

Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2090 (Macedo) – As Introduced February 18, 2026

SUBJECT: GUARDIANSHIPS AND CONSERVATORSHIPS: ACCOUNTING EXEMPTIONS

KEY ISSUE: SHOULD THE FINANCIAL THRESHOLDS FOR WAIVING THE REQUIREMENT TO POST A BOND AND PRESENT AN ACCOUNTING OF A WARD OR CONSERVATEE'S ESTATE BE INCREASED TO ACCOUNT FOR INFLATION?

SYNOPSIS

Under existing law, guardians and conservators of an estate are required to post a bond and periodically present accountings of estate assets to the court for approval. Both requirements are designed to protect the financial assets of a ward (for guardians) or conservatee (for conservators) and to prevent mismanagement, fraud, or negligence on behalf of the guardian or conservator. While not required to do so, a court may exempt a guardian or conservator from posting a bond or providing an accounting if the value and income of the estate fall below specified dollar amounts. This bill would simply raise those threshold amounts to account for rising costs and inflation.

This bill is sponsored by the California Lawyer Association, Trusts and Estates Section Executive Committee. In support of the bill, they contend it will reduce expenses and administrative costs for small estates by increasing the dollar thresholds that apply to accounting and bond requirements for a guardian or conservator. This bill has no known opposition.

SUMMARY: Expands the authority of the court to exempt a guardian or conservator from the requirements to post a bond and present accountings by increasing the values of the financial threshold conditions that an estate must meet before a court may order that exemption.

Specifically, **this bill:**

- 1) Specifies that, for a given accounting period, the value of the estate, exclusive of the residence of the ward or conservatee, must have a total net value of less than thirty thousand dollars (\$30,000), rather than fifteen thousand dollars (\$15,000), before a court may order an exemption of bond and accounting requirements for guardians or conservators.
- 2) Specifies that, for a given accounting period, the income of the estate, exclusive of public benefit payments, must be less than three thousand two hundred dollars (\$3,200), rather than two thousand dollars (\$2,000), before a court may order an exemption of bond and accounting requirements for guardians or conservators.

EXISTING LAW:

- 1) Allows a court to appoint a guardian of the person, the estate, or both for a child under 18 years of age, or 18 to 21 years of age as specified, taking into consideration the best interest

of the proposed ward. (Probate Code Sections 1510, 1510.1. All further statutory references are to the Probate Code, unless otherwise indicated.)

- 2) Permits a court to appoint a conservator of the estate for a person who is substantially unable to manage his or her own financial resources or resist fraud or undue influence, except as specified. (Section 1801 (b).)
- 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. (Section 2920 (b).)
- 4) States that the relationship of guardian and ward and of conservator and conservatee is a fiduciary relationship. (Section 2101.)
- 5) Provides that the guardian or conservator, or limited conservator to the extent specifically and expressly provided in the appointing court's order, has the management and control of the estate and, in managing and controlling the estate, must use ordinary care and diligence. (Section 2401 (a).)
- 6) Provides that at the expiration of one year from the time of appointment and thereafter not less frequently than biennially, unless otherwise ordered by the court to be more frequent, a guardian or conservator must present the accounting of the assets of the estate of the ward or conservatee to the court for settlement and allowance in a manner prescribed under existing law. (Section 2620 (a).)
- 7) Provides that each accounting of the assets of the estate of the ward or conservatee is subject to random or discretionary, full or partial review by the court. (Section 2620 (d).)
- 8) Authorizes a ward or conservatee, the spouse of a ward or domestic partner of the conservatee, any relative or friend of the ward or conservatee, or any creditor or other interested person to file written objections to the account of the guardian or conservator, stating the items of the account to which objection is made and the basis for the objection. (Section 2622.)
- 9) Provides that every person appointed as guardian or conservator must give a bond approved by the court, before letters of guardianship or conservatorship, are issued, and specifies that the bond will be for the benefit of the ward or conservatee and all persons interested in the guardianship or conservatorship estate and must be conditioned upon the faithful execution of the duties of the office by the guardian or conservator. (Section 2320 (a) – (b).)
- 10) Provides that, for the purposes of a guardianship or conservatorship, the amount of a bond given by admitted surety insurer must be the sum of all of the following:
 - a) The value of the personal property of the estate.
 - b) The probable annual gross income of all of the property of the estate.

