

# The Guardian



## Message from the Advisory Committee Chair



**Marguerite Lorenz,**  
CTFA, CLPF

**Hello Consumers,  
Colleagues, and  
Friends,**

Please join me in welcoming our new Bureau Advisory Committee Member, Hang Le To, Finance Director for the San Francisco Labor

Council, appointed by the Speaker of the Assembly. For the first time since the Professional Fiduciaries Bureau (Bureau) was formed, we have a full complement of Advisory Committee Members!

Inside this newsletter are updates on the work of the Bureau, information about unlicensed activity, and articles from some of our licensees and Advisory Committee Members.

For many generations, most people expected family to handle all issues surrounding long-term illness and estate settlement. With the changes in our economy, however, family members now live farther apart and must work harder than ever to make ends meet. Also, when a crisis occurs, a well-meaning family member may have a steep learning curve. You may want to consider a Professional Fiduciary to help. He or she is in a unique position to provide critical services, with objectivity and on-point training. Make sure you and your loved ones have the best life possible by thinking through

your expectations—before any event causes decisions to be made and actions to be taken.

Everyone needs a properly written estate plan. You never know when an event can occur that changes everything. Now that I have a plan, I don't worry anymore. My documents express my wishes, and I have selected someone I trust to carry them out whether I'm ill, have resigned, or have died. There is power and comfort in knowing what you can control and what must be left to others. I encourage you to get your plan completed (or updated, if it has been more than three years since you completed your plan), so you can live with less worry.

Your plan is not complete unless you have the right person to do the work when the time comes. Start by interviewing a couple of California-Licensed Professional Fiduciaries in your area, and if you don't know any, ask your Certified Public Accountant, attorney, or financial advisor for a referral. You can also always find a California-Licensed Professional Fiduciary at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov).

Questions? Learn what others are asking in the "Ask Angie" column, and please feel free to send in your questions, too.

Looking forward to you worrying less and enjoying more,

Marguerite Lorenz,  
Advisory Committee Chair  
CTFA, CLPF #319

DEPARTMENT OF CONSUMER AFFAIRS

# PEFB

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# Message from the Bureau Chief

On behalf of the Professional Fiduciaries Bureau (Bureau), I am proud to present to you the third edition of our bi-annual newsletter. It's hard to believe that I have been serving as Chief of the Bureau for almost one year now. I have learned so much in the past year. From the enforcement process to licensing and writing regulations, to working with the Advisory Committee, my days are full and my mind is challenged.

The Bureau is pleased to announce we have added a new committee member since the last edition of this newsletter. Hang Le To comes to us from the San Francisco Labor Council where she works as its Finance Director. The Bureau has finally reached its goal of filling all its Advisory Committee positions.

Our Enforcement Program continues to make strides. We have expanded our staff in Fiscal 2014/15 by adding one full-time Enforcement Analyst to our already highly capable staff. Sara Lopez joined the Bureau at the end of August from the Department of Public Health, where she served as a Conviction Analyst. Please join me in welcoming her to our team!

The Bureau's enforcement efforts can also be enhanced with the help of consumers and licensees throughout the State. Our mandate is to protect consumers; this includes combatting unlicensed activity. If you suspect unlicensed activity, please report it to the Bureau. Your

reporting helps raise the standards of the industry and elevates the profession overall.

We are also proud to announce we are now taking advantage of social media. The Bureau can be found on Facebook at California Professional Fiduciaries Bureau. Additionally, our Twitter handle is [@fiduciarybureau](#). Please "like" us and follow the Bureau!

One of my goals as Chief is to be part of an organization that is approachable and operates with transparency. The Bureau is here to license applicants, educate consumers, and enforce the Professional Fiduciaries Act. Ultimately, we are here to serve the consumers of our State. The Bureau welcomes any questions or concerns you have and we encourage you to contact us.

I would like to thank the Advisory Committee Members who have contributed to this newsletter.

