

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2283 (Jeff Gonzalez) – As Introduced February 19, 2026

PROPOSED CONSENT (As Proposed to be Amended)

SUBJECT: STATE PUBLIC GUARDIAN

KEY ISSUE: SHOULD THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ESTABLISH THE POSITION OF STATE PUBLIC GUARDIAN TO PROVIDE ASSISTANCE TO COUNTY PUBLIC GUARDIANS AND PUBLIC CONSERVATORS?

SYNOPSIS

Existing law establishes the office of the “public guardian” as a county-level office. The public guardian acts as the guardian of a minor or dependent adult when assets are substantial and there are no parents or persons qualified and willing to serve the best interests of the minor or dependent adult. The public guardian can also act as a “public conservator” to arrange for the personal care and estate management for people who are unable to provide for their physical needs or manage their financial resources. While public guardians and public conservators play a critical role in protecting vulnerable minors and dependent adults, the author and sponsor contend that they face overwhelming caseloads and have limited material support from local governments.

This bill requires the California Department of Social Services, upon an appropriation by the Legislature, to establish the position of State Public Guardian. This new office would not perform the tasks of a guardian or conservator; rather, it would provide “guidance and technical assistance” to local public guardians and public conservators to ensure compliance with state and federal laws and to ensure access to training materials, including those necessary to meet continuing education requirements. The State Public Guardian will also review existing policies relating to probate guardianships and conservatorships and make recommendations to the Legislature.

The bill is sponsored by the California Commission on Aging. There is no registered opposition to this measure. The author will take amendments in this Committee. The amendments are reflected in the bill SUMMARY below and discussed in the analysis.

SUMMARY: Requires the California Department of Social Services (DSS) to establish, upon appropriation, the position of the State Public Guardian. Specifically, **this bill:**

- 1) Finds and declares that public guardians and public conservators, who play a critical role in protecting those who cannot care for themselves or manage their finances, currently face overwhelming caseloads and have limited support from local governments. Finds further that the demands on public guardians and public conservators will only grow as the state’s population ages.
- 2) Requires DSS, upon appropriation by the Legislature, to establish the position of the State Public Guardian to assist county public guardians and county public conservators. Specifies

that duties will include providing guidance and technical assistance to ensure compliance with applicable state and federal laws; promoting access to training materials necessary to perform the duties of public guardian and public conservator, including those materials required for compliance with continuing education requirements; reviewing existing policies relating to probate guardians and conservators; and providing recommendations to the Legislature for statutory changes.

- 3) Requires DSS to develop a standardized referral form for use by individuals and agencies to submit a request to their local public guardian or public conservator to initiate a public guardianship or public conservatorship.
- 4) Requires DSS to explore the development of a single standardized reporting system to identify gaps in caseload management and provide recommendations to address the needs of local public guardians and public conservators.
- 5) Limits the duties of the State Public Guardian to support of public guardianships and public conservatorships under the Probate Code and, to the extent possible, not those conservatorships for persons with a grave disability under the Lanterman-Petris-Short Act.

EXISTING LAW establishes the office of the public guardian and requires a county public guardian to apply for appointment as a guardian or conservator of the person, the estate, or the person and the 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. (Probate Code Section 2920.)

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

COMMENTS: This bill, upon appropriation, establishes the State Public Guardian. According to the author, the new office "would be responsible for providing policy updates and technical assistance to local county Public Guardian offices, promoting access to training materials necessary to perform the duties of a Public Guardian, reviewing existing policies and providing recommendations to the Legislature for the statutory changes, developing a standardized referral form. . . to streamline referrals to local Public Guardians, exploring the development of a single data reporting system to reduce gaps in caseload management."

Background. Existing law establishes the office of the "public guardian" as a county-level office. The public guardian acts as the guardian of a minor or dependent adult when assets are substantial and there are no parents or other persons qualified and willing to serve the best interests of the minor or dependent adult. The public guardian can also act as a "public conservator" to arrange for the personal care and estate management for people who are unable to provide for their physical needs or manage their financial resources. Typical duties might include such critical tasks as authorizing medical treatment, monitoring personal care and medications, paying bills and managing money, and arranging residential treatment that is the least restrictive and offers the greatest degree of independence. Ideally, these tasks would be performed by a loving friend or family member, but when friends and family are unable or unwilling to assume these responsibilities, public guardians and public conservators must fill the gap.

Unfortunately, as the author and sponsor note, despite their critical role in protecting our most vulnerable residents, local public guardians and public conservators face overwhelming

caseloads and limited local funding. According to the *California Master Plan For Aging*, published by the California Department of Aging (within the California Health and Human Services Agency), by 2030 nearly 10 million Californians (about 25% of the state's population) will be 60 years of age or older. Because aging is sometimes associated with loss of cognitive function, it is likely that an aging population will create an even greater need for public guardians and public conservators, thereby exacerbating problems of caseload management. (See California Department of Aging, *Master Plan for Aging*, available at www.mps.aging.ca.gov.)

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Is this bill the most efficient way to address the root problem? Although the author has not identified specific areas where the work of public guardians and public conservators is hampered by a lack of information about compliance or access to adequate training materials, presumably any help that the State Public Guardian could provide would be welcome. However, if the problem is one of excessively large caseloads and a shortage for local funding to provide more public guardians and public conservator, it is difficult to see how compliance information and technical assistance will address this deeper problem. In other words, it might be more efficient – albeit more expensive – for the state to help counties hire more public guardians and public conservators rather than create a new office information and technical assistance on compliance and training requirements.

Proposed author amendments. The bill in print requires the Judicial Council to establish the State Public Guardian. However, the Judicial Council has informed the Committee and the author's office that the Judicial Council is not the proper entity to do this because the office of the public guardian is an executive, not a judicial branch function. Therefore, the author will amend the bill to re-assign responsibility for establishing the position of State Public Guardian from the Judicial Council to the California Department of Social Services. Specifically, those amendments are as follows:

- On page 2, line 19 delete “Judicial Council” and insert: *California Department of Social Services*
- On page 2, lines 22-23, delete “Judicial Council” and insert: *California Department of Social Services*
- On page 3, line 6, delete “In consultation with the Department of Social Services.”
- On page 3, line 13, delete “to the Judicial Council.”

ARGUMENTS IN SUPPORT: The California Commission on Aging (CCA), the bill's sponsor, writes that “California's Public Guardian system currently operates at the discretion of county governments, without clear state guidance or the additional resources needed to remain current with changes in conservatorship law. Currently, no direct line between the state and county

Public Guardians exists for collaborative efforts or technical assistance.” CCA adds that the “need for Public Guardians is expected to increase as California’s aging population increases. Without guidance from the state, the fragmented system that currently exists will struggle to provide services under increasing caseloads. California must prepare for this by providing the leadership needed at the state level to ensure that local Public Guardians are supported.”

REGISTERED SUPPORT / OPPOSITION:**Support**

California Commission on Aging (sponsor)

Opposition

None on file

Analysis Prepared by: Tom Clark / JUD. / (916) 319-2334