- c) The sum of the probable annual gross payments from various public entitlements and benefits of the ward or conservatee. (Section 2320 (c).)
- 11) Authorizes the court to make an order that the guardian or conservator need not present the accounts otherwise required so long as all of the following conditions are satisfied:
- a) The estate at the beginning and end of the accounting period for which an account is otherwise required consisted of property, exclusive of the residence of the ward or conservatee, of a total net value of less than fifteen thousand dollars (\$15,000).
 - b) The income of the estate for each month of the accounting period, exclusive of public benefit payments, was less than two thousand dollars (\$2,000).
 - c) All income of the estate during the accounting period, if not retained, was spent for the benefit of the ward or conservatee. (Section 2628 (a).)
- 12) Allows the court to dispense with the requirement of a bond if it appears likely that the estate will satisfy the conditions of Probate Section 2628 for its duration. (Section 2323 (a).)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: In California, if an adult is unable to manage their financial affairs, a conservator of the estate may be appointed by a court to manage the adult's estate. Similarly, a guardian may be appointed to protect a minor, the minor's estate, or both. Under both schemes, a guardian or a conservator of the estate exercises immense control over the financial welfare of a ward or conservatee, and acts as a fiduciary.

For those reasons, existing law requires guardians and conservators to post a bond and periodically present accountings of estate assets to a court for approval. (Probate Code Sections 2620, 2320.) As part of the accounting process, all assets, income, and expenses of the estate are detailed for the court's review and approval. The posting of a bond acts as a financial safeguard for the ward or conservatee, allowing for claims to be made against the bond to recover losses to the estate. Both of these requirements are designed to protect the financial assets of a ward or conservatee and to prevent mismanagement, fraud, or negligence on behalf of the guardian or conservator.

While not required to do so, currently a court may exempt a guardian or conservator from these requirements if during the accounting period the following conditions are met: 1) the total net value of the estate, exclusive of the residence of the ward or conservatee, is less than \$15,000; 2) the income of the estate, exclusive of public benefits of the ward or conservatee, is less than \$2,000; and 3) all income of the estate, if not retained, was spent for the benefit of the ward or conservatee. (Sections 2628 (a), 2323 (a).) The purpose of this exemption is to reduce the expense of the administration of smaller estates by allowing these estates to skip the costly process of posting a bond and making an accounting.

This bill simply updates the financial thresholds for waiver of those requirements to \$30,000 for the value of the estate, and \$3,200 for the income of the estate, to account for rising costs and inflation. Accordingly, the author states:

Assembly Bill 2090 updates the financial threshold, reflecting inflation and rising costs, so small estates in guardianships and conservatorships can more easily qualify for reduced court requirements. By raising these limits, the bill helps families save money by allowing some low-value estates to skip costly accounting and bond requirements while still maintaining court oversight when needed.

Given that the current financial thresholds were last updated by the Legislature in 2007 as part of AB 1727 (Committee on Judiciary) Chap. 553, Stats. 2007, it seems reasonable to raise those thresholds to account for inflation. The costs associated with posting a bond and presenting accountings are still burdensome to smaller estates and in the nearly 20 years since the last update, both the cost of living and inflation have risen.

Notably, this bill makes no changes to the bond or accounting requirements and still allows for court oversight of these estates. By design, courts are not compelled to waive these requirements solely because the value or income of the estate falls below the specified thresholds, and other requisite conditions are satisfied. This decision remains discretionary and should the court change its mind after ordering such a waiver, it may do so. (Section 2628 (b).) Further, a ward, conservatee, or any interested person may petition the court for an order requiring the guardian or conservator to present an accounting. (Section 2628 (b).) Finally, if at any time it appears that the estate does not meet the requirements for waiver, the court must require the posting of a bond unless good cause exists, and the presenting of an accounting. (Sections 2628 (c), 2323 (b).)

ARGUMENTS IN SUPPORT: The bill's sponsor, the California Lawyers Association, Trusts and Estates Section Executive Committee, contends the bill will reduce expenses and administrative costs for small estates by increasing the dollar threshold that apply to accounting and bond requirements for a guardian or conservator. Additionally, they submit:

Probate Code section 2628 allows the court to exempt a guardian or conservator from providing an accounting if the value and income of the estate fall below certain amounts. Probate Code section 2323 allows a court to dispense with the bond requirement if it appears likely the same financial criteria set forth in Probate Code section 2628 are satisfied. The amounts set forth in that statute have not been updated since 2007.

[...]

AB 2090 updates the amounts set forth in Probate Code section 2628 to account for rising costs and inflation while still maintaining court oversight when needed.

REGISTERED SUPPORT / OPPOSITION:

Support

California Lawyers Association, Trusts and Estates Section

Opposition

None on file

Analysis Prepared by: Kristian Wright / JUD. / (916) 319-2334