

#L-1050

11/29/84

Memorandum 85-7

Subject: Study L-1050 - Probate Code (Guardianship-Conservatorship)

The attached letter suggests a revision in the sections of the Probate Code which provide for notice of hearing of petition for appointment of a conservator. The amendment would make it unnecessary to give notice to relatives of the conservatee who are less than 18 years of age.

The language suggested in the letter should be revised to read "who have attained the age of 18 years" rather than "over the age of 18 years."

Respectfully submitted,

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California Law Revision Commission  
4000 Middlefield Road, Suite D-2  
Palo Alto, California 94303

Gentlemen:

I would like to suggest a revision to the appropriate parts of Sections 1821 and 1822 of the Probate Code which provides for notice of hearing of Petition for Appointment of Conservator.

The sections provide that the petition shall set forth the names and addresses of all relatives of the proposed conservatee within the second degree and that they shall receive a copy of the notice of hearing and a copy of the petition.

Grandchildren of the conservatee are related within the second degree and in many instances these grandchildren are minors and even babes in arms. It seems ridiculous that such notice should be sent to those persons.

I would suggest that §1821(b) be amended to read:

"The petition shall set forth, so far as they are known to petitioner, the names and addresses of the spouse and of the relatives of the proposed conservatee within the second degree over the age of 18 years."

I would be willing to review and comment on preliminary drafts of the new code if you would care to submit them to me.

Very truly yours,

  
Arthur R. Bridgeman