Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.1 SCOPE OF GUARDIANSHIP RULES; TERMINOLOGY

a. **MATTERS TO WHICH RULE 15 APPLIES**
These guardianship rules apply to all probate guardianships of the person, the estate, or both, which are filed pursuant to Probate Code section 1500 et seq.
(Subd (a) adopted effective July 1, 2009.)

b. **MATTERS TO WHICH RULE 15 DOES NOT APPLY**
These guardianship rules do not apply to child custody matters filed pursuant to the Family Code or to guardianships under the Welfare and Institutions Code.
(Subd (b) adopted effective July 1, 2009.)

c. **TERMINOLOGY**
Unless otherwise indicated in a particular rule, all references to a "ward" shall include a proposed ward and references to a "guardian" shall include a proposed guardian.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.1 adopted effective July 1, 2009; adopted as Rule 7.52 effective July 1, 2008.)

15.2 FORMS TO BE FILED AT COMMENCEMENT OF PROCEEDING

a. **FORMS FOR GENERAL GUARDIANSHIP OF THE PERSON ONLY**
A petitioner seeking the appointment of a guardian of the person only must file the following forms with the clerk of the court:

(1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);

(2) Petition for Appointment of Guardian of Minor (Judicial Council form GC-210)
OR
Petition for Appointment of Guardian of the Person (Judicial Council form GC-210(P));

(3) Guardianship Petition – Child Information Attachment (Judicial Council form GC-210(CA));

(4) Indian Child Inquiry Attachment (Judicial Council form ICWA-010(A));

(5) Declaration Regarding Venue (Solano County Local Form no. 3700), or a declaration contained within the petition that is in substantial compliance with rule 15.2(e);

(6) Consent of Guardian, Nomination, and Waiver of Notice (Judicial Council form GC-211);

(7) Confidential Guardian Screening Form (Judicial Council form GC-212);

(8) Duties of Guardian (Judicial Council form GC-248);

(9) Declaration under Uniform Child Custody Jurisdiction and Enforcement Act (Judicial Council form FL-105);

(10) Court Investigator's Information and Referral Form (Solano County Local Form no. 3490);

(11) Order Appointing Investigator (Solano County Local Form no. 3510);

(12) Order Appointing Guardian of Minor (Judicial Council form GC-240); and,

(13) Letters of Guardianship (Judicial Council form GC-250).

(Subd (a) adopted effective July 1, 2009.)

b. **FORMS AND DECLARATIONS FOR GENERAL GUARDIANSHIP OF THE PERSON AND THE ESTATE**

A petitioner seeking the appointment of a guardian of the person and the estate must file the following forms and declarations with the clerk of the court:

(1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020)

(2) Petition for Appointment of Guardian of Minor (Judicial Council form GC-210)

(3) Guardianship Petition – Child Information Attachment (Judicial Council form GC-210(CA))

(4) Indian Child Inquiry Attachment (Judicial Council form ICWA-010(A));

(5) Declaration Regarding Venue (Solano County Local Form no. 3700), or a declaration contained within the petition that is in substantial compliance with rule 15.2(e);

(6) Preliminary Inventory of Guardianship Estate (Solano County Local Form no. 3800);

(7) Consent of Guardian, Nomination, and Waiver of Notice (Judicial Council form GC-211);

(8) Confidential Guardian Screening Form (Judicial Council form GC-212);

(9) Duties of Guardian (Judicial Council form GC-248);

(10) Declaration under Uniform Child Custody Jurisdiction and Enforcement Act (Judicial Council form FL-105);

(11) Court Investigator's Information and Referral Form (Solano County Local Form no. 3490);

(12) Order Appointing Investigator (Solano County Local Form no. 3510);

(13) Order Appointing Guardian of Minor (Judicial Council form GC-240); and,

(14) Letters of Guardianship (Judicial Council form GC-250).

(Subd (b) adopted effective July 1, 2009.)

c. **FORMS FOR GENERAL GUARDIANSHIP OF THE ESTATE ONLY**

A petitioner seeking the appointment of a guardian of the person and the estate must file the following forms with the clerk of the court:

(1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020)

(2) Petition for Appointment of Guardian of Minor (Judicial Council form GC-210)

(3) Guardianship Petition – Child Information Attachment (Judicial Council form GC-210(CA))

(4) Declaration Regarding Venue (Solano County Local Form no. 3700), or a declaration contained within the petition that is in substantial compliance with rule 15.2(e);

(5) Preliminary Inventory of Guardianship Estate (Solano County Local Form no.3800);

(6) Consent of Guardian, Nomination, and Waiver of Notice (Judicial Council form GC-211);

(7) Confidential Guardian Screening Form (Judicial Council form GC-212);

(8) Duties of Guardian (Judicial Council form GC-248);

(9) Court Investigator's Information and Referral Form (Solano County Local Form no. 3490);

(10) Order Appointing Investigator (Solano County Local Form no. 3510);

(11) Order Appointing Guardian of Minor (Judicial Council form GC-240); and,

(12) Letters of Guardianship (Judicial Council form GC-250).
(Subd (c) adopted effective July 1, 2009.)

d. **FORMS FOR TEMPORARY GUARDIANSHIP OF THE PERSON AND/OR THE ESTATE**
In addition to the forms listed above for the appropriate form of general guardianship, a petitioner seeking the appointment of a temporary guardian of the person and/or the estate must file the following forms:

(1) Petition for Appointment of Temporary Guardian (Judicial Council form GC-110)
OR
Petition for Appointment of Temporary Guardian of the Person (Judicial Council form GC-110(P));

(2) Order Appointing Temporary Guardian or Conservator (Judicial Council form GC-140); and,

(3) Letters of Temporary Guardianship or Conservatorship (Judicial Council form GC-150).

The petition shall include a detailed declaration indicating why a temporary guardianship is necessary or appropriate.
(Subd (d) adopted effective July 1, 2009.)

e. **DECLARATION REGARDING VENUE**

(1) *Proposed Wards who are Residents of California*
In all petitions for guardianship of the person and/or the estate where the proposed ward is a resident of the State of California, the petitioner shall include a declaration indicating whether the proposed ward is a resident of Solano County at the time the petition is filed. If the proposed ward is not a resident of Solano County, the declaration shall state why it is in the proposed ward's best interests to have the guardianship proceeding heard in Solano County. The declaration may be filed on a *Declaration re: Venue* (Solano County Local Form no. 3700) or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.
(Subd (1) adopted effective July 1, 2009.)

(2) *Proposed Wards who are Not Residents of California – Guardianships of the Person*
In all petitions for guardianship of the person where the proposed ward is not a resident of the State of California, the petitioner shall include a declaration indicating whether the proposed ward is temporarily living in Solano County at the time the petition is filed. If the proposed ward is not temporarily living in Solano County, the declaration shall state why it is in the proposed ward's best interests to have the guardianship proceeding heard in Solano County. The declaration may be filed on a Declaration re: Venue (Solano County Local Form no. 3700) or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.
(Subd (2) adopted effective July 1, 2009.)

(3) *Proposed Wards who are Not Residents of California – Guardianships of the Estate*
In all petitions for guardianship of the estate where the proposed ward is not a resident of the State of California, the petitioner shall include a declaration indicating whether the proposed ward is temporarily living in Solano County at the time the petition is filed or whether the proposed ward has property in Solano County. If the proposed ward is not temporarily living in Solano County and does not have property in Solano County, the declaration shall state why it is in the proposed ward's best interests to have the guardianship proceeding heard in Solano County. The declaration may be filed on a Declaration re: Venue (Solano County Local Form no. 3700) or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.
(Subd (3) adopted effective July 1, 2009.)

(Subd (e) adopted effective July 1, 2009.)

(Rule 15.2 adopted effective July 1, 2009; adopted as Rule 7.53 effective July 1, 2008.)

