
THIRD READING

Bill No: AB 1660
Author: Schiavo (D)
Amended: 8/4/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 6/23/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Valladares

ASSEMBLY FLOOR: 52-10, 5/4/26 - See last page for vote

SUBJECT: Public guardians and public administrators

SOURCE: California State Association of Public Administrators, Public Guardians, and Public Conservators

DIGEST: This bill (1) authorizes a court to award sanctions of no less than \$1,000 per violation if a financial institution or other person fails to comply with existing requirements to provide information or surrender property of a decedent, minor, or conservatee to a public administrator or public guardian that is authorized to take possession and control of such property after receipt of service of at least 30 days written notice to comply. This bill (2) provides that receipt of the written certification fully releases a financial institution from any liability for any act or omission of the public administrator or public guardian with respect to the property or the safe-deposit box, in addition to existing law that discharges them of final liability. Lastly, this bill (3) revises the statutory form certificate of authority for public guardians and establishes a statutory form certificate of authority for public administrators, as provided.

Senate amendments of 8/4/26 authorize access to a safe-deposit box, whether held in the sole name or not in the name of the beneficiary, for the purpose of inspection and removal of any will or instructions for disposition of the decedent's remains and requires information concerning property held in the name of the decedent to

be provided to a public administrator; and make various other changes to fix cross-references and use consistent terms.

ANALYSIS:

Existing law:

- 1) Authorizes a public administrator to take charge of property of a decedent that is subject to loss, injury, waste, or misappropriation, to locate the next of kin of a decedent, and to petition the court to be appointed personal representative of the decedent's estate in order to effectuate a distribution of the estate. (Probate (Prob.) Code §§ 7600-7666.)
- 2) Authorizes a public administrator authorized to take possession or control of property pursuant to 1) to issue a “certificate of authority” of that fact. The public administrator may record a copy of the written certification in any county in which is located real property of which the public administrator is authorized to take possession or control. (Prob. Code § 7603(a).)
- 3) Requires a county public guardian to apply for appointment as a guardian or conservator of the person, the estate, or the person and estate, if there is an imminent threat to a person’s health or safety or the person’s estate, there is no one else who is qualified and willing to act, as specified, and the appointment would be in the best interests of the person. (Prob. Code § 2920.)
- 4) Authorizes a public guardian or public conservator [hereafter public guardian], where conditions of 3) have been met, to take possession or control of real or personal property of the subject person if the property is subject to loss, injury, waste, or misappropriation. (Prob. Code § 2900.)
- 5) Authorizes a public guardian authorized to take possession or control of property pursuant to 3) to issue a written and recordable “certificate of authority” of that fact. Requires the certificate of authority to comply with a statutory form that includes the signature and official seal of the public guardian. (Section 2901 (a)-(c).)
- 6) Requires a financial institution, government or private agency, retirement fund administrator, insurance company, licensed securities dealer, or other person [hereafter financial institution], without necessity of inquiring into the truth of the written certification and without requiring a death certificate, to provide the

public administrator with information about the decedent's property, to grant access to a safe-deposit box, as specified, and to surrender an property of the decedent that, in the sole discretion of the public administrator, is deemed to be subject to loss, injury, waste, or misappropriation. (Prob. Code §§ 7603 & 7660.)

- 7) Provides that the written certification in 6) constitutes sufficient basis for providing the information or surrendering the property and relieves the financial institution from liability for any act or omission done pursuant to the requirements of 6). (Prob. Code §§ 7603(d)(2) & 7660(a)(2)(C)(ii).)

This bill:

- 1) Authorizes a court to award sanctions of no less than \$1,000 per violation if a financial institution or other person fails to comply with existing requirements to provide information or surrender property of a decedent, minor, or conservatee to a public administrator or public guardian that is authorized to take possession and control of such property after receipt of service of at least 30 days written notice to comply.
 - a) The 30 days' written notice to comply shall be served in accordance with Section 684.115 of the Code of Civil Procedure, which governs notice to financial institutions in the state.
- 2) Provides that receipt of the written certification fully releases a financial institution from any liability for any act or omission of the public administrator with respect the safe-deposit box, in addition to existing law that discharges them of liability with respect to the property.
- 3) Revises the statutory form certificate of authority for public guardians and establishes a statutory form certificate of authority for public administrators, as provided.
- 4) Authorizes access to a safe-deposit box by a public administrator, whether held in the sole name or not in the name of the beneficiary, for the purpose of inspection and removal of any will or instructions for disposition of the decedent's remains. Requires information concerning property held in the name of the decedent to be provided to a public administrator, whether or not held in the sole name of the beneficiary.

5) Makes conforming and other nonsubstantive changes.

