

#L-1050

3/27/85

Third Supplement to Memorandum 85-7

Subject: Study L-1050 - Probate Code (Guardianship-Conservatorship--  
Comments of Los Angeles County Bar Association)

Attached to this memorandum are comments of the Executive Committee of the Probate and Trust Law Section of the Los Angeles County Bar Association relating to notice of establishment of a guardianship or conservatorship.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary

EXHIBIT 1

**Los Angeles County  
Bar Association**

Probate and Trust Law Section

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March 11, 1985

California Law Revision Commission  
4000 Middlefield Road, Room D-2  
Palo Alto, California 94306

Re: March Meeting

Dear Commissioners:

The Executive Committee of the Probate and Trust Law Section of the Los Angeles County Bar Association submits the following comments on various studies which are scheduled for discussion at your meeting, March 21-22, 1985.

Study L-1050 - Probate Code (Guardianship-Conservatorship)  
(Memorandum 85-7 and First and Second Supplements thereto)

Even though there is no "due process" requirement that notice be given to all relatives of a proposed conservatee within the second degree, regardless of age, there is value to the retention of this requirement, even when notice is given to a small child. As the State Bar points out, the small child could be the issue of a deceased child of the proposed conservatee who is either an heir of the conservatee or a devisee under the conservatee's Will. Under these circumstances, notice would ordinarily fall into the hands of the surviving parent of the child who might very well wish to file the conservatorship proceeding on the child's behalf. Once the conservatorship proceedings have been established, there is no reason to keep giving notice to minor beneficiaries who have not appeared, through their guardians or otherwise.

The Staff has recommended that the notice requirements be the same for the establishment of a guardianship and conservatorship, and that the class of persons requiring notice thereafter be reduced. We are in agreement with this proposal.

We trust that these comments will be useful in your work. If you require clarification on any points, please contact Richard L. Stack, Darling, Hall & Rae, 606 South Olive Street, Suite 1900, Los Angeles, California 90014; telephone (213) 627-8104.

Sincerely,

EXECUTIVE COMMITTEE, PROBATE  
AND TRUST LAW SECTION

By: 

Richard L. Stack

RLS:lgc