

Memorandum 87-6

Subject: Study L - Name of New Code

The Commission in June 1985 decided that the name of the new code should be the Estates and Trusts Code, and later singularized this to the "Estate and Trust Code." Chairman Marshall has requested that this matter receive further consideration.

The reason for a new name is to help readily distinguish provisions of the new code from the old. Also, the term "probate" technically refers only to proof of a will, although it has come to have the much broader connotation of estate administration generally, or even any matter within the jurisdiction of the "probate court." California of course no longer has a probate court; jurisdiction is in the superior court, although some of the large superior courts have departments dedicated to probate matters.

The Commission selected Estate and Trust terminology because it more accurately (though not comprehensively) reflects the content of the new code, which will contain not only estate administration but also trust law, guardianship and conservatorship law, multiple party accounts and other nonprobate matters, and possibly powers. Chairman Marshall has suggested as an alternative the "Probate and Trust Code". We have sampled, for reference by the Commission, terminology used in a few other jurisdictions:

<u>Jurisdiction</u>	<u>Title of Code or Portion of Statutes</u>
Illinois	Probate Act of 1975
Maryland	Estates and Trusts Code
Massachusetts	Descent and Distribution, Wills, Estates of Deceased Persons and Absentees, Guardianship, Conservatorship and Trusts
Michigan	Revised Probate Code
Minnesota	Estates of Decedents; Guardianships
New Jersey	Administration of Estates--Decedents and Others
New York	Estates, Powers, and Trusts Law (cited as EPTL)
Pennsylvania	Probate, Estates and Fiduciaries Code
Texas	Probate
Uniform Act	Uniform Probate Code
Washington	Probate Law and Procedure

Respectfully submitted,

Nathaniel Sterling
Assistant Executive Secretary