

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 561 (Blakespear) – As Amended June 11, 2026

As Proposed to be Amended

SENATE VOTE: NOT RELEVANT

SUBJECT: APPOINTMENT OF PUBLIC GUARDIANS

SYNOPSIS

In California, if an adult is unable to manage their medical and personal needs, a conservator of the person may be appointed to help manage those needs. Similarly, courts may appoint an adult that is typically not the parent to serve as guardian of a minor, which allows the guardian to obtain custody of the child without terminating the legal parental relationship. When there is not a family member or other trusted adult to serve in either role, existing law authorizes the county office of the Public Guardian (PG) to do so. Currently, anybody may refer an individual to the Public Guardian for a conservatorship or guardianship. Seeking to bolster transparency between referring parties and the PG, and overall efficacy in the conservatorship process, as currently in print this bill imposes strict timelines for completion of the statutorily mandated investigation. It also requires a public guardian who determines either a probate conservatorship or LPS conservatorship is inappropriate for the proposed conservatee to refer the matter for investigation pursuant to the other conservatorship form. The California Association of Public Administrators, Public Guardians, and Public Conservators (CAPAPGPC), which represents the offices of county Public Guardians across the state, has raised concern that the measure's proposed timelines are unworkable. Additionally, they point out that public guardians are currently not among the entities authorized to refer a matter for LPS conservatorship. Acknowledging the concerns of these stakeholders while also seeking to promote increased communications between referring parties and the PG, the author is proposing amendments to strike the bill's current requirements and instead incorporate provisions to require the PG to acknowledge receipt of the referral for conservatorship or guardianship, require the PG's investigation to include a determination whether a temporary or general conservatorship is warranted, and to require the PG to provide the referring party a status update upon request. These changes are incorporated into the SUMMARY and discussed in further detail in the COMMENTS sections of this analysis. Although they remain opposed, it seems these amendments should serve to assuage most if not all of CAPAPGPC's concerns.

This bill is sponsored by the California State Association of Psychiatrists. It is opposed by the California Association of Public Administrators, Public Guardians, and Public Conservators and the California Elder Justice Coalition (CEJC).

SUMMARY: Requires a public guardian to acknowledge receipt of a referral for conservatorship or guardianship and to provide status updates of the investigation to the referring party upon request. Specifically, **this bill:**

- 1) Requires a public guardian to acknowledge receipt of a referral for conservatorship or guardianship and requires an investigation to conclude within a reasonable period of time.

- 2) For referrals for conservatorships, requires an investigation by a public guardian to include a determination of whether or not a temporary or general conservatorship is warranted. Requires the public guardian to inform the referring party of the status of the investigation upon request.

EXISTING LAW:

- 1) Establishes the Guardianship-Conservatorship Law under the Probate Code. Enumerates requirements and procedures for the establishment of a guardianship or conservatorship. (Probate Code Section 1400 *et seq.* All future statutory references are to the Probate Code unless otherwise specified.)
- 2) Authorizes a relative or other person on behalf of the minor, or the minor if they are at least 12 years of age, to petition for appointment of guardianship of the minor. (Section 1510 (a).)
- 3) Permits any interested person to petition the court for the appointment of a “conservator of the person” for a person who is unable to provide properly for their personal needs for physical health, food, clothing, or shelter, and permits the appointment of a “conservator of the estate” for a person who is unable to manage their financial resources or resist fraud or undue influence. Provides that no conservatorship of the person or of the estate may be granted by the court unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. (Sections 1800.3, 1801.)
- 4) Permits a public guardian or public conservator [hereafter public guardian], where conditions above 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. (Section 2900.)
- 5) 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. Authorizes a county public guardian to apply for appointment as guardian or conservator of the person, the estate, or the person and estate in all other cases. (Section 2920 (a).)
- 6) Requires the public guardian to apply for appointment as guardian or conservator of the person, the estate, or the person and estate, if the court so orders. Authorizes the court to make an order on motion of an interested person or on the court’s own motion in a pending proceeding or in a proceeding commenced for that purpose. Requires the court to order the public guardian to apply of the person, the estate, or the person and estate, on behalf of any person domiciled in the county who appears to require a guardian or conservator, if it appears that there is no one else who is qualified and willing to act, and if that appointment as guardian or conservator appears to be in the best interests of the person. (Section 2920 (b).)
- 7) Requires the public guardian to begin an investigation within two business days of receiving a referral for conservatorship or guardianship. (Section 2920 (c).)
- 8) Establishes the LPS Act to end inappropriate, indefinite, and involuntary commitment of mentally disordered persons, developmentally disabled persons, and persons impaired by chronic alcoholism, and to provide prompt evaluation and treatment of those with mental

