

First Supplement to Memorandum 88-5

Subject: Study L-707 - Misuse of Conservatorship Funds

In Memorandum 88-5, the staff presents for Commission consideration a draft of a statutory statement of duties that could be prepared and distributed to persons who are appointed as conservators.

A similar and perhaps better approach to this problem is suggested by Senate Bill 1957, introduced by Senator Rogers. This bill would require the Judicial Council to prepare a pamphlet explaining the nature of guardianship of a minor and the rights, duties, and obligations of a person serving as guardian of a minor.

Does the Commission believe there is a need for a similar pamphlet for persons appointed as conservators? If so, does the Commission wish the staff to prepare a recommendation to that effect and to request that Senator Rogers amend his bill to cover both guardians and conservators?

A copy of Senate Bill 1957 is attached.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

SENATE BILL**No. 1957****Introduced by Senator Rogers****February 8, 1988**

An act to add Section 68511.1 to the Government Code, relating to the Judicial Council.

LEGISLATIVE COUNSEL'S DIGEST

SB 1957, as introduced, Rogers. Judicial Council: guardianship pamphlet.

Existing law imposes various duties on the Judicial Council with regard to the administration of the courts.

This bill would require the Judicial Council to prepare a pamphlet explaining the nature of guardianship of a minor and the rights, duties, and obligations of a person serving as guardian of a minor, as specified, and would declare the findings and intent of the Legislature in this regard.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 68511.1 is added to the**
- 2 Government Code, to read:**
- 3 68511.1. The Judicial Council shall prepare a**
- 4 pamphlet explaining the nature of guardianship of a**
- 5 minor and the rights, duties, and obligations of a person**
- 6 serving as guardian of a minor. The pamphlet shall be**
- 7 prepared in English and Spanish in language easily**
- 8 understood by a lay person not trained in law. Pamphlets**
- 9 shall be distributed to the superior courts in the state for**
- 10 use in guardianships established pursuant to Section**
- 11 366.25 of the Welfare and Institutions Code and for such**
- 12 other purposes as may be directed or permitted by the**
- 13 Judicial Council.**

1 SEC. 2. Section 366.25 of the Welfare and Institutions
2 Code authorizes the juvenile court to establish
3 guardianships over minors who have become dependent
4 children of the court. As amended by Chapter 1485 of the
5 1987 Statutes, it requires a report from the agency
6 regarding the proposed guardianships to include
7 discussion of the proposed guardian's understanding of
8 the legal and financial rights and responsibilities of
9 guardianships.

10 The Legislature hereby finds and declares that social
11 workers are not trained in or qualified to advise on such
12 subjects; and that it is also desirable that information
13 regarding these guardianships be definitive and be
14 uniform throughout the state. It is the intent of the
15 Legislature that the pamphlet prepared pursuant to this
16 act assist the courts in attaining those goals.

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