15.3 NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN OR TEMPORARY GUARDIAN

a. **MINIMUM NOTICE REQUIREMENTS – RELATIVE GUARDIANSHIPS**
Except as excused by court order or as otherwise stated elsewhere in these rules, in proceedings where the proposed guardian is related to the proposed ward within the second degree as defined by Probate Code section 1513, subdivision (g), the petitioner shall provide notice of his or her petition for appointment of guardian as required by Probate Code section 1511. The court may, in its discretion, require notice to other relatives, including a person alleged to be a ward's parent, or other interested parties.
(Subd (a) amended effective July 1, 2009.)

b. **MINIMUM NOTICE REQUIREMENTS – NON-RELATIVE GUARDIANSHIPS**
Except as excused by court order or as otherwise stated elsewhere in these rules, in proceedings where the proposed guardian is not related to the proposed ward within the second degree as defined by Probate Code section 1513, subdivision (g), the petitioner shall provide notice of his or her petition for appointment of guardian as required by Probate Code sections 1511 and 1542. The addresses for the Director of Social Services and the Solano County Health and Social Services Department, the local agency designated for court investigations per

Probate Code section 1542, are listed in Appendix 15-A. The court may, in its discretion, require notice to other relatives, including a person alleged to be a ward's parent, or other interested parties.
(Subd (b) adopted effective July 1, 2009.)

c. **DOCUMENTS TO BE SERVED**
A petitioner must have the following documents served on any person who is entitled to notice of the petition for guardianship per Probate Code section 1511 and/or by order of the court:

(1) A copy of the filed Petition for Appointment of Guardian (Judicial Council form GC-210 or GC-210(P)) with any and all attachments; and,

(2) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020).

(Subd (c) adopted effective July 1, 2009.)

d. **PROOF OF PERSONAL SERVICE**
Any person effectuating personal service on one or more individuals shall fill out and sign a Proof of Personal Service of Notice of Hearing (Judicial Council form GC-020(P)). The server may instead prepare and sign a declaration substantially equivalent to Judicial Council form GC-020(P). The server shall provide the completed and signed form or declaration to the petitioner. The petitioner shall attach the completed form to the original Notice of Hearing (Judicial Council form GC-020) and file both original forms with the court at least five calendar days before the scheduled hearing date.
(Subd (d) adopted effective July 1, 2009.)

e. **PROOF OF SERVICE BY MAIL**
Any person effectuating service by mail on one or more individuals or government agencies shall fill out and sign a Proof of Service by First-Class Mail – Civil (Judicial Council form POS-030). The server may instead prepare and sign a declaration substantially equivalent to Judicial Council form POS-030. The server shall provide the completed and signed form or declaration to the petitioner. The petitioner shall file the original Notice of Hearing (Judicial Council form GC-020) and the proof of service by mail with the court at least five calendar days before the scheduled hearing date.
(Subd (e) adopted effective July 1, 2009.)

f. **DECLARATION OF DUE DILIGENCE**

If a petitioner cannot locate a relative or other person for whom notice is required, the petitioner shall file a Declaration of Due Diligence (Solano County Local Form no. 3705) or a substantially equivalent declaration which complies with this rule. The declaration must specify the name of the relative or other person whose whereabouts are unknown, the last known address of the person, the approximate date when the person was last known to reside at that address, all efforts undertaken to identify and locate the person, and any facts that explain why the person cannot be located. At a minimum, the petitioner shall make all of the following efforts and state the results in the declaration:

(1) Search the public records in any county where the person was last known or believed to reside, including real and personal property indexes in the recorder's and assessor's offices, the local telephone directory and directory assistance, the county's voter registration, the county's vital statistics office, and any non-confidential court files concerning or involving the person;

(2) Search all appropriate Internet search engines;

(3) Inquiry of the person's current or former employer(s);

(4) Inquiry of the person's current or former landlord(s) and neighbors;

(5) Inquiry of the person's last known residential address and any neighbors of that address;

(6) Inquiry of any relatives, friends, or other individuals who might have knowledge of the person's whereabouts; and,

(7) Inquiry of any appropriate county, state, and federal correctional systems in which the petitioner believes or has reason to believe the person is or may be incarcerated.

(Subd (f) adopted effective July 1, 2009.)

g. **ORDER DISPENSING WITH NOTICE**

A petitioner seeking an order dispensing with notice for one or more persons shall submit an Order Dispensing with Notice (Judicial Council form GC-021) to the court prior to or at the hearing on the petition for guardianship. The court will

not grant an order dispensing with notice unless the petitioner has filed a Declaration of Due Diligence pursuant to Solano County Local Rules, rule 15.3, subdivision (f).
(Subd (g) adopted effective July 1, 2009.)

h. **NOTICE IN TEMPORARY GUARDIANSHIPS**
Notice in temporary guardianships is governed by Probate Code section 2250(e).
(Subd (h) adopted effective July 1, 2008.)

(Rule 15.3 adopted effective July 1, 2009; adopted as Rule 7.52 effective July 1, 1989.)

15.4 APPOINTMENT OF INVESTIGATOR

a. **APPOINTMENT OF INVESTIGATOR IN RELATIVE GUARDIANSHIPS**
The court shall appoint the Court Investigators Office to perform an investigation pursuant to Probate Code section 1513 where the proposed guardian is a relative of the ward within the second degree. For purposes of this rule, a person shall be considered a relative within the second degree if they are related to the ward as described in Probate Code section 1513, subdivision (g).
(Subd (a) adopted effective July 1, 2009.)

b. **APPOINTMENT OF INVESTIGATOR IN NON-RELATIVE GUARDIANSHIPS**
In all probate guardianship matters where the proposed guardian is not a relative of the ward within the second degree as defined by Probate Code section 1513, subdivision (g), the court shall appoint the Solano County Department of Health & Social Services to perform an investigation pursuant to Probate Code sections 1513 and 1543.
(Subd (b) adopted effective July 1, 2009.)

c. **SERVICE OF DOCUMENTS ON INVESTIGATOR – RELATIVE GUARDIANSHIPS**
In guardianship proceedings where the court has appointed the Court Investigators Office, the petitioner or the petitioner's attorney must serve the Court Investigators Office with a copy of the following documents at least thirty (30) days prior to the hearing date:

(1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);

(2) A copy of the Petition for Guardianships (Judicial Council form GC-210 or GC-210(P)); and

(3) A completed Court Investigator's Information and Referral Form (Solano County Local Form no. 3490)

The documents shall be delivered or mailed to:
Court Investigators Office
Superior Court of California, County of Solano
600 Union Avenue
Fairfield, California 94533
(Subd (c) adopted effective July 1, 2009.)

d. **SERVICE OF DOCUMENTS ON INVESTIGATOR – NON-RELATIVE GUARDIANSHIPS**
In guardianship proceedings where the court has appointed the Solano County Department of Health & Social Services ("Department") to investigate the guardianship petition, the petitioner or the petitioner's attorney must serve the Department with a copy of the following documents thirty (30) days prior to the hearing date:

(1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);

(2) A copy of the Petition for Guardianship (Judicial Council form GC-210 or GC-210(P)); and,

(3) Any other forms that may be required by the Department.

The documents shall be delivered or mailed to:
Supervisor – Court Unit, Children's Bureau
Department of Health & Social Services
275 Beck Avenue MS5-230
Fairfield, CA 94533
(Subd (d) adopted July 1, 2009.)

e. **DUTY TO UPDATE INFORMATION GIVEN TO INVESTIGATOR**
The petitioner must advise the investigating office of any changes to the contact information of the ward, guardian, or proposed guardian.
(Subd (e) adopted effective July 1, 2009.)

f. **DUTY TO COOPERATE WITH INVESTIGATOR**
All parties, including but not limited to the petitioner, proposed or appointed guardian, parent(s) of the ward, and any attorneys for the parties, including appointed counsel for the ward or proposed ward, are to cooperate fully with the appointed investigator. Failure to cooperate may be punishable with sanctions pursuant to Code of Civil Procedure, section 575.2, in the court's discretion.
(Subd (f) adopted effective July 1, 2009.)

(Rule 15.4 adopted effective July 1, 2009; adopted as Rule 7.55 effective July 1, 2008.)

