

## First Supplement to Memorandum 2013-26

### **Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act: Filing Fee and a Few Corrections**

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The Commission has received the following communication relating to the filing fee for registering a conservatorship under the proposed California version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (“UAGPPJA”):

*Exhibit p.*

- Douglas C. Miller, Administrative Office of the Courts (5/24/13) . . . . . 1

This supplement discusses Mr. Miller’s suggestion and alerts readers to a few mistakes in Memorandum 2013-26.

#### FILING FEE FOR REGISTERING A CONSERVATORSHIP

The draft tentative recommendation attached to Memorandum 2013-26 proposes to amend both of the existing versions of Government Code Section 70626 to specify the filing fee for registering a conservatorship under the proposed California version of UAGPPJA. See Memorandum 2013-26, Attachment pp. 70-73. The filing fee would be \$30, the same as for miscellaneous other court services listed in subdivision (b) of Section 70626.

Douglas Miller of the Administrative Office of the Courts urges the Commission to “think about putting the filing fee for registration under UAGPPJA in Government Code section 70660 instead of section 70626 to bring it within the article governing fees charged in probate proceedings.” Exhibit p. 1. He explains that “many probate clerks might miss it if it is placed in the general civil filing fee article.” *Id.*

**The staff thinks it is a good idea to put the filing fee for a UAGPPJA registration in the article governing filing fees in probate proceedings. We are**

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Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

reluctant, however, to place that filing fee in Government Code Section 70660, which now specifies the fee for “receiving and storing each document transferred to the clerk of the superior court under Section 732 of the Probate Code.” The cross-referenced section (Prob. Code § 732) is part of a detailed set of rules governing a California attorney’s duties with regard to certain signed original documents, including: a nomination of conservator, a power of attorney, a will, a declaration of trust, trust amendment or other document modifying a will or trust, and any other instrument that an attorney and a depositor agree in writing to make subject to that set of rules. See Prob. Code §§ 700-735.

Rather than lumping the filing fee for a UAGPPJA registration generated in another state together with the filing fee for receiving and storing a document with the court pursuant to the statutory scheme described above, it seems simpler to put the former fee in a new section, as follows:

**Gov’t Code § 70662 (added). Registration under California Conservatorship Jurisdiction Act**

70662. The fee for registering a conservatorship under Article 4 (commencing with Section 2011) of Chapter 8 of Part 3 of Division 4 of the Probate Code is thirty dollars (\$30). Subject to subdivision (b), amounts collected shall be distributed to the Trial Court Trust Fund under Section 68085.1.

(b) From the operative date of this section to June 30, 2017, inclusive, ten dollars (\$10) of each fee collected pursuant to subdivision (b) shall be used by the Judicial Council for the expenses of the Judicial Council in implementing and administering the civil representation pilot program under Section 68651.

**Comment.** Section 70662 is added to specify the fee for registering a conservatorship order from another jurisdiction under the California Conservatorship Jurisdiction Act (Section 1980 *et seq.*).

This approach would (1) set the fee in the same amount and subject to the same conditions as the proposed amendment of Government Code Section 70626 (both versions) currently in the Commission’s draft, and (2) avoid any complications that might arise from trying to put the UAGPPJA registration fee in the same section as the fee chargeable pursuant to another statutory scheme.

**Would the Commission like to replace the proposed amendment of Government Code Section 70626 (both versions) with the proposed addition of new Government Code Section 70662, as shown above?**

## ERRATA

The staff would like to alert the Commission and other interested persons to the following mistakes in Memorandum 2013-26:

- **Page 5, first line of last paragraph.** Please replace “revised” with “revise”
- **Page 8, last sentence of last full paragraph.** Please replace “motion” with “petition”
- **Page 10, second sentence of first paragraph.** Please replace “short-term appointment” with “short-term appointment in an emergency”

We apologize for these mistakes and regret any confusion they may have caused.

Respectfully submitted,

Barbara Gaal  
Chief Deputy Counsel

**EMAIL FROM DOUGLAS C. MILLER,  
ADMINISTRATIVE OFFICE OF THE COURTS (5/24/13)**

**Re: UAGPPJA filing fee for registration**

Barbara,

You might want to think about putting the filing fee for registration under UAGPPJA in Government Code section 70660 instead of section 70626 to bring it within the article governing fees charged in probate proceedings.

Thank would take a bit of rewriting to make the section a placement of all probate fees of \$20.00, but many probate clerks might miss it if it is placed in the general civil filing fee article.

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