**Superior Court of California**
**County of Solano**

**Rule 15 – Guardianships and Conservatorships**

**PART ONE: Guardianships**

## 15.1 APPLICABILITY OF GUARDIANSHIP RULES; TERMINOLOGY; DIRECT CALENDARING

a. **APPLICABILITY**
These guardianship rules apply to all guardianships of the person, the estate, or both, which are filed pursuant to the Probate Code. These guardianship rules do not apply to guardianships under the Welfare and Institutions Code.
*(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009; amended effective January 1, 2012.)*

b. **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*(Subd (b) relettered effective January 1, 2013; adopted as subd (c) effective July 1, 2009; previous subd (b) repealed effective January 1, 2013.)*

c. **DIRECT CALENDARING**
When a guardianship or conservatorship case is filed, or received and filed as a transfer from another county, the Clerk of the Court shall assign the case in a manner directed by and subject to the approval of the Supervising Judge of the Family Law Division. The assignment to a judge shall be deemed to be for all purposes.
*(Subd (c) relettered effective January 1, 2013; adopted as subd (d) effective January 1, 2012.)*

*(Rule 15.1 amended effective January 1, 2012; previously adopted as Rule 7.52 effective July 1, 2008; adopted effective July 1, 2009.)*

## 15.2 FORMS TO BE FILED AT COMMENCEMENT OF PROCEEDING

a. **FORMS FOR GENERAL GUARDIANSHIP OF THE PERSON ONLY**
In addition to any required Judicial Council forms, a petitioner seeking the appointment of a guardian of the person only must file the following local forms with the clerk of the court:

(1) *Declaration Regarding Venue*, or a declaration contained within the petition that is in substantial compliance with rule 15.2(c);

(2) *Court Investigator's Information and Referral Form*; and,

(3) *Order Appointing Investigator.*

*(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009.)*

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

In addition to any required Judicial Council forms, a petitioner seeking the appointment of a guardian of the person and the estate, or of the estate only, must file the following local forms and declarations with the clerk of the court:

(1) *Declaration Regarding Venue*, or a declaration contained within the petition that is in substantial compliance with rule 15.2(c);

(2) *Preliminary Inventory of Guardianship Estate*;

(3) *Court Investigator's Information and Referral Form*; and,

(4) *Order Appointing Investigator*.

*(Subd (b) amended effective January 1, 2013; adopted effective July 1, 2009.)*

c. **DECLARATION REGARDING VENUE**

(1) **Proposed Wards who are Residents of California**

In order to ensure compliance with Probate Code section 2200 et seq., 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 local form designated for that purpose or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.

*(Subd (1) amended effective January 1, 2013; adopted effective July 1, 2009.)*

(2) **Proposed Wards who are Not Residents of California – Guardianships of the Person**
In order to ensure compliance with Probate Code section 2200 et seq., 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 local form designated for that purpose or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.
*(Subd (2) amended effective January 1, 2013; adopted effective July 1, 2009.)*

(3) **Proposed Wards who are Not Residents of California – Guardianships of the Estate**
In order to ensure compliance with Probate Code section 2200 et seq., 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 local form designated for that purpose or in a declaration in substantial compliance with this rule, or may be included in the body of the petition for guardianship.
*(Subd (3) amended effective January 1, 2013; adopted effective July 1, 2009.)*

*(Subd (c) relettered and amended effective January 1, 2013; adopted as subd (e) effective July 1, 2009; prior subd (c) repealed effective January 1, 2013.)*

d. **FORMS FOR TEMPORARY GUARDIANSHIP OF THE PERSON AND/OR THE ESTATE [Repealed]**
*(Subd (d) repealed effective January 1, 2013; adopted effective July 1, 2009.)*

*(Rule 15.2 amended effective January 1, 2013; previously adopted as Rule 7.53 effective July 1, 2008; adopted effective July 1, 2009.)*

## 15.3 NOTICE

### a. ADDRESSES FOR SOLANO COUNTY AGENCIES ENTITLED TO NOTICE

The addresses for the Solano County Superior Court Investigator, the Director of Social Services, and the Solano County Health and Social Services Department are listed in Appendix 15-A.
*(Subd (a) amended and relettered effective January 1, 2013; adopted as subd (b) effective July 1, 2009; previous subd (a) repealed effective January 1, 2013.)*