15.5 COURT INVESTIGATOR FEES

a. **COURT INVESTIGATOR FEES GENERALLY**
A fee for the services of the Court Investigators Office shall be imposed upon the person(s) so responsible for payment per Probate Code section1513.1. The rate of this fee depends on the nature of the investigation and is determined by the court on an annual basis. All rates are subject to change. The amount of the fee payable shall be determined by the fee schedule in effect on the date the petition triggering the investigation is filed, the date the accounting being reviewed is filed, or the due date of any reviews mandated by law. A list of current fees is available from the Court Investigators Office or the Family Law Clerk's Office. The assessed fee is payable within 30 days after the Assessment and Order for Payment is mailed by the Court Investigators Office.
(Subd (a) amended effective January 1, 2010; adopted effective July 1, 2009.)

b. **PAYMENT OF COURT INVESTIGATOR FEES**
Any and all assessments not waived by the court or county shall be paid to the court.
(Subd (b) adopted effective July 1, 2009.)

c. **DEFERMENT OR WAIVER OF COURT INVESTIGATOR FEES**
Upon application by a guardian or proposed guardian, a custodial parent, or a ward or proposed ward, the court may defer or waive a portion or all of the assessed court investigator fees if the court finds that ordering payment of the assessed fees would constitute a hardship for the ward or the ward's estate pursuant to Probate Code section 1513.1. The court may also defer fees pursuant to Probate Code section 2628. There shall be a rebuttable presumption that the assessed court investigator fees constitute a hardship on a ward or proposed ward

if the proposed guardian qualifies for a fee waiver under Government Code section 68630 et seq.

The court may periodically review the person's ability to pay the assessed fee. If the court becomes aware of a change in circumstances permitting payment of the fees by the person, the court shall order the fees paid after notice to the person and an opportunity to be heard.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.5 amended effective January 1, 2010; adopted effective July 1, 2009; previously adopted as Rule 7.54 effective July 1, 1989; previously renumbered as Rule 7.56 effective July 1, 2008.)

15.6 TEMPORARY GUARDIANSHIPS

a. **GUARDIANSHIPS OF THE PERSON**
The court will not normally grant a temporary guardianship of the person if the proposed ward is not living with or otherwise in the physical custody of the proposed guardian.
(Subd (a) adopted effective July 1, 2009.)

b. **GUARDIANSHIPS OF THE ESTATE**
The court will ordinarily require a bond for a temporary guardian of the estate. Unless the bond requirement is waived by the court, letters of temporary guardianship shall not issue until the temporary guardian has filed the requisite proof of bond per Probate Code section 2251.
(Subd (b) adopted effective July 1, 2009.)

(Rule 15.6 adopted effective July 1, 2009; adopted as Rule 7.57 effective July 1, 2008.)

15.7 EX PARTE APPLICATIONS FOR TEMPORARY GUARDIANSHIP OR OTHER TEMPORARY ORDERS

a. **EX PARTE APPLICATIONS GENERALLY**
Ex parte applications are extraordinary remedies. Except as set forth in an individual rule, ex parte applications for a temporary guardianship of either the estate or the person, or for temporary orders pertaining to an existing guardianship, are appropriate only where the applicant makes a showing per California Rules of Court, rule 7.1012 that an exception to the notice requirements

is necessary to protect the ward or the proposed ward or his or her estate from immediate and substantial harm.
(Subd (a) adopted effective July 1, 2009.)

b. **GUIDELINES FOR EX PARTE APPLICATIONS**
Unless the petitioner makes a showing of immediate and substantial harm or other good cause for an ex parte granting of a temporary guardianship or other orders as set forth in California Rules of Court, rule 7.1012, the court ordinarily will not entertain an ex parte application for appointment of a temporary guardian or for other temporary orders, even where all those entitled to notice have joined in the petition. In cases where the court determines that immediate appointment of a temporary guardian is necessary, said appointment shall be governed by the provisions of Probate Code section 2250.
(Subd (b) adopted effective July 1, 2009.)

c. **FORMS TO BE FILED FOR EX PARTE APPLICATIONS**
In addition to the Judicial Council and local forms required for temporary and general guardianships, a petitioner seeking an ex parte order appointing a temporary guardian or seeking temporary orders in an existing guardianship shall be required to file an Ex Parte Application for Temporary Guardianship or Other Orders (Solano County Local Form no. 3710).
(Subd (c) adopted effective July 1, 2009.)

d. **EX PARTE NOTICE REQUIREMENTS**

(1) Before submitting an ex parte application for the court's consideration, the applicant shall comply with the procedures in Probate Code section 1051, California Rules of Court, rule 7.55, and all applicable local rules. Unless otherwise stated in the Solano County Local Rules, the applicant must comply with all requirements for a declaration setting forth that NOTICE of the ex parte request has been given to all required persons or the reason notice has not been given. At the time of submission of the application, a completed Declaration Re Notice Upon Ex Parte Application for Orders – Guardianships (Solano County Local Form no. 3710-G) or a declaration in substantial compliance therewith, shall accompany all applications for ex parte orders and shall be filed before the ex parte hearing. The moving party shall make available a copy of the filed Declaration Re Notice Upon Ex Parte Application for Orders to the judicial officer, and to the opposing

party or attorney if one appears, at the time of the ex parte hearing, or the ex parte hearing may be ordered rescheduled.
(Subd (1) adopted effective July 1, 2009.)

(2) Unless otherwise ordered by the court, notice of the ex parte application for temporary orders shall be given by the petitioner to all those who are entitled to notice per Probate Code section 1511 and 1542. The notice shall include the date, time, and place the request will be made, a summary of the relief requested, and the facts upon which the request will be made. In its discretion, the court may require that the entire moving papers package be served in a prescribed manner upon another party, interested person, or his or her attorney, at a specified time before the ex parte hearing. Notice may be excused pursuant to these rules.
(Subd (2) adopted effective July 1, 2009.)

(Subd (d) adopted effective July 1, 2009.)

e. **PROCEDURE FOR EX PARTE APPLICATIONS**

(1) To determine whether, if taken as true, the moving papers demonstrate immediate and substantial harm or otherwise set forth good cause for granting a temporary emergency order, the assigned judicial officer shall consider the requesting party's papers and, in his or her discretion, determine that the matter should be addressed in an ex parte hearing, or with an order shortening time for notice or for a hearing, or with a regularly set petition. All ex parte applications must be submitted for screening by 1:30 p.m. for consideration on that same court day. Presenting the ex parte motion for this screening process does not in and of itself constitute submission of the motion for the court's consideration per Solano County Local Rules, rule 15.7 (d), above.
(Subd (1) adopted effective July 1, 2009.)

(2) Before a hearing on an ex parte application may take place, the moving party shall present proof (such as a receipt) that the additional ex parte filing fees have been paid or shall provide proof that the party has a current fee waiver on file in the guardianship case. Unless the moving party has a valid and current fee waiver on file, failure to present proof of payment of the ex parte fees will result in the hearing being taken off calendar,
(Subd (2) adopted effective July 1, 2009.)

(3) At the ex parte hearing, the party requesting ex parte orders must inform the judicial officer whether the opposing party is represented by counsel or is unrepresented. Per California Rules of Court, rule 7.55, the party requesting ex parte orders must also disclose whether special notice has been requested and if so, whether special notice has been given to or waived by the person who requested it.
(Subd (3) adopted effective July 1, 2009.)

(Subd (e) adopted effective July 1, 2009.)

(Rule 15.7 adopted effective July 1, 2009; adopted as Rule 7.55 effective July 1988; renumbered as Rule 7.58 effective July 1, 2008.)

15.8 CONTESTED GUARDIANSHIPS

a. **DISCLOSURE OF PROCEEDINGS AFFECTING THE WARD OR PROPOSED WARD**
The petitioner shall fully disclose in the petition (or thereafter as required by Probate Code section 1512) any information the petitioner has concerning any other pending or concluded proceeding involving the custody or guardianship of the minor. This shall include, but is not limited to, any adoption, juvenile court, marriage dissolution, domestic relations, or other similar proceeding affecting the ward or proposed ward in any jurisdiction, including other counties, states, or foreign countries.
(Subd (a) adopted effective July 1, 2009.)

b. **OBJECTIONS TO THE APPOINTMENT OF GUARDIAN**
A person objecting to the appointment of a temporary or general guardian of the person and/or estate shall file an Objection to Appointment of Guardian (Solano County Local Form no. 3455) as far in advance as possible of the appropriate guardianship hearing date. For example, an objection to the appointment of a temporary guardian shall be filed prior to the hearing on the temporary guardianship. The objection shall be served on all parties entitled to notice per Probate Code sections 1511 and 1542 as well as the Court Investigators Office. A proof of service showing service on each individual shall be filed with the court. If filing and service of the objection is not possible prior to the hearing date, the objecting party shall appear at the hearing either personally or through counsel to state their objection(s) on the record; however, unless otherwise ordered by the court, appearance at the hearing does not excuse the objecting party from filing his or her Objection to Appointment of Guardian and complying with the service requirements in this rule.

