4. Trusts &amp; Estates Subcommittee</li> </ol>	
<b>Meetings Planned for 2022<sup>3</sup> (Advisory body and all subcommittees and working groups)</b>	
Date/Time/Location or Teleconference:	
Annual in-person meeting TBD; monthly meetings by videoconference or teleconference.	
<input type="checkbox"/> Check here if exception to policy is granted by Executive Office or rule of court.	

<sup>1</sup> 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.

<sup>2</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

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

## II. COMMITTEE PROJECTS

#	New or One-Time Projects <sup>4</sup>	
1.	<i>Recommend rules and forms needed to implement recent legislation</i>	<p><i>Priority 1(b)</i><sup>5</sup></p> <p><i>Strategic Plan Goal III</i><sup>6</sup></p>
<p><b>Project Summary</b><sup>7</sup>: Develop new, amended, or revised rules of court and Judicial Council forms to implement legislation enacted or cases decided in 2020 or 2021 that affect guardianship, conservatorship, trust, estate, and civil mental health proceedings. PMHAC staff, in consultation with Governmental Affairs, has identified 2 bills that will require implementation via new or amended rules or forms:</p> <p><a href="#">Assembly Bill 260</a> (Stats. 2021, ch. 578) amends Government Code section 68511.1 to require the Judicial Council to develop a form explaining the nature of a guardianship; the rights and duties of a guardian; and the services and supports available to a probate guardian, a foster parent, and a guardian appointed by the juvenile court. This requires the council to revise forms GC-205 and JC-350-INFO. In addition, AB 260 amends Probate Code section 1513(b) and Welfare and Institutions Code sections 329 and 331 to specify a detailed process for determining whether a dependency petition should be filed in juvenile court on behalf of a child who is the subject of a guardianship proceeding. The committee will work with the Family and Juvenile Law Advisory Committee to consider revising and cross-numbering forms JV-210 and JV-212 to clarify that they can be used by the probate court or, alternatively, developing new joint juvenile/probate forms for the probate court to use to refer a matter to the child welfare agency and to refer the agency’s decision not to file a petition to the juvenile court for review.</p> <p><a href="#">Assembly Bill 1194</a> (Stats. 2021, ch. 417), among other things, amends Probate Code section 1471 to require the court to appoint counsel for an unrepresented conservatee, proposed conservatee, or person alleged to lack legal capacity in specified proceedings, and to clarify counsel’s duties to the client. AB 1194 also amends Probate Code sections 1826 and 2253 to require the court, contingent on the appropriation of funding, to keep confidential specific information in the court investigator’s report, as well as to modify other duties. Notwithstanding the funding contingency, section 1826 requires the council to update the rules of court and forms to implement that section’s requirements. The committee will consider whether conforming rule amendments or revisions to forms, including forms GC-330, GC-331, and GC-332, are needed. Finally, AB 1194 amends Probate Code sections 1860.5 and 1863 to require the court, in response to a petition to terminate a conservatorship or limited conservatorship, to order termination unless it determines that the requirements for initial appointment of a conservator or limited conservator are met and, if the court determines that those conditions are met, to consider modifying the powers and duties to ensure that the conservatorship or limited conservatorship is still the least restrictive alternative</p>		

<sup>4</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>5</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

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

<sup>7</sup> A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	<b>New or One-Time Projects<sup>4</sup></b>	
	<p>needed to protect the conservatee. The committee will consider whether to recommend new forms for use to petition to terminate a conservatorship, to object to a petition to terminate, and to grant or deny a petition to terminate.</p> <p><b>Status/Timeline:</b> Anticipate that any required rule amendments or form revisions would take effect January 1, 2023.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Legal Services, Governmental Affairs. Any proposal will circulate for public comment.</p> <p><b>AC Collaboration:</b> Family and Juvenile Law Advisory Committee (FamJuv) for AB 260 forms</p>	
2.	<p><b>Recommend revisions to Judicial Council forms used to document the assessment of capacity of persons subject to conservatorship proceedings and provide evidence to the court</b></p>	<p><b>Priority 1(a), 1(e)<sup>5</sup></b></p> <p><b>Strategic Plan Goal IV<sup>6</sup></b></p>
	<p><b>Project Summary<sup>7</sup>:</b> Develop recommendations for revising the Judicial Council forms for reporting the results of an assessment of a person’s decision-making capacity to conform to statutory and decisional requirements. The Conservatorship and Legal Capacity Subcommittee has identified several areas of tension between the legal standards for establishing a conservatorship, determining a lack of legal capacity, and imposing a legal disability, on the one hand, and the structure, scope, and typical use of the existing capacity declaration forms (GC-335 and GC-335A), on the other.</p> <p><b>Status/Timeline:</b> Anticipate that revised forms will take effect January 1, 2023.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Legal Services. Any proposal will circulate for public comment.</p> <p><b>AC Collaboration:</b> N/A</p>	
3.	<p><b>Recommend approval of guardianship objection form</b></p>	<p><b>Priority 1(a), 1(e)<sup>5</sup></b></p> <p><b>Strategic Plan Goal IV<sup>6</sup></b></p>