### b. DECLARATION OF DUE DILIGENCE

If a petitioner cannot serve or locate a person for whom notice is required, the petitioner shall file a local form designated for that purpose or a substantially equivalent declaration which complies with this rule. The declaration must specify the name of the 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 serve or locate the person, and any facts that explain why the person cannot be located. To the extent appropriate, the petitioner shall make 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 (b) amended and relettered effective January 1, 2013; adopted as subd (f) adopted effective July 1, 2009.)*

c. **DOCUMENTS TO BE SERVED [Repealed]**
*(Subd (c) repealed effective January 1, 2013; adopted effective July 1, 2009.)*

d. **PROOF OF PERSONAL SERVICE [Repealed]**
*(Subd (d) repealed effective January 1, 2013; adopted effective July 1, 2009.)*

e. **PROOF OF SERVICE BY MAIL [Repealed]**
*(Subd (e) repealed effective January 1, 2013; adopted effective July 1, 2009.)*

g. **ORDER DISPENSING WITH NOTICE [Repealed]**
*(Subd (g) repealed effective January 1, 2013; adopted effective July 1, 2009.)*

h. **NOTICE IN TEMPORARY GUARDIANSHIPS [Repealed]**
*(Subd (h) repealed effective January 1, 2013; adopted effective July 1, 2008.)*

*(Rule 15.3 amended effective January 1, 2013; previously adopted as Rule 7.52 effective July 1, 1989; adopted effective July 1, 2009.)*

## 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 Guardianship* (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 the address listed in Appendix 15-A.
*(Subd (c) amended effective January 1, 2013; 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 the address listed in Appendix 15-A.
*(Subd (d) amended effective January 1, 2013; 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, the proposed or appointed guardian, the 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) amended effective January 1, 2013; adopted effective July 1, 2009.)*

g. **SERVICE OF SUBPOENA ON COURT INVESTIGATOR**
Any subpoena to compel a court investigator's presence at a hearing or trial must be served in compliance with Government Code sections 68097.1 and 68097.2. 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 of $150.00 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 (g) amended effective January 1, 2013; adopted effective January 1, 2012.)*

*(Rule 15.4 amended effective January 1, 2013; adopted as Rule 7.55 effective July 1, 2008; adopted as Rule 15.4 effective July 1, 2009; amended effective January 1, 2012.)*

## 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 section 1513.1. 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.
*(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009; amended effective January 1, 2010.)*

b. **PAYMENT OF COURT INVESTIGATOR FEES**
Any and all assessments not waived by the court or county shall be paid to the court.

If an investigation is required because a petition has been filed, the investigation shall not be undertaken unless and until the applicable investigation fee is paid, unless otherwise ordered by the court. This includes, but is not limited to, investigations necessitated by a petition for appointment of a temporary guardian, appointment of a guardian, removal of a guardian, or termination of a guardianship.

For other court investigator services not triggered by the filing of a petition but still required by law or court order, the assessed fee is payable within 30 days after the *Assessment and Order for Payment* is mailed by the court. This includes, but is not limited to, investigations necessitated by the mandatory periodic reviews in guardianships.
*(Subd (b) amended effective January 1, 2013; adopted effective July 1, 2009.)*

c. **DEFERMENT OR WAIVER OF COURT INVESTIGATOR FEES**
Upon application by a guardian, a parent, or a 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) amended effective January 1, 2013; adopted effective July 1, 2009.)*

*(Rule 15.5 amended effective January 1, 2013; previously adopted as Rule 7.54 effective July 1, 1989; previously renumbered as Rule 7.56 effective July 1, 2008; previously readopted as Rule 15.5 effective July 1, 2009; amended effective January 1, 2010.)*

## 15.6 TEMPORARY GUARDIANSHIPS

a. **SETTING HEARING ON TEMPORARY GUARDIANSHIPS**
Unless otherwise ordered by the court, hearings on temporary guardianships shall normally be set six to eight court days from the date the petition for a temporary guardianship is filed.
*(Subd (a) adopted effective January 1, 2013; previous subd (a) adopted effective July 1, 2009; previous subd (a) repealed effective January 1, 2013.)*

b. **EX PARTE APPLICATIONS FOR ORDERS WAIVING OR SHORTENING NOTICE, OR MODIFYING THE METHOD OF NOTICE**
In addition to the Judicial Council and local forms required for temporary guardianships, a petitioner seeking an ex parte order waiving or shortening notice or modifying the method of notice of the hearing on the temporary guardianship shall be required to file an *Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship* (Solano County Local Form no. 3710).