(Subd (b) adopted effective July 1, 2009.)

c. **NOMINATION OF ALTERNATE GUARDIAN**
A person's nomination of an alternate guardian for a proposed ward in an Objection to Appointment of Guardian (Solano County Local Form no. 3455) shall not be considered unless and until a petition naming the alternate proposed guardian is filed and the alternate proposed guardian indicates in writing that he or she consents to the nomination. A petition filed under this rule shall be filed in the same case number as the original petition. A petition filed pursuant to this rule is subject to the same service and notice requirements as the original petition for guardianship.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.8 adopted effective July 1, 2009; adopted as Rule 7.56 effective July 1, 1988; renumbered as Rule 7.59 effective July 1, 2008.)

15.9 ORDERS FOR VISITATION IN GUARDIANSHIPS

a. **REQUEST FOR VISITATION ORDERS**
A party seeking orders granting visitation with a ward or proposed ward shall file a petition seeking visitation orders. The court may promulgate a local form for use in filing a petition for visitation. Except as excused by court order or as otherwise stated elsewhere in these rules, the party shall provide notice of his or her petition as required by Probate Code section 1511 and Solano County Local Rules, rule 15.3. The court may, in its discretion, require notice to other relatives, including a person alleged to be a ward's parent, or other interested parties.
(Subd (a) adopted effective July 1, 2009.)

b. **DOCUMENTS TO BE SERVED**
A party requesting visitation orders must have the following documents served on any person who is entitled to notice of the petition for guardianship per Probate Code section 1511, Solano County Local Rules, rule 15.3, and/or by order of the court:

(1) A copy of the filed petition for visitation with any and all attachments; and,

(2) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020).

(Subd (b) adopted effective July 1, 2009.)

c. **PROOFS OF SERVICE; DECLARATIONS OF DUE DILIGENCE**
A party requesting visitation shall file one or more proofs of service demonstrating that all persons entitled to notice per Solano County Local Rules, rule 15.3 have been served as required. The proofs of service shall be completed and filed as described in rule 15.3, subdivisions (d) and (e), as appropriate. A party who cannot locate or provide notice to a particular individual shall comply with rule 15.3, subdivision (f).
(Subd (c) adopted effective July 1, 2009.)

d. **MEDIATION**
If a dispute exists as to the request for visitation, the matter shall be referred to mediation with Family Court Services. Mediations ordered as a result of this local rule shall be subject to all provisions found in Chapter 11 (commencing with Family Code section 3160) of Part 3 of Division 8 of the Family Code, all applicable provisions in the California Rules of Court, and Solano County Local Rules, rule 5.11.
(Subd (d) adopted effective July 1, 2009.)

e. **ORDERS FOR VISITATION**
Stipulations between the parties for visitation between a ward and another individual shall be prepared as a pleading or on a form designated by the court for use in guardianship matters. All other court orders concerning visitation with a ward shall be prepared and filed as a pleading or on a form designated by the court for use in guardianship matters.
(Subd (e) adopted effective July 1, 2009.)

(Rule 15.9 adopted effective July 1, 2009; adopted as Rule 7.60 effective July 1, 2008.)

15.10 GUARDIANSHIPS OF THE ESTATE – INVENTORIES AND APPRAISALS

a. **INVENTORIES AND APPRAISALS GENERALLY**
Inventories and appraisals in guardianships of the estate are governed by Chapter 7 of Part 4 of Division 4 of the Probate Code (commencing with section 2600). The use of mandatory Judicial Council forms is required, and the use of optional Judicial Council forms is strongly encouraged, in the preparation of all inventories and appraisals.
(Subd (a) adopted effective July 1, 2009.)

b. **REVIEW HEARING FOR INVENTORIES AND APPRAISALS**
At the time of the appointment of a guardian of the estate or a guardian of the person and the estate, the court shall set a review hearing to take place four (4) months after the date of appointment. The date of the initial compliance review hearing shall be listed as part of the order appointing the guardian. The court may set additional review hearings as needed for the initial and any subsequent inventories and appraisals.
(Subd (b) adopted effective July 1, 2009.)

c. **FILING OF INVENTORIES AND APPRAISALS**
The guardian shall file the inventory and appraisal required by Probate Code section 2610 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.10, subsection (b), concerning that inventory and appraisal.
(Subd (c) adopted effective July 1, 2009.)

d. **SERVICE OF INVENTORIES AND APPRAISALS**
At the time that the guardian of the estate presents an inventory and appraisal to the court pursuant to Probate Code sections 2610 or 2620 or any other section of the Probate Code, the guardian shall also serve an exact copy of the inventory and appraisal on the Court Investigators Office, if the inventory is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory is in a non-relative guardianship of the estate.
(Subd (d) adopted effective July 1, 2009.)

e. **SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO INVENTORIES AND APPRAISALS**
A person who files an objection to the inventory and appraisal of a guardian shall timely serve a notice of hearing on the Court Investigators Office, if the inventory and appraisal is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory and appraisal is in a non-relative guardianship of the estate. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.
(Subd (e) adopted effective July 1, 2009.)

(Rule 15.10 adopted effective July 1, 2009; adopted as Rule 7.59 effective July 1, 1992; renumbered as Rule 7.61 effective July 1, 2008.)

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.11 GUARDIANSHIPS OF THE ESTATE – ACCOUNTINGS

a. **ACCOUNTINGS GENERALLY**

Accountings in guardianships of the estate are governed by Chapter 7 of Part 4 of Division 4 of the Probate Code (commencing with section 2600). The use of mandatory Judicial Council forms is required, and the use of optional Judicial Council forms is strongly encouraged, in the preparation of all accountings.
(Subd (a) adopted effective July 1, 2009.)

b. **SUPPLEMENTAL REPORT TO ACCOMPANY ACCOUNTING**

In addition to the information required by Probate Code section 2620, each accounting shall include a report containing the following information:

(1) An explanation of any unusual items appearing in the account;

(2) A report of the stewardship of the fiduciary in the management of the assets of the ward's estate during the period covered by the account;

(3) In cases where a bond has been ordered, a statement attesting that bond premiums have been paid regularly; and,

(4) If income-producing property is inventoried in the guardianship and the account fails to indicate that income is being produced by the property, an explanation as to the lack of income.

(Subd (b) adopted effective July 1, 2009.)

c. **REVIEW HEARING FOR ACCOUNTINGS**

At the time of the appointment of a guardian of the estate or a guardian of the person and the estate, the court shall set a review hearing to take place fourteen (14) months after the date of appointment. The date of the compliance review hearing shall be listed as part of the order appointing the guardian. The court may set additional review hearings as needed for the initial and any subsequent accounts.
(Subd (c) adopted effective July 1, 2009.)

d. **FILING OF ACCOUNTINGS**
The guardian shall file the accounting required by Probate Code section 2620 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.11, subsection (c), concerning that accounting.
(Subd (d) adopted effective July 1, 2009.)

e. **SERVICE OF ACCOUNTINGS**
At the time that the guardian of the estate presents an accounting to the court pursuant to Probate Code section 2620 et seq. or any other section of the Probate Code, the guardian shall also serve an exact copy of the inventory on the Court Investigators Office, if the inventory is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory is in a non-relative guardianship of the estate. Said service shall be at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.11, subsection (c). Absent a court order to the contrary, any subsequent accountings shall likewise be filed and served on at least 30 days prior to any subsequent compliance review hearings.
(Subd (e) adopted effective July 1, 2009.)

f. **SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO ACCOUNTINGS**
A person who files an objection to the accounting of a guardian shall timely serve a notice of hearing on the Court Investigators Office, if the inventory is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the inventory is in a non-relative guardianship of the estate. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.
(Subd (f) adopted effective July 1, 2009.)

