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Said subpoena shall be served personally on the court investigator, on the Court Executive Officer, or an agent designated by the Court Executive Officer, during the court’s normal business hours. The subpoena shall be accompanied by payment in the amount required by Government Code section 68097.2 for each day that the court investigator is required to remain in attendance at the hearing or trial pursuant to the subpoena; otherwise, the subpoena shall not be accepted or service deemed complete.

In order to give the court investigator reasonable time for preparation, the subpoenaing party shall serve the subpoena a minimum of 10 court days prior to the first date the court investigator is to appear at the hearing or trial, unless the court investigator agrees to a shorter period of time.

(Subd (f) amended effective July 1, 2016; adopted effective January 1, 2012.)

(Rule 15.53 amended effective July 1, 2016; previously adopted as Rule 7.70 effective July 1, 1988; adopted as Rule 15.53 effective July 1, 2009; previously amended effective January 1, 2012.)

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.)

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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.

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(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 TEMPORARY CONSERVATORSHIPS; EX PARTE PETITIONS FOR TEMPORARY CONSERVATORSHIP AND OTHER ORDERS; WAIVER OF NOTICE REQUIREMENTS

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

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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

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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;

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- (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.)

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.)

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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.)

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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,

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- (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 fifteen (15) 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) amended effective January 1, 2012; 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.)

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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.)

(Rule 15.59 amended effective January 1, 2012; previously adopted as Rule 7.76 effective July 1, 1988; adopted as Rule 15.59 effective July 1, 2009.)

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,

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- (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 OR CONSERVATOR’S ATTORNEY FROM TRUST OR OTHER SOURCE

If a conservatee is also the beneficiary of a trust and the compensation of a conservator of the person or estate, or his or her attorney, is sought from the trust or other source in part or in whole, the conservator shall first seek approval of the compensation in the conservatorship matter. The petition shall include a declaration by the trustee as to whether there are sufficient funds in the trust to allow for the compensation sought. If the conservatorship of the estate has sufficient funds to pay for the requested compensation, the conservator shall explain why compensation is sought from the trust and not the estate. A conservator or a conservator’s attorney shall not accept compensation for work done in a conservatorship matter without a court order approving said compensation by the judge assigned to hear the conservatorship matter.

(Subd (b) amended effective January 1, 2012; adopted effective July 1, 2009.)

(Rule 15.60 amended effective January 1, 2012; previously adopted as Rule 7.78 effective July 1, 1988; adopted effective July 1, 2009.)

15.61 ORDERS FOR SUPPORT AND SUBSTITUTED JUDGMENT PETITIONS

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.

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- (4) In the event the court approves the establishment of a trust pursuant to a substituted judgment petition or approves the transfer of conservatorship assets into an existing trust, all future proceedings concerning that trust shall be handled in a case separate from the conservatorship.

(Subd. (a) amended effective January 1, 2018.)

b. ORDERS FOR SUPPORT [Reserved]

(Rule 15.61 amended effective January 1, 2018; 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.

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(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.)

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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.)

15.66 ADDITIONAL PROVISIONS FOR CONSERVATORSHIPS OF THE PERSON

a. REVIEW HEARING FOR LEVEL OF CARE ASSESSMENT

At the time of the appointment of a conservator of the person 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 to review the conservator's written assessment of the conservatee's level of care per Probate Code section 2352.5. 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.

(Subd (b) adopted effective January 1, 2012.)

(Rule 15.66 adopted effective January 1, 2012.)

15.67 – 15.99 [RESERVED]

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15.100 COMPLAINTS CONCERNING COURT INVESTIGATORS

a. WHO MAY MAKE A COMPLAINT

Complaints concerning a court investigator are only accepted from the following individuals:

- (1) A party to the action currently filed with the Solano County Superior Court, including a ward, conservatee, guardian, or conservator;
- (2) A party's attorney;
- (3) An attorney for a ward or conservatee; or,
- (4) Individuals interviewed or contacted in connection with a probate investigation.

(Subd. (a) adopted effective January 1, 2012.)

b. PROCEDURE

The complainant must send his or her complaint in writing to the Supervising Court Investigator. If the complaint concerns the Supervising Court Investigator, the complaint shall be directed to the Court Executive Officer.

The written complaint must explain in detail the reasons for the complaint. Mere disagreement with a court investigator's report is not a sufficient basis for the court to take action on the grievance, and such a complaint may be summarily denied without further investigation.

The Supervising Court Investigator or the Court Executive Officer will conduct an investigation of the matter, which may include consultation with the court investigator. Within 30 days of filing his or her complaint, the complainant will be informed in writing of the results of the investigation and the action taken, if any.

The complainant may appeal the action by noticed motion to the judicial officer assigned to hear the case.

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(Subd. (b) effective January 1, 2012.)

c. PEREMPTORY CHALLENGE AGAINST COURT INVESTIGATOR

Peremptory challenges against a court investigator shall not be allowed.

(Subd. (c) adopted effective January 1, 2012.)

(Rule 15.100 adopted effective January 1, 2012.)

15.101 DISCOVERY

a. INFORMAL DISCOVERY CONFERENCES

The procedure set forth in Local Rule 3.14 shall apply to informal discovery conferences brought in proceedings governed by Rule 15.

(Subd. (a) adopted effective July 1, 2018.)

(Rule 15.101 adopted effective July 1, 2018.)

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APPENDIX

APPENDIX 15-A: SERVICE ADDRESSES FOR GUARDIANSHIPS

Revised effective January 1, 2013

For Relative Guardianships:

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

For Non-Relative Guardianships:

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