The emergency order procedure set forth in Local Rule 5.4 shall apply to all applications to waive or shorten notice, or to modify the method of notice, filed in guardianships.
*(Subd (b) adopted effective January 1, 2013; previous subd (b) repealed effective January 1, 2013.)*

*(Rule 15.6 amended effective January 1, 2013; adopted as Rule 7.57 effective July 1, 2008; adopted effective July 1, 2009.)*

## 15.7 EX PARTE APPLICATIONS FOR TEMPORARY GUARDIANSHIP OR OTHER TEMPORARY ORDERS [Repealed]

*(Rule 15.7 repealed effective January 1, 2013; adopted as Rule 7.55 effective July 1988; renumbered as Rule 7.58 effective July 1, 2008; adopted as Rule 15.7 effective July 1, 2009.)*

## 15.8 CONTESTED GUARDIANSHIPS

a. **OBJECTIONS TO THE APPOINTMENT OF GUARDIAN**
A person objecting to the appointment of a temporary or general guardian of the person and/or estate are strongly encouraged to file and serve their objection on a local form designated for that purpose as far in advance as possible of the appropriate guardianship hearing date. 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 written objection and complying with the service requirements in this rule.
*(Subd (a) relettered and amended effective January 1, 2013; adopted as subd (b) effective July 1, 2009; previous subd (a) repealed effective January 1, 2013.)*

b. **OBJECTOR'S NOMINATION OF ALTERNATE GUARDIAN**
A person's nomination of an alternate guardian for a proposed ward 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 (b) amended and relettered effective January 1, 2013; adopted as subd (c) effective July 1, 2009.)*

*(Rule 15.8 amended effective January 1, 2013; adopted as Rule 7.56 effective July 1, 1988; renumbered as Rule 7.59 effective July 1, 2008; adopted as Rule 15.8 effective July 1, 2009.)*

## 15.9 ORDERS FOR VISITATION IN GUARDIANSHIPS

a. **REQUEST FOR VISITATION ORDERS**
A person seeking orders granting that person visitation with a ward shall file a petition seeking visitation orders. The petition may be filed in pleading format or may be filed on a *Request for Order* form (Judicial Council form FL-300). No filing fee shall be charged for the *Request for Order* if it is filed in a guardianship of the person only. (Gov. C. 70657(e).) Unless otherwise ordered by the court

upon proper application, the person shall provide notice of his or her petition as required by Probate Code section 1511.
*(Subd (a) amended effective January 1, 2013; adopted effective July 1, 2009.)*

b. **DOCUMENTS TO BE SERVED**
A person 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 or by order of the court:

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

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

*(Subd (b) amended effective January 1, 2013; adopted effective July 1, 2009.)*

c. **PROOFS OF SERVICE; DECLARATIONS OF DUE DILIGENCE**
A person requesting visitation shall file one or more proofs of service demonstrating that all persons entitled to notice have been served as required. A person who cannot locate or provide notice to a particular individual shall file a declaration with the court explaining the person's efforts to locate the individual.
*(Subd (c) amended effective January 1, 2013; 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 5.20.
*(Subd (d) amended effective January 1, 2013; 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.)*

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*(Rule 15.9 amended effective January 1, 2013; adopted as Rule 7.60 effective July 1, 2008; adopted as Rule 15.9 effective July 1, 2009.)*

## 15.10 GUARDIANSHIPS OF THE ESTATE

a. **INVENTORIES AND APPRAISALS**

In order to ensure compliance with the guardian's obligation to file an inventory and appraisal, the court will ordinarily set a review hearing to take place four (4) months after the date of appointment of a guardian of the estate or a guardian of the person and estate. The date of the initial compliance review hearing shall be listed as part of the order appointing the guardian. For good cause shown, the court may dispense with setting this review hearing.

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 concerning that inventory and appraisal. The guardian shall 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.

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 (a) amended effective January 1, 2013; adopted effective July 1, 2009.)*

b. **ACCOUNTINGS**

In order to ensure compliance with the guardian's obligation to file an accounting, the court will ordinarily set a review hearing to take place fifteen (15) months after the date of appointment of a guardian of the estate or a guardian of the person and estate. The date of the compliance review hearing shall be listed as part of the order appointing the guardian. For good cause shown, the court may dispense with setting this review hearing in individual cases. The court may set additional review hearings as needed for the initial and any subsequent accounts.