(Rule 15.11 adopted effective July 1, 2009; adopted as Rule 7.61 effective July 1, 1989; renumbered as Rule 7.62 effective July 1, 2008.)

15.12 ALLOWANCE OF FEES IN GUARDIANSHIP PROCEEDINGS

a. **COMPENSATION FOR GUARDIAN OR GUARDIAN'S COUNSEL**
A guardian of the estate or the person and/or his or her attorney may petition the court for just and reasonable compensation in accordance with Probate Code sections 2640 and 2642. In determining whether to award compensation, the court shall take into consideration the following:

(1) The nature and difficulty of the services rendered to the ward and/or the ward's estate;

(2) The results achieved from those services;

(3) The benefit to the ward and/or the ward's estate of those services;

(4) The productivity of the guardian's and/or attorney's time spent in performing the services;

(5) The expertise and experience of the person requesting the fees;

(6) The hourly rate of the person performing the services; and,

(7) The total amount of compensation requested in relation to size and income of the ward's estate, if applicable.

(Subd (a) adopted effective July 1, 2009.)

(Rule 15.12 adopted effective July 1, 2009; adopted as Rule 7.63 effective July 1, 1989.)

15.13 INVESTMENTS BY GUARDIAN OF THE ESTATE

a. **GENERAL GUIDELINES FOR INVESTMENTS**

Unless otherwise authorized by court order, a guardian of the estate shall normally be subject to the following guidelines when investing on behalf of a ward's estate:

(1) The investments shall be prudent and in keeping with the size and character of the ward's estate;

(2) Investments in small estates should be limited to those not likely to fluctuate in value;

(3) Larger guardianship estates may be diversified to permit a part of the estate funds to be invested in securities likely to yield higher growth; and,

(4) Investments in existence at the time of the creation of the guardianship usually may be maintained.

(Subd (a) adopted effective July 1, 2009.)

b. **PROHIBITED INVESTMENTS**
Unless otherwise permitted by court order upon application by the guardian and a showing of good cause, the court will not authorize the following types of investments on behalf of a ward's estate:

(1) Unsecured loans using estate funds or assets;

(2) Secured loans to a relative of the guardian or the ward;

(3) Debenture bonds;

(4) Bonds or obligations of foreign governments or corporations, whether payable in dollars or not;

(5) Investments in real estate, unless supported by an appraisal by the court's probate referee and the purchase is made with cash; or,

(6) Any type of life insurance policy on the ward's life.
(Subd (b) adopted effective July 1, 2009.)

c. **EX PARTE APPLICATIONS FOR ORDERS AUTHORIZING INVESTMENTS**
If a request for special notice has not been filed, a petition to invest may be heard ex parte.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.13 adopted effective July 1, 2009; adopted as Rule 7.64 effective July 1, 1988.)

15.14 APPOINTMENT OF COUNSEL FOR WARD

a. **ELIGIBILITY FOR INITIAL APPOINTMENT**
An attorney wishing to be considered for appointment on any guardianship case on or after January 1, 2008, must comply with California Rules of Court, rule 7.1101, and submit a request to the court to be placed on the panel of appointed attorneys in guardianship cases. The request must be accompanied by a Certification of Attorney Concerning Qualifications For Court Appointment in Conservatorships or Guardianships (Judicial Council form GC-010). An attorney whose request is approved by the court is thereafter eligible for appointment in guardianship cases.
(Subd (a) adopted effective July 1, 2009.)

b. **RENEWAL OF ELIGIBILITY FOR APPOINTMENT**
An attorney who is eligible for appointment in guardianship cases pursuant to rule 15.14, subdivision (a), shall certify to the court by March 31 of each year following the attorney's initial approval that he or she has completed the education requirements set forth in California Rules of Court, rule 7.1101. The certification shall be on the Annual Certification of Court-Appointed Attorney form (Judicial Council form GC-011). Failure to timely comply with the certification requirements or with the education requirements in rule 7.1101 shall result in the removal of the attorney from the approved panel of appointed attorneys; however, the court may reinstate the attorney upon the prompt filing of an affidavit to the court demonstrating good cause why the certification was not timely submitted to the court.
(Subd (b) adopted effective July 1, 2009.)

c. **STANDARDS GOVERNING COUNSEL FOR WARD**
Counsel appointed to represent a ward in a guardianship proceeding shall be subject to, and shall have all applicable rights and responsibilities found in, California Rules of Court, rule 5.242.
(Subd (c) adopted effective July 1, 2009.)

d. **COMPENSATION OF COUNSEL FOR WARD**
Compensation of counsel appointed to represent a ward shall be governed by Probate Code section 1470. All orders appointing minor's counsel in guardianship proceedings, including orders setting compensation, shall be on an Order Appointing Minor's Counsel form (Solano County Local Form no. 3750).
(Subd (d) adopted effective July 1, 2009.)

(Rule 15.14 adopted effective July 1, 2009; adopted as Rule 7.65 effective July 1, 2008.)

15.15 TERMINATION OF GUARDIANSHIP

a. **FORMS TO BE FILED FOR TERMINATION OF GUARDIANSHIP**
A party wishing to terminate a guardianship for a ward who is not deceased or emancipated must file the following forms:

(1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);

(2) Petition for Termination of Guardianship (Judicial Council form GC-255); and,

(3) Order Terminating Guardianship (Judicial Council form GC-260).
(Subd (a) adopted effective July 1, 2009.)

b. **NOTICE OF THE PETITION TO TERMINATE**
The party filing a petition to terminate the guardianship is subject to the service and notice requirements stated in Solano County Local Rules, rule 15.3. A copy of the petition and the Notice of Hearing shall also be served on the Court Investigators Office, if the guardianship to be terminated is a relative guardianship, or on the Solano County Department of Health & Social Services, if the guardianship to be terminated is a non-relative guardianship.
(Subd (b) adopted effective July 1, 2009.)

c. **LODGING OF ORDER TERMINATING GUARDIANSHIP**
In the event the court makes custody orders as part of an order terminating a guardianship pursuant to Probate Code section 1601, a copy of the custody order shall be filed in any pending or subsequently commenced proceeding concerning custody of the child. The custody order shall be prepared as a pleading or on a form designated by the court for use pursuant to this rule.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.15 adopted effective July 1, 2009; adopted as Rule 7.81 effective July 1, 1988; renumbered as Rule 7.66 effective July 1, 2008.)

15.16 SANCTIONS

Failure to comply with these local rules in guardianship matters may result in the imposition of sanctions pursuant to Code of Civil Procedure section 575.2.

(Rule 15.16 adopted effective July 1, 2009.)

15.17 GUARDIANSHIPS OF THE PERSON – STATUS REPORT

To the extent that the court determines that court resources are available, the court may order on a case-by-case basis that a guardian of the person or a guardian of the person and estate shall comply with the annual status report requirement per Probate Code section 1513.2.

(Rule 15.17 adopted effective January 1, 2010.)

Superior Court of California
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Rule 15 – Guardianships and Conservatorships

PART ONE: Guardianships

15.18 – 15.49 [RESERVED]

Superior Court of California
County of Solano

Rule 15 – Guardianships and Conservatorships

PART TWO: Conservatorships

15.50 CONSERVATORSHIP MATTERS TO WHICH RULE 15 APPLIES

Unless otherwise stated in an individual rule, Rule 15 shall apply to all conservatorship matters brought pursuant to the Probate Code. It does not apply to LPS conservatorships brought pursuant to Welfare & Institutions Code section 5000 et seq.

(Rule 15.50 adopted effective July 1, 2009.)

15.51 CONTINUANCE OF HEARING WHERE CONSERVATEE NOT SERVED WITH CITATION

If the proposed conservatee has not been served with the citation as required by Probate Code section 1824, the petitioner shall notify the court and all persons entitled to notice at least 15 days prior to the hearing and request a new hearing date. The original citation shall be filed showing no service and an amended citation shall be issued with the new hearing date. The petitioner shall also serve a notice to all interested persons of the new hearing date.

(Rule 15.51 adopted effective July 1, 2009; previously adopted as portion of Rule 7.69 effective July 1, 1988.)