health disorders or impaired by chronic alcoholism. Defines, as a basis for involuntary commitment under the LPS Act, “grave disability” as a condition in which a person, as a result of a mental disorder, or impairment by chronic alcoholism, is unable to provide for their basic personal needs for food, clothing, or shelter. (Welfare & Institutions Code (WIC) Section 5001 *et seq.*)

- 9) Requires an officer providing conservatorship investigation to investigate all available alternatives to conservatorship and recommend conservatorship to the court only if no suitable alternatives are available. Requires the officer to render to the court a comprehensive written report containing all relevant aspects of the person’s medical, psychological, financial, family, vocational, and social condition, information concerning the person’s property, and information obtained from the person’s family members, close friends, social worker, or principal therapist. Requires the officer, if they recommend against conservatorship, to set forth all alternatives available. (WIC Section 5354 (a).)

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

COMMENTS: According to the author:

SB 561 would prevent vulnerable adults from getting lost in the probate conservatorship referral process. Many people referred to county public guardians are unable to manage their finances, make care decisions, or secure safe placement in housing or healthcare facilities on their own, and they often have no family member, friend, or private fiduciary available to help. Current law requires a public guardian to begin an investigation within two business days, but it does not say when that investigation should be completed or require basic status updates to the person or agency that made the referral. SB 561 closes that gap by requiring the public guardian to acknowledge the referral, complete the investigation within a reasonable period of time, and provide investigation status information to referring parties upon request. This will promote accountability and ensure individuals referred for conservatorship consideration get access to the care they need on a timely basis.

In California, if an adult is unable to manage their medical and personal needs, a conservator of the person may be appointed to help manage those needs. Similarly, courts may appoint an adult that is typically not the parent to serve as a guardian of a minor, which allows the guardian to obtain custody of the child without terminating the legal parental relationship. The appointment process for both a conservatorship and guardianship generally requires an investigation by a court investigator and approval by the court. In cases where an adult who qualifies for a conservatorship or a minor in need of a guardianship does not have someone, whether a family member or other trusted individual, who can serve as the conservator or guardian, that person may be referred to the county offices of the Public Guardian (PG), which can also act as a public conservator (PC). This analysis will refer to a PG when referring to a Public Conservator, as the county offices are typically referred to as the office of the Public Guardian. Existing law authorizes these offices to take possession and control of property of a decedent, minor, or conservatee and record a certificate of authority acknowledging this power.

Probate vs. LPS conservatorships, briefly. In a general probate conservatorship, if an adult is, based on clear and convincing evidence, unable to adequately provide for their personal needs for physical health, food, clothing, or shelter, a conservator of the person may be appointed by the court. (Probate Code Section 1801 (a).) If an adult who is, based on clear and convincing evidence, substantially unable to manage their own financial resources or is unable to resist fraud

or undue influence, a conservator of the estate may be appointed by a court to manage the adult's financial matters. (Section 1801 (b).) A conservatorship cannot be granted unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee. (Section 1800.3 (b).) The appointment process requires an investigation by a court investigator and approval by the court. Existing law also authorizes issuance of a temporary conservatorship which, if issued by the court, would remain in place until the underlying petition for a general probate conservatorship is adjudicated. (Section 2250.)