The guardian shall file the accounting at least thirty (30) days prior to the date of the review hearing concerning that accounting. The guardian shall serve an exact copy of the accounting on the Court Investigators Office, if the accounting is in a relative guardianship of the estate, or on the Solano County Department of Health & Social Services, if the accounting is in a non-relative guardianship of the estate. Absent a court order to the contrary, any subsequent accountings shall likewise be filed and served at least 30 days prior to any subsequent compliance review hearings.
*(Subd (b) adopted effective January 1, 2013; previous subd (b) repealed effective January 1, 2013.)*

c. **INVESTMENTS**
If a request for special notice has not been filed, a petition seeking court authorization to invest may be heard without notice. The emergency order procedure set out in Local Rule 5.4 shall apply.
*(Subd (c) amended effective January 1, 2013; adopted effective July 1, 2009.)*

*(Rule 15.10 amended effective January 1, 2013; adopted as Rule 7.59 effective July 1, 1992; renumbered as Rule 7.61 effective July 1, 2008; adopted as Rule 15.10 effective July 1, 2009.)*

**Superior Court of California**
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**PART ONE: Guardianships**

## 15.11 GUARDIANSHIPS OF THE PERSON

a. **ANNUAL STATUS REPORT**
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.
*(Subd (a) relettered effective January 1, 2013.)*

*(Rule 15.11 renumbered effective January 1, 2013; adopted as Rule 15.17 effective January 1, 2010; previous Rule 15.11 repealed effective January 1, 2013.)*

## 15.12 ALLOWANCE OF FEES IN GUARDIANSHIP PROCEEDINGS [Repealed]

*(Rule 15.12 repealed effective January 1, 2013; adopted as Rule 7.63 effective July 1, 1989; adopted as Rule 15.12 effective July 1, 2009.)*

## 15.13 INVESTMENTS BY GUARDIAN OF THE ESTATE [Repealed]

*(Rule 15.13 repealed effective January 1, 2013; adopted as Rule 7.64 effective July 1, 1988; adopted as Rule 15.13 effective July 1, 2009.)*

## 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**
In addition to complying with the service and notice requirements set by law, a person filing a petition to terminate the guardianship shall also serve a copy of the petition and the *Notice of Hearing* 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) amended effective January 1, 2013; 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 amended effective January 1, 2013; adopted as Rule 7.81 effective July 1, 1988; renumbered as Rule 7.66 effective July 1, 2008; adopted as Rule 15.15 effective July 1, 2009.)*

## 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 [REPEALED]

*(Rule 15.17 repealed effective January 1, 2013; adopted effective January 1, 2010.)*

## 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 ADDITIONAL REQUIREMENTS FOR PROPOSED CONSERVATORS PRIOR TO ISSUANCE OF LETTERS

a. 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. This requirement shall not apply to the Public Guardian.
*(Subd. (a) relettered and amended effective July 1, 2011.)*

b. All proposed conservators shall view the video *With Heart: Understanding Conservatorships,* prior to the initial hearing on the petition, and shall file an affidavit under penalty of perjury stating they have complied with this requirement. This requirement shall not apply to the Public Guardian.
*(Subd. (b) adopted effective July 1, 2011.)*

**Superior Court of California**
**County of Solano**

**Rule 15 – Guardianships and Conservatorships**

**PART TWO: Conservatorships**

*(Rule 15.52 amended effective July 1, 2011; previously adopted as portion of Rule 7.69 effective July 1, 1988; adopted effective July 1, 2009.)*

## 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.)*

f. **SERVICE OF SUBPOENA ON COURT INVESTIGATOR**
Any subpoena to compel a court investigator's presence at a hearing or trial must be served in compliance with Government Code sections 68097.1 and 68097.2. 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 of $150.00 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.

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) adopted effective January 1, 2012.)*

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

## 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.*

## 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 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.)*

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,
(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

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.)*

## 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.)*

**Superior Court of California**
**County of Solano**

**Rule 15 – Guardianships and Conservatorships**

**PART TWO: Conservatorships**

**15.67 – 15.99 [RESERVED]**

**Superior Court of California**
**County of Solano**

**Rule 15 – Guardianships and Conservatorships**

**PART THREE: Miscellaneous**

## 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.

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

c. **PEREMPTORY CHALLENGE AGAINST COURT INVESTIGATOR**

Peremptory challenges against a court investigator shall not be allowed.

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

*Rule 15.100 adopted effective January 1, 2012.*

**Superior Court of California**
**County of Solano**

**Rule 15 – Guardianships and Conservatorships**

**APPENDIX**

**Appendix 15-A:** **Service Addresses for Guardianships**
*(Revised effective January 1, 2013)*

**Superior Court of California**
**County of Solano**

**Rule 15 – Guardianships and Conservatorships**

**APPENDIX**

## APPENDIX 15-A: SERVICE ADDRESSES FOR GUARDIANSHIPS

Revised effective January 1, 2013

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**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