15.52 INFORMATION TO BE PROVIDED PRIOR TO ISSUANCE OF LETTERS

Pursuant to Probate Code section 1834, subsection (b), Solano County requires that a conservator provide the court with the conservator's social security number and driver's license numbers. A conservator shall be deemed to have complied with this requirement by submitting a fully completed and signed Confidential Conservator Screening Form (Judicial Council form GC-314) to the Court Investigators Office as part of the initial conservatorship investigation process.

(Rule 15.52 adopted effective July 1, 2009; previously adopted as portion of Rule 7.69 effective July 1, 1988.)

15.53 COURT INVESTIGATOR

a. **AUTOMATIC APPOINTMENT OF COURT INVESTIGATOR**
The court automatically appoints the court investigator to conduct investigations into probate conservatorships and proposed probate conservatorships.
(Subd (a) adopted effective July 1, 2009.)

b. **SERVICE OF DOCUMENTS ON COURT INVESTIGATOR UPON COMMENCEMENT OF THE PROCEEDING**

Immediately upon the filing of a Petition for Appointment of Temporary Conservator or Petition for Appointment of Probate Conservator, the petitioner or the petitioner's attorney must submit the following documents to the Court Investigators Office:

(1) Notice of Hearing – Guardianship or Conservatorship (Judicial Council form GC-020);

(2) A copy of the Petition for Appointment of Probate Conservator (Judicial Council form GC-311);

(3) A copy of the Petition for Appointment of Temporary Conservator (Judicial Council form GC-111), if one was filed; and,

(4) The Confidential Conservator Screening Form (Judicial Council form GC-314).

The documents shall be delivered or mailed to:

Court Investigators Office
Superior Court of California, County of Solano
600 Union Avenue
Fairfield, California 94533

(Subd (b) adopted effective July 1, 2009.)

c. **SERVICE OF PETITIONS AND OTHER DOCUMENTS ON COURT INVESTIGATOR AFTER APPOINTMENT OF CONSERVATOR**

A copy of any pleadings or documents filed in the court file shall be immediately provided to the Court Investigators Office by the party or attorney filing said pleadings or documents.

(Subd (c) adopted effective July 1, 2009.)

d. **DUTY TO UPDATE INFORMATION GIVEN TO INVESTIGATOR**

The petitioner must advise the investigating office of any changes to the contact information of the conservatee or proposed conservatee.

(Subd (d) adopted effective July 1, 2009.)

e. **DUTY TO COOPERATE WITH INVESTIGATOR**
All parties, including but not limited to the petitioner, proposed or appointed conservator, conservatee or proposed conservatee, and any attorneys for the parties, including appointed counsel for the conservatee or proposed conservatee, are to cooperate fully with the appointed investigator. Failure to cooperate may be punishable with sanctions pursuant to Code of Civil Procedure section 575.2, in the court's discretion.
(Subd (e) adopted effective July 1, 2009.)

(Rule 15.53 adopted effective July 1, 2009; previously adopted as Rule 7.70 effective July 1, 1988.)

15.54 COURT INVESTIGATOR FEES

a. **COURT INVESTIGATOR FEES GENERALLY**
A fee for the services of the Court Investigators Office shall be imposed upon the person(s) so responsible for payment per Probate Code section 1851.5. The rate of this fee depends on the nature of the investigation and is determined by the court on an annual basis. All rates are subject to change. The amount of the fee payable shall be determined by the fee schedule in effect on the date the petition triggering the investigation is filed, the date the accounting being reviewed is filed, or the due date of any reviews mandated by law. A list of current fees is available from the Court Investigators Office or the Family Law Clerk's Office. The assessed fee is payable within 30 days after the Assessment and Order for Payment is mailed by the Court Investigators Office.
(Subd (a) amended effective January 1, 2010; adopted effective July 1, 2009.)

b. **PAYMENT OF COURT INVESTIGATOR FEES**
Any and all assessments not waived by the court shall be paid to the court.
(Subd (b) adopted effective July 1, 2009.)

c. **DEFERRAL OR WAIVER OF COURT INVESTIGATOR FEES**
Upon application by the conservator or proposed conservator or the conservatee or proposed conservatee, the court may defer or waive a portion or all of the assessed court investigator fees if the court finds that ordering payment of the assessed fees at the time of the assessment would constitute a hardship for the conservatee or conservatee's estate pursuant to Probate Code section 1851.5. The court may also defer fees pursuant to Probate Code section 2628. There shall be a rebuttable presumption that the assessed court investigator fees constitute a

hardship on a conservatee or proposed conservatee if the conservatee qualifies for a fee waiver under Government Code section 68630 et seq. The court shall review the conservatee's ability to pay the assessed fee at every review of the conservatorship. If the court finds the conservatee is able to pay the fee at the time of a review, or if the court otherwise becomes aware of a change in circumstances permitting payment of the fees by the conservatee, the court shall order the fees paid.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.54 amended effective January 1, 2010; adopted effective July 1, 2009.)

15.55 APPOINTMENT OF COUNSEL FOR CONSERVATEE

a. **ELIGIBILITY FOR INITIAL APPOINTMENT**
An attorney wishing to be considered for appointment on any conservatorship case on or after January 1, 2008, must comply with California Rules of Court, rule 7.1101, and submit a request to the court to be placed on the panel of appointed attorneys in conservatorship cases. The request must be accompanied by a Certification of Attorney Concerning Qualifications For Court Appointment in Conservatorships or Guardianships (Judicial Council form GC-010). An attorney whose application is approved by the court is thereafter eligible for appointment in conservatorship cases.
(Subd (a) adopted effective July 1, 2009.)

b. **RENEWAL OF ELIGIBILITY FOR APPOINTMENT**
An attorney who is eligible for appointment in conservatorship cases pursuant to rule 15.55, subdivision (a), shall certify to the court by March 31 of each year following the attorney's initial approval that he or she has completed the education requirements set forth in California Rules of Court, rule 7.1101. The certification shall be on the Annual Certification of Court-Appointed Attorney form (Judicial Council form GC-011). Failure to timely comply with the certification requirements or with the education requirements in rule 7.1101 shall result in the removal of the attorney from the approved panel of appointed attorneys; however, the court may reinstate the attorney upon the prompt filing of an affidavit to the court demonstrating good cause why the certification was not timely submitted to the court.
(Subd (b) adopted effective July 1, 2009.)

c. **COMPENSATION OF COUNSEL**
Compensation of counsel appointed to represent a conservatee shall be governed by Probate Code section 1470.
(Subd (c) adopted effective July 1, 2009.)

(Rule 15.55 adopted effective July 1, 2009.)

15.56 EX PARTE APPLICATIONS FOR TEMPORARY CONSERVATORSHIP AND OTHER ORDERS

a. **EX PARTE APPLICATIONS GENERALLY**
Ex parte applications are extraordinary remedies. Except as set forth in an individual rule, ex parte applications for a temporary conservatorship of either the estate or the person, or for temporary orders pertaining to an existing conservatorship, are appropriate only where the applicant makes a showing per California Rules of Court, rule 7.1062 that an exception to the notice requirements is necessary to protect the conservatee or the proposed conservatee or his or her estate from immediate and substantial harm.
(Subd (a) adopted effective July 1, 2009.)

b. **EX PARTE PETITION FOR APPOINTMENT OF A TEMPORARY CONSERVATOR**
Unless the petitioner makes a showing of immediate and substantial harm or other good cause for an ex parte granting of a temporary conservatorship per California Rules of Court, rule 7.1062, the court ordinarily will not entertain an ex parte application for appointment of a temporary conservator, even where all those entitled to notice have joined in the petition. In cases where the court determines that immediate appointment of a temporary conservator is necessary, said appointment shall be governed by the provisions of Probate Code section 2250.
(Subd (b) adopted effective July 1, 2009.)

c. **EX PARTE NOTICE REQUIREMENTS**

(1) Before submitting an ex parte application for the court's consideration, the applicant shall comply with the procedures in Probate Code section 1051, California Rules of Court, rule 7.55, and all applicable local rules. Unless otherwise stated in the Solano County Local Rules, the applicant must comply with all requirements for a declaration setting forth that notice of the ex parte request has been given to all required persons or the reason

notice has not been given. At the time of submission of the application, a completed Declaration Re Notice Upon Ex Parte Application for Orders – Conservatorships (Solano County Local Form no. 1070-C) or a declaration in substantial compliance therewith, shall accompany all applications for ex parte orders and shall be filed before the ex parte hearing. The moving party shall make available a copy of the filed Declaration Re Notice Upon Ex Parte Application for Orders to the judicial officer, and to the opposing party or attorney if one appears, at the time of the ex parte hearing, or the ex parte hearing may be ordered rescheduled.
(Subd (1) adopted effective July 1, 2009.)

