

SENATE THIRD READING

SB 561 (Blakespear)

As Amended July 2, 2026

Majority vote

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.

Major Provisions

- 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.

COMMENTS

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.

Seeking to bolster communication between PGs and referring parties, this bill amends 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.

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.

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.

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 Elder Justice Coalition, however it seems their concerns seem to reference provisions of a prior version of this measure that have since been amended out of the bill. They submit:

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 Lanterman-Petris-Short (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.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, minor reimbursable state-mandated local costs to county public guardian offices to acknowledge receipt of referrals, make the specified determination as part of investigations, and respond to status requests from referring parties, subject to a determination by the Commission on State Mandates. These duties are administrative additions to the investigation existing law already requires, and any costs to an individual county are likely to be minor.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Hurtado, Reyes

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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