Comments

Public administrators are officers of a county authorized under the Probate Code to take possession or control of property of a decedent that is subject to loss, injury, waste, or misappropriation. They are required to attempt to locate the will and next of kin of a decedent and instructions for disposition of the decedent's remains. If no other appropriate person exists or is willing or able to administer the decedent's estate, the public administrator is required to petition the court to be appointed personal representative of the decedent's estate in order to effectuate a distribution of the estate and to control disposition of the decedent's remains.

Public guardians are county-appointed officials who provides guardianship assistance for the estate of a minor when assets are substantial and parents are not available. A public guardian can also act as a public conservator to arrange for the personal care or estate management for people who are unable to provide for their physical needs or manage their financial resources.

The sponsors of this bill state that:

It is common for banks and investment companies to deny a Public Administrator or Public Guardian/Conservator requests for information or control of assets even when presented with proper identification and legally prescribed documentation of authority. The lack of compliance by financial institutions delays the probate process and can create estate and guardianship complications, and/or worsen existing financial disputes. The significant time spent prodding financial institutions to comply with existing law, often more than six months, is a waste of county and taxpayer resources.

To address this issue, this bill authorizes a court to award sanctions of no less than \$1,000 per violation if a financial institution or other person fails to comply with requirements to provide information or surrender property of a decedent, minor, or conservatee to a public administrator or public guardian after receipt of service of at least 30 days written notice to comply. The 30 days' written notice to comply must be served in accordance with Section 684.115 of the Code of Civil Procedure, which governs notice to financial institutions in the state.

Additionally, this bill enacts a statutory form certificate of authority for public administrators and revises the existing statutory form certificate of authority for public guardians. The forms will require the full name of the individual for which they are appointed a public administrator or public guardian, the individual's social

security number, date of birth, and last address. The statutory form certificate of authority will include special notes to financial institutions of their obligations under existing law and that if they comply with the certificate of authority they are discharged and released from liability for any act or omission of the public administrator or public guardian with respect to the property or the safe-deposit box. The certificates of authority will also require contact information for a financial institution to verify the identity of a public administrator or public guardian.

The amendments of August 4, 2026 removed all prior opposition to the bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/5/26)

California State Association of Public Administrators, Public Guardians, and Public Conservators (sponsors)

Alameda County Board of Supervisors

California State Association of Counties

County Behavioral Health Directors Association

County of Humboldt

County of Kern

County of Santa Clara

Rural County Representatives of California

OPPOSITION: (Verified 8/5/26)

None received

ARGUMENTS IN SUPPORT: The author writes:

AB 1660 attempts to address a persistent problem faced by county Public Administrators (PA), Public Guardians (PG) and Public Conservators (PC) when lawfully seeking to secure the assets of individuals who have died, or who are now under guardianship or conservatorship.

A County Public Administrator is a fiduciary who manages the estates of people who die without a will or any known relatives. Public Administrators investigate and administer estates when there is no one else assigned. Under Probate Code 7600-7666, Public Administrators are granted the authority to take control of a deceased person's personal property, including bank accounts, safe-deposit boxes, and retirement accounts. Their primary responsibility is to protect assets from theft,

fraud and misuse. Ultimately, they may be asked to pay the debts of the deceased and distribute any remaining assets to lawful heirs.

Public Guardians primarily assist individuals with dementia-related disorders that affect their ability to make decisions. Public Conservators become the legal decision-makers for individuals with serious mental illnesses that affect their ability to provide for their own basic needs. Probate Code 2901 and 2901.5 grant the Public Guardian/Conservator authority to secure property of conservatees.

The sponsor of the bill, the California State Association of Public Administrators, Public Guardians, and Public Conservators write in support stating:

Current law outlines the procedure by which a PA, PG and PC obtain control of assets from banks, credit unions, investment companies, and online financial companies. Unfortunately, many financial institutions are ignoring the law by failing to cooperate timely with PA, PG, PC requests. AB 1660 allows courts to impose monetary sanctions of no less than \$1,000 on financial institutions who fail to timely comply with current law. [...]

AB 1660 does not expand authority or place any new mandates on financial institutions. Instead, it enhances existing law by allowing the court to impose fines for noncomplying financial institutions. In response to concerns presented by the opposition, fines are not automatic but will be left to the discretion of the court. Fines cannot be imposed for at least 30 days after a financial institution is served with a Certificate of Authority, newly created in statute, to assist banks and other similar institutions more easily confirm the identity of a Public Administrator and outlines the process they must follow. [...]

ASSEMBLY FLOOR: 52-10, 5/4/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Davies, DeMaio, Dixon, Jeff Gonzalez, Hadwick, Hoover, Johnson, Macedo, Sanchez

NO VOTE RECORDED: Arambula, Bennett, Caloza, Castillo, Chen, Ellis, Flora,
Gallagher, Irwin, Lackey, Muratsuchi, Patterson, Petrie-Norris, Michelle
Rodriguez, Soria, Ta, Tangipa, Wallis

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
8/5/26 16:20:52

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