#	<b>New or One-Time Projects<sup>4</sup></b>	
	<p><b>Project Summary<sup>7</sup>:</b> Develop and recommend approval of a Judicial Council form for a parent or other interested person to use to object to a petition for appointment of a guardian. This form would promote due process and access to the courts by providing a mechanism for a parent or other interested person to challenge the proposed change of child custody to a nonparent.</p> <p><b>Status/Timeline:</b> Anticipate that new form would take effect January 1, 2023.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Legal Services. Any proposal will circulate for public comment.</p> <p><b>AC Collaboration:</b> N/A</p>	
4.	<p><b>Collaborate on developing proposals and recommendations to assist courts to provide safe access to proceedings and to address case-processing backlogs</b></p>	<p><b>Priority 1(d), 1(e), 1</b></p> <p><b>Strategic Plan Goals I, IV</b></p>
	<p><b>Project Summary:</b> Subject to the direction of the Workgroup on Post-Pandemic Initiatives, collaborate with Judicial Council internal committees and other council advisory bodies and staff to provide subject-matter expertise and develop recommendations to assist courts to provide safe access to judicial proceedings, address case-processing backlogs, and respond to other administrative and procedural challenges related to recovery from the COVID-19 pandemic.</p> <p><b>Status/Timeline:</b> Directives anticipated late 2021. Any rules and forms proposals would probably take effect January 1, 2023. Other proposals might be implemented sooner.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> TBD; California Lawyers Association, California Judges Association.</p> <p><b>AC Collaboration:</b> TBD</p>	
5.	<p><b>Participate in developing rules of court to implement Code of Civil Procedure section 367.75, which authorizes remote appearances and proceedings in civil cases</b></p>	<p><b>Priority 1, 1(b)</b></p> <p><b>Strategic Plan Goals I, IV</b></p>

#	<b>New or One-Time Projects<sup>4</sup></b>	
	<p><b>Project Summary:</b> Work with Ad hoc Committee on Civil Remote Appearance Rules as needed to fulfill requirement in Code of Civil Procedure section 367.75 (added by SB 241; Stats. 2021, ch. 214, § 5) to adopt rules for expanded use of remote appearances in civil cases, including proceedings under the Probate Code and civil mental health proceedings under the Lanterman-Petris-Short Act (Welf. &amp; Inst. Code, §§ 5000–5556).</p> <p><b>Status/Timeline:</b> New rules and forms anticipated to take effect January 1, 2022.</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Legal Services, CFCC, Governmental Affairs. Any proposal will circulate for public comment.</p> <p><b>AC Collaboration:</b> FamJuv, Civil &amp; Small Claims Advisory Committee, Trial Court Presiding Judges Advisory Committee, Court Executives Advisory Committee, Advisory Committee on Providing Access and Fairness, Criminal Law Advisory Committee</p>	
6.	<p><b>Recommend revocation of form for consent to appointment of guardian and nomination of guardian and approval of new guardianship nomination form</b></p>	<p><b>Priority 1, 1(e)</b></p> <hr/> <p><b>Strategic Plan Goals I, IV</b></p>
	<p><b>Project Summary:</b> Develop recommendation to revise the forms for notice of a hearing on a petition for appointment of a guardian and dispensation of notice and for consent to appointment and nomination of a guardian. The revisions will conform to existing law, promote access to the courts by providing parents with effective notice and the opportunity to be heard, and provide a better mechanism for parents to seek to protect their children when the parents are unable to care for the children in an emergency.</p> <p><b>Status/Timeline:</b> Anticipate that revised forms would take effect January 1, 2023.</p> <p><b>Fiscal Impact/Resources:</b> N/A</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><b>Internal/External Stakeholders:</b> Any proposal will circulate for public comment.</p> <p><b>AC Collaboration:</b> Possible consultation with Family and Juvenile Law Advisory Committee (FamJuv)</p>	

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
1.	<b><i>Review and recommend changes to the probate guardianship process</i></b>	<b><i>Priority 1, 1(e)</i></b> <b><i>Strategic Plan Goal IV</i></b>
<p><b><i>Project Summary:</i></b> 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 processes to petition for appointment of a guardian and to object to the petition. Consider separating guardianship forms and conservatorship forms into two discrete form sets.</p> <p><b><i>Status/Timeline:</i></b> Ongoing</p> <p><b><i>Fiscal Impact/Resources:</i></b> 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><b><i>Internal/External Stakeholders:</i></b> Governmental Affairs, Legal Services, Language Access Program staff; Superior Court Self-Help Centers, translation services, plain language consultation. Any proposal would circulate for public comment.</p> <p><b><i>AC Collaboration:</i></b></p>		
2.	<b><i>Review and recommend changes to the probate conservatorship process</i></b>	<b><i>Priority 1, 1(e)</i></b> <b><i>Strategic Plan Goals I, IV</i></b>
<p><b><i>Project Summary:</i></b> 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><b><i>Status/Timeline:</i></b> Ongoing</p> <p><b><i>Fiscal Impact/Resources:</i></b> TBD</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p>		