(2) Unless otherwise ordered by the court, notice of the ex parte application for temporary orders shall be given by the petitioner to all those who are entitled to notice per Probate Code section 2250, subsection (e). The notice shall include the date, time, and place the request will be made, a summary of the relief requested, and the facts upon which the request will be made. In its discretion, the court may require that the entire moving papers package be served in a prescribed manner upon another party, interested person, or his or her attorney, at a specified time before the ex parte hearing. Notice may be excused pursuant to these rules.
(Subd (2) adopted effective July 1, 2009.)

(Subd (c) adopted effective July 1, 2009.)

d. **DECLARATION OF DUE DILIGENCE**

If a petitioner cannot locate a relative or other person for whom notice is required, the petitioner shall file a Declaration of Due Diligence (Solano County Local Form no. 3705) or a substantially equivalent declaration which complies with this rule. The declaration must specify the name of the relative or other person whose whereabouts are unknown, the last known address of the person, the approximate date when the person was last known to reside at that address, all efforts undertaken to identify and locate the person, and any facts that explain why the person cannot be located. At a minimum, the petitioner shall make all of the following efforts and state the results in the declaration:

(1) Search the public records in any county where the person was last known or believed to reside, including real and personal property indexes in the recorder's and assessor's offices, the local telephone directory and directory assistance, the county's voter registration, the county's vital

statistics office, and any non-confidential court files concerning or involving the person;

(2) Search all appropriate Internet search engines;

(3) Inquiry of the person's current or former employer(s);

(4) Inquiry of the person's current or former landlord(s) and neighbors;

(5) Inquiry of the person's last known residential address and any neighbors of that address;

(6) Inquiry of any relatives, friends, or other individuals who might have knowledge of the person's whereabouts; and,

(7) Inquiry of any appropriate county, state, and federal correctional systems in which the petitioner believes or has reason to believe the person is or may be incarcerated.

(Subd (d) adopted effective July 1, 2009.)

e. **ORDER DISPENSING WITH NOTICE**

A petitioner seeking an order dispensing with notice for one or more persons shall submit an Order Dispensing with Notice (Judicial Council form GC-021) to the court prior to or at the hearing on the petition for conservatorship. The court will not grant an order dispensing with notice unless the petitioner has filed a Declaration of Due Diligence pursuant to Solano County Local Rules, rule 15.56, subdivision (d).

(Subd (e) adopted effective July 1, 2009.)

(Rule 15.56 adopted effective July 1, 2009; previously adopted as Rule 7.71 effective July 1, 1988.

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15.57 INDEPENDENT EXERCISE OF POWERS

No powers specified in Probate Code Section 2591 will be granted in the absence of a clear and convincing factual showing that the grant of each power requested is needed to administer the estate, and that the grant of such power is for the advantage, benefit and best interest of the estate.

(Rule 15.57 adopted effective July 1, 2009; previously adopted as Rule 7.73 effective July 1, 1988.)

15.58 CONSERVATORSHIP INVENTORIES AND APPRAISALS

a. **INVENTORIES AND APPRAISALS GENERALLY**
Inventories and appraisals in conservatorships of the estate are governed by Chapter 7 of Part 4 of Division 4 of the Probate Code (commencing with section 2600). The use of mandatory Judicial Council forms is required, and the use of optional Judicial Council forms is strongly encouraged, in the preparation of all inventories and appraisals.
(Subd (a) adopted effective July 1, 2009.)

b. **REVIEW HEARING FOR INVENTORIES AND APPRAISALS**
At the time of the appointment of a conservator of the estate or a conservator of the person and the estate, the court shall set a review hearing to take place four (4) months after the date of appointment. The date of the initial compliance review hearing shall be listed as part of the order appointing the conservator. The court may set additional review hearings as needed for the initial and any subsequent inventories and appraisals.
(Subd (b) adopted effective July 1, 2009.)

c. **FILING OF INVENTORIES AND APPRAISALS**
The conservator shall file the inventory and appraisal required by Probate Code section 2610 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.58, subsection (b).
(Subd (c) adopted effective July 1, 2009.)

d. **SERVICE OF INVENTORIES AND APPRAISALS**
At the time that the conservator of the estate presents an inventory and appraisal to the court pursuant to Probate Code sections 2610 or 2620 or any other section

of the Probate Code, the conservator shall also serve an exact copy of the inventory and appraisal on the Court Investigators Office.
(Subd (d) adopted effective July 1, 2009.)

e. **SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO INVENTORIES AND APPRAISALS**
A person who files an objection to the inventory or appraisal of a conservator shall timely serve a notice of hearing on the Court Investigators Office. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.
(Subd (e) adopted effective July 1, 2009.)

(Rule 15.58 adopted effective July 1, 2009; previously adopted as Rule 7.75 effective July 1, 1988.)

15.59 CONSERVATORSHIP ACCOUNTINGS

a. **ACCOUNTINGS GENERALLY**
Accountings in conservatorships of the estate are governed by Chapter 7 of Part 4 of Division 4 of the Probate Code (commencing with section 2600). The use of mandatory Judicial Council forms is required, and the use of optional Judicial Council forms is strongly encouraged, in the preparation of all accountings.
(Subd (a) adopted effective July 1, 2009.)

b. **SUPPLEMENTAL REPORT TO ACCOMPANY ACCOUNTING**
In addition to the information required by Probate Code section 2620, each accounting shall include a report containing the following information:

(1) An explanation of any unusual items appearing in the account;

(2) A report of the stewardship of the fiduciary in the management of the assets of the conservatee's estate during the period covered by the account;

(3) In cases where a bond has been ordered, a statement attesting that bond premiums have been paid regularly; and,

(4) If income-producing property is inventoried in the conservatorship and the account fails to indicate that income is being produced by the property, an explanation as to the lack of income.

(Subd (b) adopted effective July 1, 2009.)

c. **REVIEW HEARING FOR ACCOUNTINGS**

At the time of the appointment of a conservator of the estate or a conservator of the person and the estate, the court shall set a review hearing to take place fourteen (14) months after the date of appointment. The date of the compliance review hearing shall be listed as part of the order appointing the conservator. The court may set additional review hearings as needed concerning the initial or subsequent accountings.

(Subd (c) adopted effective July 1, 2009.)

d. **FILING OF ACCOUNTINGS**

The conservator shall file the accounting required by Probate Code section 2620 at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.59, subsection (c), concerning that accounting.

(Subd (d) adopted effective July 1, 2009.)

e. **SERVICE OF ACCOUNTINGS**

At the time that the conservator of the estate presents an accounting to the court pursuant to Probate Code section 2620 et seq. or any other section of the Probate Code, the conservator shall also serve an exact copy of the inventory on the Court Investigators Office. Said service shall be at least thirty (30) days prior to the date of the review hearing set pursuant to Rule 15.59, subsection (c). Absent a court order to the contrary, any subsequent accountings shall likewise be filed and served on the Court Investigators Office at least 30 days prior to any subsequent compliance review hearings.

(Subd (e) adopted effective July 1, 2009.)

f. **SERVICE OF NOTICE OF HEARING ON OBJECTIONS TO ACCOUNTINGS**

A person who files an objection to the accounting of a conservator shall timely serve a notice of hearing on the Court Investigators Office. This notice of hearing shall only be required for a hearing set by the objecting party that is not already on calendar. No notice of the hearing is required for the review hearings set automatically by the court.

(Subd (f) adopted effective July 1, 2009.)

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(Rule 15.59 adopted effective July 1, 2009; previously adopted as Rule 7.76 effective July 1, 1988.)

