

**Professional Fiduciaries Bureau
December 8, 2021 Legislative Update**

Important Dates

- **October 10** – Last day for Governor to sign or veto bills passed by the Legislature before September 10 and in the Governor’s possession on or after September 10
- **January 1, 2022** – Statutes take effect.
- **January 3, 2022** – Legislature reconvenes.

2021 Legislation Related to the Bureau

AB 29 (Cooper) State bodies: meetings

This bill would require a state body’s meeting notice to include all writings and materials. This bill would require the writings and materials to be posted to the state body’s website 72 hours in advance of the meeting or provided to any person who requests the writings or materials in writing. This bill would prohibit a state body from discussing those writings or materials, or taking action on an item, until the state body has complied with these provisions.

December 2021 Status: Two-year bill

AB 260 (Stone) Guardianships

This bill requires the court to have good cause to waive a local child welfare services agency investigation and would prohibit the guardianship proceedings from being completed until the investigation is completed and a report is provided to the juvenile court. Second, this bill requires the state-funded Kinship Guardianship Assistance Payment Program (Kin-GAP) aid to be provided on behalf of any child under 18 years of age and to any eligible youth under 21 years of age who has kinship guardianship established. This bill also eliminates existing law requirements to receive Kin-GAP aid.

December 2021 Status: Enacted. Chapter 578, Statutes of 2021.

AB 339 (Lee) State and local government: open meetings

This bill would require, until December 31, 2023, all open and public meetings of a city council or a county board of supervisors that governs a jurisdiction containing at least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based option. This bill would require all open and public meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. This bill would require all open and public meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic or an internet-based service option.

December 2021 Status: Vetoed.

AB 465 (Nazarian) Professional fiduciaries: prelicensing and renewal or restoration: education

This bill requires professional fiduciary licensees to have one hour of instruction in cultural competency beginning January 1, 2023. For a new licensee, this one hour of cultural competency would be included in the initial 30 hours of education required for licensure. For renewal, or to

restore a license from retired status to active status, the licensee is required to complete at least two hours of instruction in ethics, cultural competency or both on an annual basis.

December 2021 Status: Enacted. Chapter 167, Statutes of 2021.

AB 574 (Chen) Guardians ad litem: mental illness

This bill would establish an additional procedure for the appointment of a guardian ad litem for a person who lacks the capacity to make rational informed decisions regarding medical care, mental health care, safety, hygiene, shelter, food or clothing. This bill would authorize certain persons to petition the court for the appointment of a guardian ad litem and would establish the procedures that would govern the filing of the petition, notice procedures and court procedures.

December 2021 Status: Two-year bill

AB 596 (Nguyen) Appointed legal counsel

This bill would require an attorney, who determines the conservatee or proposed conservatee is unable to communicate, to report this inability to the court. The court will then make a determination regarding this allegation based on evidence, in a procedure as determined by the court. This bill would specifically require an attorney, who is appointed under these provisions to represent a conservatee, proposed conservatee, or person alleged to lack legal capacity to act as an advocate for the client, and would prohibit the attorney from substituting their own judgment for that of the client's expressed interests.

December 2021 Status: Two-year bill

AB 885 (Quirk) Bagley-Keene Open Meeting Act: teleconferencing

This bill would require a state body that elects to conduct a meeting or proceeding by teleconference to make the portion that is required to be open to the public both audibly and visually observable. The bill would require a state body that elects to conduct a meeting or proceeding by teleconference to post an agenda at the designated primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. The bill would require a multimember state body to provide a means by which the public may both audibly and visually remotely observe a meeting if a member of that body participates remotely. The bill would further require any body that is to adjourn and reconvene a meeting on the same day to communicate how a member of the public may both audibly and visually observe the meeting.

December 2021 Status: Two-year bill

AB 1062 (Mathis) Conservators and guardians: disposition of property

This bill would authorize a guardian or conservator of the estate to dispose of or abandon valueless property only after providing 15 days written notice and reasonable access to all persons who received notice of the guardianship or conservatorship petition. This bill would also authorize a person who received this notice to petition the court to resolve a property right dispute.

December 2021 Status: Two-year bill

AB 1194 (Low) Conservatorship)

This bill requires: (1) a professional fiduciary with an internet website to post a schedule of fees on their website; (2) a licensed professional fiduciary to be liable for a civil penalty up to

\$10,000 if the court finds the professional fiduciary abused a conservatee; (3) the Judicial Council, by January 1, 2024, to report to the Legislature its findings measuring court effectiveness in conservatorship cases; and (4) the Bureau to investigate specified allegations and impose sanctions or revoke an individual's license, as appropriate. This bill also prohibits a guardian or trustee or an employee of the guardian or conservator to hire or refer business to an entity where they have a financial interest. **December 2021 Status:** Enacted. Chapter 417, Statutes of 2021.

SB 602 (Laird) Review of conservatorships: care plans

This bill would require a conservator, within 30 days of appointment and 30 days before a hearing, to submit a care plan to specified persons regarding the care, custody, and control of the conservatee. This bill would require the Judicial Council to develop for the care plan. This bill would impose sanctions for failure to timely submit a care plan; this includes a court imposed civil penalty of up to \$5,000 unless the court determines there is good cause to not impose a penalty.

December 2021 Status: Two-year bill

SB 607 (Min) Business and Professions

This bill, as it relates to the Bureau, extends the sunset date one year from January 1, 2023 to January 1, 2024. Additionally, beginning July 1, 2022, the bill requires all DCA boards and bureaus to waive the licensure application fee and the initial or original lice fee for all military spouse applicants, under specified conditions.

SB 826 (Committee on Business, Professions and Economic Development) Business and professions

This is the annual omnibus bill authored by the Senate Business, Professions and Economic Development Committee. The bill contains numerous technical and clarifying changes related to the Department of Consumer Affairs. As related to the Bureau of Professional Fiduciaries, this bill would revise the work experience requirements for a person to be a licensee for the Bureau. The bill would add a guardian of a person, estate or person and estate to the work experience requirement.

December 2021 Status: Enacted. Chapter 188, Statutes of 2021.