Probate conservatorships are distinct from conservatorships established under the Lanterman-Petris-Short (LPS) Act in a few key ways. While probate conservatorships are established when an adult can no longer manage their own affairs typically due to common cognitive impairments such as dementia, LPS conservatorships are structured to allow someone to make decisions on behalf of adults who are determined to be "gravely disabled". The Welfare and Institutions Code Section 5000 *et seq.* provides strict timelines and restrictions on how long a person potentially eligible for an LPS conservatorship may be held in a restrictive setting, timelines for relevant investigations, responsibilities of health care providers and proposed conservatees, LPS patients' legal and civil rights, and unique standards of review. Perhaps most significantly an LPS conservator can commit a conservatee to a locked-health facility, while a probate conservator may not.

As currently in print *this bill* imposes strict timelines on public guardians' investigations upon receipt of a referral for probate guardianship or conservatorship. The bill requires the PG to complete an investigation within 15 days of receipt of the referral. This timeline may be extended upon a showing of good cause. The PG is then required to notify the referring party of the determination made at the conclusion of the investigation or if the investigation has been extended.

If the PG determines that an LPS conservatorship is more appropriate for a proposed conservatee, the bill requires the PG to make a referral for the investigation pursuant to LPS. Inversely, if the PG's LPS investigation determines a probate conservatorship would be more appropriate for the proposed conservatee, the public guardian is then required to make such a referral. In both circumstances, the initial investigations would remain open until the secondary investigation concludes.

The California Association of Public Administrators, Public Guardians, and Public Conservators (CAPAPGPC), which represents the offices of county Public Guardians across the state, opposes the measure on a number of grounds. They contend that the bill "imposes unrealistic timelines, creates unfunded mandates on counties, and fails to recognize the practical realities of conservatorship investigations." Specifically, they raise concern that the 15-day investigation timeline is unrealistic considering the complexity of conservatorship investigations: "Public Guardians must identify and locate relatives, investigate assets, assess potential alternatives to conservatorship, obtain medical information, and secure legally sufficient Capacity Declarations [which] are often returned multiple times due to incomplete or inaccurate information, creating unavoidable delays that are outside the control of Public Guardian staff." Additionally, the Public Guardians point out that even if an investigation could be concluded within the 15-day time period, the conclusion of an investigation does not necessarily lead to a faster resolution to the underlying petition. The petition must ultimately be adjudicated by the probate court, which can take months to hear the matter, regardless of when the investigation is completed.

With regard to the referral between probate conservatorship and LPS conservatorship, CAPAPGPC points out that LPS conservatorships cannot be self-referred by a PG. Instead, existing law limits who may refer a person to the public guardian for a proposed LPS conservatorship to designated mental health treatment facilities, agencies, or a court. Although a PG would already have a referral for the proposed conservatee, that referral would be as to a *probate*, not LPS, conservatorship. The limitations on who may refer help ensure that only appropriately trained medical staff make referrals for LPS.

In conversation between Committee staff, the author, and sponsors, it seems the aim of this measure is largely to bolster communication between someone who makes a referral for conservatorship and the PG. It can be understandably frustrating when one has concerns about the wellbeing of a family, loved one, patient, or client that rise to the level of necessitating, in their judgment, a probate conservatorship, but that referral is followed by silence. To be sure, county PGs are overworked and underfunded across the state and managing incredibly sensitive interpersonal dynamics, so any perceived lack of communication is likely unintentional and a result of the nature of the work and lack of resources. Nevertheless, to the extent increased communication may help ease the anxieties of referring parties and ensure people get the support they need, expecting some degree of responsiveness seems reasonable. To balance the concerns raised by CAPAPGPC against the understandable desire for increased communication, the author proposes to strike the current requirements of the bill and instead amend Probate Code Section 2920 to require 1) the public guardian to acknowledge receipt of a referral, 2) the investigation to conclude within a reasonable period of time and include a determination of whether or not a temporary or general conservatorship is warranted, and 3) the public guardian to inform the referring party of the status of the investigation upon request. The text of the bill would read as follows:

SECTION 1. Section 2920 of the Probate Code is amended to read:

2920. (a) If any person domiciled in the county requires a guardian or conservator and there is no one else who is qualified and willing to act and whose appointment as guardian or conservator would be in the best interests of the person, then either of the following shall apply:

[...]