15.60 ALLOWANCE OF FEES

a. **GUIDELINES FOR COMPENSATION**

A conservator of the estate or the person and/or his or her attorney may petition the court for just and reasonable compensation in accordance with Probate Code sections 2640 and 2642. In determining whether to award compensation, the court shall take into consideration the following:

(1) The nature and difficulty of the services rendered to the conservatee and/or the conservatee's estate;

(2) The results achieved from those services;

(3) The benefit to the conservatee and/or the conservatee's estate of those services;

(4) The productivity of the conservator's and/or attorney's time spent in performing the services;

(5) The expertise and experience of the person requesting the fees;

(6) The hourly rate of the person performing the services; and,

(7) The total amount of compensation requested in relation to size and income of the conservatee's estate, if applicable.

(Subd (a) adopted effective July 1, 2009.)

b. **COMPENSATION OF CONSERVATOR FROM TRUST**

If a conservatee is also the beneficiary of a trust and the compensation of a conservator of the person is sought from the trust, a petition seeking approval of the amount of compensation payable to the conservator shall first be filed in the conservatorship matter. The petition shall include a declaration by the trustee as to whether there are sufficient funds in the conservatorship estate to allow for the compensation sought. A trustee shall not pay a conservator's compensation without a court order approving said compensation by the judge assigned to hear the conservatorship matter.

(Subd (b) adopted effective July 1, 2009.)

(Rule 15.60 adopted effective July 1, 2009; previously adopted as Rule 7.78 effective July 1, 1988.)

15.61 ORDERS FOR SUPPORT AND SUBSTITUTED JUDGMENT

a. **SUBSTITUTED JUDGMENT**

(1) Prior court approval is required for any action specified in Probate Code Section 2580, et seq., such as making gifts or establishing trusts.

(2) A clear factual showing as required by Probate Code Section 2583 must be presented to the court before the matter will be considered.

(3) Notice must be given under Probate Code Section 2581, and such notice may require a prior order dispensing with notice to some persons.

(Rule 15.61 adopted effective July 1, 2009; previously adopted as Rule 7.79 effective July 1, 1988.)

15.62 PAYMENTS TO CAREGIVER SPOUSE OF CONSERVATEE

In an account or report indicating that a conservatee's spouse was hired to provide caregiver services to conservatee, the conservator shall provide the following information:

(1) A description of the services rendered by the spouse that are above and beyond the care normally provided by one spouse to another.

(2) A description of the special skills possessed by the spouse enabling him or her to perform these services.

(3) The benefit to the conservatee of having his or her spouse perform the services instead of a professional caregiver.

(4) The hours worked by the spouse.

(5) The hourly rate being paid to the spouse and a justification of that rate. Justification may include a comparison to the rate charged by a professional for the same or similar services.

(6) Whether caregiving services are being provided through IHSS and if so, the frequency and type of the services provided.

(7) Whether insurance is in place to cover the caregiver spouse in case of injury and if so, the amount of the periodic premium being paid by the spouse or the conservator.

(Rule 15.62 adopted effective July 1, 2009.)

15.63 TERMINATION OF CONSERVATORSHIP

a. **NOTIFICATION OF CONSERVATEE'S DEATH**

The conservator shall file a declaration with the court within 30 days of the conservatee's death, indicating the date of death, place of death and whether the conservatee died testate or intestate. If the conservatee died testate, the conservator shall notify the conservatee's nominated executor within 30 days of the conservatee's death, unless the will fails to nominate an executor or the conservator is the nominated executor.

(Subd (a) adopted effective July 1, 2009.)

b. **TERMINATION OF CONSERVATORSHIP FOR REASONS OTHER THAN DEATH OF CONSERVATEE**

Termination of a conservatorship for reasons other than the death of the conservatee shall be by noticed petition pursuant to Probate Code sections 1580 et seq., 1860 et seq., or 2626. The filing of a certification of competency issued by the superintendent of a state hospital pursuant to Welfare and Institutions Code Section 7357, or other provisions of law, does not by itself terminate a conservatorship.

(Subd (b) adopted effective July 1, 2009.)

c. **HEARING ON PETITION TO TERMINATE**

A hearing on a petition to terminate a conservatorship shall be set out a minimum of sixty (60) days in order to allow time for the court investigator's investigation and report.

(Subd (c) adopted effective July 1, 2009.)

(Rule 15.63 adopted effective July 1, 2009; previously adopted as Rule 7.81 effective July 1, 1988.)

15.64 CONSERVATORSHIPS FOR DEVELOPMENTALLY DISABLED INDIVIDUALS

A petition to establish a conservatorship for a developmentally disabled adult shall be filed as a limited conservatorship, unless the petition makes a factual showing that a general conservatorship is more appropriate.

(Rule 15.64 adopted effective July 1, 2009.)

15.65 SANCTIONS

Failure to comply with these local rules in conservatorship matters may result in the imposition of sanctions pursuant to Code of Civil Procedure section 575.2.

(Rule 15.65 adopted effective July 1, 2009.)

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Appendices

Appendix 15-A: **Service Addresses for Non-Relative Guardianships**
(Effective July 1, 2009)

Appendix 15-B: **Guardianship and Conservatorship Rules Conversion Table**
(Effective July 1, 2009)

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Appendices

APPENDIX 15-A: SERVICE ADDRESSES FOR NONRELATIVE GUARDIANSHIPS

Effective July 1, 2009

Director
Department of Social Services
744 P Street
Sacramento, CA 95814

Supervisor – Court Unit, Children's Bureau
Solano County Department of Health and Social Services
275 Beck Avenue MS5-230
Fairfield, CA 94533

Superior Court of California
County of Solano

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Appendices

APPENDIX 15-B: GUARDIANSHIP AND CONSERVATORSHIP RULES CONVERSION TABLE

Effective July 1, 2009

Rule Title	***New Rule Number***	***Former Rule Number***
Scope of Guardianship Rules; Terminology	15.1	7.52
Forms to be Filed at Commencement of Proceeding	15.2	7.53
Notice of Petition for Appointment of Guardian or Temporary Guardian	15.3	7.54
Appointment of Investigator	15.4	7.55
Court Investigator Fees	15.5	7.56
Temporary Guardianships	15.6	7.57
Ex Parte Applications for Temporary Guardianship or Other Temporary Orders	15.7	7.58
Contested Guardianships	15.8	7.59
Orders for Visitation in Guardianships	15.9	7.60
Guardianships of the Estate – Inventories and Appraisals	15.10	7.61
Guardianships of the Estate – Accountings	15.11	7.62
Allowance of Fees in Guardianship Proceedings	15.12	7.63
Investments by Guardian of the Estate	15.13	7.64
Appointment of Counsel for Ward	15.14	7.65
Termination of Guardianships	15.15	7.66
Sanctions	15.16	N/A
Conservatorship Matters to Which Rule 15 Applies	15.50	N/A
Cooperation with Court Investigator *[Repealed]*	N/A	7.67
Other Protective Proceedings for Minors *[Repealed]*	N/A	7.68
Continuance of Hearing Where Conservatee not Served with Citation	15.51	7.69 (portion)
Information to be Provided Prior to Issuance of Letters	15.52	7.69 (portion)
Court Investigator	15.53	7.70
Court Investigator Fees	15.54	N/A
Appointment of Counsel for Conservatee	15.55	N/A
Ex Parte Applications for Temporary Conservatorship and Other Orders	15.56	7.71
Legal Capacity of Conservatee *[Repealed]*	N/A	7.72
Independent Exercise of Powers	15.57	7.73
Bond – Conditions – Amount *[Repealed]*	N/A	7.74
Conservatorship Inventories and Appraisals	15.58	7.75
Conservatorship Accountings	15.59	7.76
Assessment and Order for Court Investigation *[Repealed]*	N/A	7.77
Allowance of Fees	15.60	7.78

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Appendices

Rule Title	***New Rule Number***	***Former Rule Number***
Orders for Support and Substituted Judgment	15.61	7.79
Payments to Caregiver Spouse of Conservatee	15.62	N/A
Investment by Conservator *[Repealed]*	N/A	7.80
Termination of Conservatorships	15.63	7.81
Conservatorships for Developmentally Disabled Individuals	15.64	N/A
Sanctions	15.65	N/A