If you have any issues you would like to see addressed in subsequent editions of our newsletter, please send them to the Bureau at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov). *The Guardian* is meant to be informative, and we welcome your comments and suggestions. Please note that this newsletter can also be found on our website at [www.fiduciary.ca.gov/forms\\_pubs/newsletter.shtml](http://www.fiduciary.ca.gov/forms_pubs/newsletter.shtml). We hope you find it helpful.

As always, I am committed to protecting the consumers of our State and supporting the licensees of this very important profession.

Warm Regards,  
Julia G. Ansel, Chief

## The Professional Fiduciaries Bureau Vision and Mission Statements

### OUR VISION

To protect, maintain, and enhance the quality of life for consumers by promoting the highest Professional Fiduciary standards.

### OUR MISSION

To protect consumers through licensing, education, and enforcement by ensuring the competency and ethical standards of Professional Fiduciaries.

# Band Together and Combat Unlicensed Activity

## Licensed California professionals personify quality, pride, and trust.

It's the stuff that California's professionals are made of. It's what they value. Quality. Pride. Trust. Unlicensed practitioners pose a threat to you and your business. Why?

- Unlicensed individuals and businesses operate illegally.
- They do not follow acceptable standards or abide by a code of ethics.
- They offer little or no recourse for dissatisfied customers.
- They hurt the economy because unlicensed businesses often do not pay taxes.
- They steal business away from legitimate businesses and professionals who follow the rules.
- They pose a risk to consumers by committing fraud.
- They undermine their industry's credibility.

The Professional Fiduciaries Bureau (Bureau) is not able to take action against persons who are providing services without being licensed, unless it is brought to our attention. **The Bureau is requesting your help in combatting unlicensed activity.**

To report unlicensed activity you can send an e-mail to [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov), an anonymous fax to (916) 574-8645, or call (916) 574-7340.

## DCA News

Effective July 3, 2014, the Department of Consumer Affairs Director Denise Brown retired and the Professional Fiduciaries Bureau (Bureau) wished her a very happy retirement. We will miss the dedication she has always shown to the Bureau during her appointment as Director.

The Bureau is pleased to announce Governor Brown has appointed Awet Kidane as Director and Tracy Rhine as Chief Deputy Director effective July 3, 2014. The Bureau has worked closely with Awet and Tracy in their previous positions and is looking forward to doing so in the future.



## ASK ANGIE

Angie is the Professional Fiduciaries Bureau's (Bureau) expert when it comes to answering questions related to our functions. We always like to hear from you, whether you have a simple or difficult question. Although we may not be able to answer all your questions because we are excluded from giving any legal advice, we welcome questions regarding applications, licensing, licensing renewals, complaints, enforcement, or any other Bureau-related questions. Please e-mail your questions to [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov) with "ASK ANGIE" in the subject line. You will receive a direct response, and if the question becomes one of the Bureau's frequently asked questions (FAQs), it will appear in our next newsletter. Here are some FAQs:

### From Applicants:

**Q: If I do not have a degree, can I qualify to take the examination with experience only?**

**A:** You may qualify with experience only if you meet the criteria stated in Business and Professions Code section 6533(g)(3): "Experience of not less than five years, **prior to July 1, 2012**, working as a Professional Fiduciary or working with substantive fiduciary responsibilities for a Professional Fiduciary, public agency, or financial institution acting as a conservator, guardian, trustee, personal representative, or agent under a power of attorney."

**Q: Can I e-mail the Bureau with a list of my experience for the Bureau to review before I submit an application and pay the \$400 application fee?**

**A:** No, the Bureau reviews the application in its entirety once it is submitted. The \$400 application fee is the actual cost for staff Bureau to process the application.

### From Licensees Regarding Renewals:

**Q: How long does it take the Bureau to process my renewal once it is received?**

**A:** Once your renewal application is received, it may take four to six weeks to process from the date of receipt, so be sure to send in your renewal as soon as possible.

**Q: How long do I need to keep proof/documentation of my completed continuing education?**

**A:** According to section 4452(b) of the California Code of Regulations, "A licensee shall maintain documentation of completion of continuing education courses for a period of at least three years from the date of renewal."