(c) **(1)** The public guardian shall *acknowledge receipt of the referral and* begin an investigation within two business days of receiving a referral for conservatorship or guardianship. *The investigation shall conclude within a reasonable period of time.*

(2) *For referrals for conservatorship, the investigation shall conclude no more than 15 business days after receiving the referral, unless there is good cause for an extension. The public guardian shall notify the referring party of both of the following, as applicable: include a determination of whether or not a temporary or general conservatorship is warranted. The public guardian shall inform the referring party of the status of the investigation upon request.*

~~(1) The determination made at the conclusion of the investigation:~~

~~(2) The extension of the investigation.~~

~~(d) (1) If, during the investigation pursuant to subdivision (c), the public guardian determines a conservatorship pursuant to the Lanterman-Petris Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code) would be more appropriate for a proposed conservatee, the public guardian shall make a referral for investigation pursuant to the Lanterman-Petris Short Act. The investigation opened pursuant to subdivision (c) shall remain open until the conclusion of the investigation pursuant to the Lanterman-Petris Short Act.~~

~~(2) If, during an investigation pursuant to the Lanterman-Petris Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the public guardian determines a conservatorship pursuant to subdivision (c) would be more appropriate for a proposed conservatee, the public guardian shall make a referral for investigation pursuant to subdivision (c). The investigation opened pursuant to the Lanterman-Petris Short Act shall remain open until the conclusion of the investigation pursuant to subdivision (c).~~

ARGUMENTS IN SUPPORT: This bill is sponsored by the California State Association of Psychiatrists (CSAP). In support of the measure they submit:

Under current law, a public guardian must begin an investigation within two business days of a referral, but there is no requirement that the investigation ever conclude, and no requirement to update the referring party. This can leave vulnerable adults like people with dementia, brain injury, or other cognitive impairments stuck in limbo for extended periods of time.

SB 561 would require the public guardian to acknowledge receipt of a referral, begin the investigation within two business days as current law already requires, conclude that investigation within a reasonable time and reach a determination on whether conservatorship is warranted, and share status updates with the referring party upon request. These are common-sense safeguards that do not impose a rigid deadline or require disclosure of confidential records. Rather, they simply ensure cases get resolved and referring parties are not left in the dark.

ARGUMENTS IN OPPOSITION: This bill is opposed by the California Association of Public Administrators, Public Guardians, and Public Conservators and the California Elder Justice Coalition (CEJC). CEJC submits:

While well-intended, SB 561 overlooks the basic fact that there is no state mandate for counties to have a Public Guardian (one county does not), no state funding supports the Public Guardian system, and Public Guardian caseloads are already 30 percent over recommended levels. This important system does warrant the Legislature's attention and improvement, but through strengthening and solidifying the existing process in order to assure better care and management of existing caseloads.

SB 561 imposes unrealistic timelines, creates unfunded mandates on counties, and fails to recognize the practical realities of conservatorship investigations. The requirement that investigations conclude within fifteen business days is inconsistent with the complexity of probate conservatorship investigations. Public Guardians must identify and locate relatives, investigate assets, assess potential alternatives to conservatorship, obtain medical information, and secure legally sufficient Capacity Declarations, which are often returned

multiple times due to incomplete or inaccurate information. Ultimately, resolution of conservatorship cases is subject to court schedules and judicial availability. In many jurisdictions, it can take several months for a conservatorship petition to be heard by the probate court. Consequently, imposing a 15-business-day investigative deadline does not result in a faster conservatorship process and instead creates an arbitrary requirement that fails to account for realities within the court system.

The bill's requirement for the Public Guardian to refer a proposed conservatee for LPS conservatorship also falls outside the scope of the Public Guardian's role. The current system, in which a designated hospital or provider can pursue LPS designation and initiate the appropriate process, makes this additional requirement on the Public Guardian unnecessary.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Association of Psychiatrists (CSAP) (sponsor)

Opposition

California Elder Justice Coalition (CEJC)
California State Association of Public Administrators, Public Guardians, and Public Conservators

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