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
	<p><b>Internal/External Stakeholders:</b> Legal Services, Governmental Affairs; consultants. Any proposal would circulate for public comment.</p> <p><b>AC Collaboration:</b></p>	
3.	<b>Review pending legislation</b>	<b>Priority 1</b>
		<b>Strategic Plan Goal III</b>
<p><b>Project Summary:</b> Review pending legislation affecting court administration, practice, or procedure in proceedings under the Probate Code and the Lanterman-Petris-Short Act; 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><b>Status/Timeline:</b> Ongoing</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Governmental Affairs, Legal Services, CFCC</p> <p><b>AC Collaboration:</b> TBD</p>		
4.	<b>Review enacted legislation</b>	<b>Priority 1</b>
		<b>Strategic Plan Goal III</b>
<p><b>Project Summary<sup>7</sup>:</b> 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><b>Status/Timeline:</b> Ongoing</p> <p><b>Fiscal Impact/Resources:</b> TBD</p>		

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	<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>  <b>Internal/External Stakeholders:</b> Governmental Affairs, Legal Services, CFCC  <b>AC Collaboration:</b> TBD	
5.	<b>Gender Neutrality on Forms</b>	<b>Priority 1(a)</b>  <b>Strategic Plan Goals I, IV</b>
	<b>Project Summary:</b> As forms are revised, continue to review and, when possible, replace gendered terms or gender identity questions to conform to legislation providing for nonbinary gender identity.  <b>Status/Timeline:</b> Ongoing as individual forms are revised for other reasons  <b>Fiscal Impact/Resources:</b> N/A  <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>  <b>Internal/External Stakeholders:</b> Legal Services  <b>AC Collaboration:</b> N/A	
6.	<b>Review suggestions</b>	<b>Priority 1</b>  <b>Strategic Plan Goals III, IV</b>
	<b>Project Summary<sup>7</sup>:</b> As mandated by rule 10.21(c), review suggestions from members of the judicial branch and the public for improving judicial administration, practice, and procedure in decedents' estate, trust, guardianship, conservatorship, and other proceedings under the Probate Code, as well as civil mental health proceedings under the Lanterman-Petris-Short Act, and recommend action by the council or one of its committees.  <b>Status/Timeline:</b> Ongoing  <b>Fiscal Impact/Resources:</b> TBD	



#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
	<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><b>Internal/External Stakeholders:</b> Legal Services, Governmental Affairs, CFCC</p> <p><b>AC Collaboration:</b> TBD</p>	
7.	<b>Monitor developments in California guardianship law related to immigrant children</b>	<b>Priority 2</b>
<p><b>Strategic Plan Goals I, IV</b></p> <p><b>Project Summary:</b> Monitor the implementation, in probate guardianship proceedings, of the directives in 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 provisions concerning state judicial findings to support (proposed) wards’ petitions for Special Immigrant Juvenile (SIJ) status in federal immigration proceedings.</p> <p><b>Status/Timeline:</b> Ongoing</p> <p><b>Fiscal Impact/Resources:</b> 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><b>Internal/External Stakeholders:</b> Governmental Affairs, CFCC, other TBD</p> <p><b>AC Collaboration:</b> FamJuv</p>		
8.	<b>Provide subject-matter expertise</b>	<b>Priority 1</b>
<p><b>Strategic Plan Goals III, IV</b></p> <p><b>Project Summary:</b> 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>		

#	Ongoing Projects and Activities <sup>4</sup>
	<p data-bbox="178 196 659 228"><b>Status/Timeline:</b> Ongoing, as needed</p> <p data-bbox="178 269 579 302"><b>Fiscal Impact/Resources:</b> N/A</p> <p data-bbox="178 315 1902 383"><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="178 423 1591 456"><b>Internal/External Stakeholders:</b> Judicial Council, internal committees, advisory bodies, Judicial Council staff</p> <p data-bbox="178 496 495 529"><b>AC Collaboration:</b> TBD</p>

### III. LIST OF 2021 PROJECT ACCOMPLISHMENTS

*Highlights and achievements of completed projects that were included in the 2021 Annual Agenda.*

#	Project Highlights and Achievements
1.	Collaborated in developing proposals and recommendations to assist courts in responding to emergency conditions that limited access to the courts.
2.	Amended probate guardianship rules to implement Indian Child Welfare Act (ICWA) federal regulations and amendments to California law in AB 3176.
3.	Reviewed pending probate and mental health legislation, recommended positions and provided technical assistance on bills, including AB 1194 (conservatorships), AB 260 (guardianships), and SB 578 (mental health hearings).
4.	Replaced gender-specific language on revised forms.