**Q: Which clients should I report to the Bureau when renewing my license?**

**A:** When submitting your Annual Statement for renewal, report only cases you opened or closed since the date of your LAST Annual Statement.

**Q: Does the Bureau need the exact date a case was opened or closed?**

**A:** Yes, the Bureau needs all dates in the format of MM/DY/YYYY.

### From Licensees Regarding Complaints:

**Q: Will this complaint affect my license renewal?**

**A:** No, complaints are not public record and do not affect the renewal of your license. Your license is not affected by a complaint unless the Bureau takes disciplinary action or issues a citation against your license.

**Q: Can I have a copy of the complaint that was filed against me?**

**A:** No, section 6254(f) of the Government Code, an exception to the California Public Records Act, exempts from disclosure records of complaints to and investigations conducted by, among others, State agencies.

**Q: Am I required to submit documents that the Bureau requests from me?**

**A:** Yes, Business and Professions Code section 6560 states: "A licensee shall keep complete and accurate records of client accounts, and shall make those records available for audit by the Bureau." Additionally, California Code of Regulations section 4544(b) states the licensee has 15 business days to provide this information to the Bureau. If the licensee does not comply, the licensee may be subject to a citation that may include a fine, or other disciplinary action for failure to comply as stated in California Code of Regulations section 4544(d).

*Continued on page 5*

**Q: What are the top reasons the Bureau issues citations?**

- A: Most citations are issued for the following reasons:
- Unlicensed activity
  - Not acting in the best interest of the client
  - Inaccurate/incomplete record keeping
  - Charging the client when speaking to the Bureau in response to a complaint

**General Questions**

**Q: What is the average age of licensed Professional Fiduciaries?**

A: The average age of licensed Professional Fiduciaries is 58 years old. Additionally, approximately 82 percent are more than 50 years old and 94 percent are more than 40 years old.

## APPROVED EDUCATION PROVIDERS

A local court of the State of California *	Professional Fiduciary Association of California
California State Bar or American Bar Association *	California State Association of Public Administrators, Public Guardians, and Public Conservators
California State Board of Accountancy *	National Guardianship Association and its state affiliates
California State Board of Behavioral Sciences *	National Association of Professional Geriatric Care Managers
Certified Financial Planner Board of Standards, Inc. *	American Society of Aging
California Department of Insurance *	Gerontological Society of America
California Board of Registered Nursing *	National Association of Social Workers
California State Board of Psychology *	National College of Probate Judges
California Department of Mental Health	National Elder Law Foundation
California Department of Social Services	American Bankers Association
California Department of Developmental Services	Cannon Financial Institution

\* These approved education providers courses are subject to conditions as explained in Title 2, California Code of Regulations, Section 4446.

**To earn prelicensing education credit immediately, the Bureau has identified the following possible opportunities:**

1. California State University, Fullerton, Professional Fiduciary Management online program: [www.csufextension.org](http://www.csufextension.org)
2. National Guardianship Association, Inc., online continuing education courses: [www.guardianship.org](http://www.guardianship.org)
3. Professional Fiduciary Association of California: [www.pfac-pro.org](http://www.pfac-pro.org)
4. University of California, Riverside, Extension Professional Fiduciary Certificate Program: [www.extension.ucr.edu/welcome/profid/profid\\_cpfb.html](http://www.extension.ucr.edu/welcome/profid/profid_cpfb.html)
5. University of California, Berkeley, Extension Professional Fiduciary Studies Courses: <http://extension.berkeley.edu/public/category/programStream.do?method=load&selectedProgramAreald=11463&selectedProgramStreamId=1281922>
6. Alzheimer’s Association Professional Training [www.alz.org/norcal/in\\_my\\_community\\_professionals.asp](http://www.alz.org/norcal/in_my_community_professionals.asp)
7. Center for Guardianship Certification [www.guardianshipcert.org/](http://www.guardianshipcert.org/)

Please remember two of your fifteen continuing education hours MUST be in “Ethics for Fiduciaries.”

For more information, please visit the Bureau’s website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov).

# Legislative Updates

## 2014 Legislation Impacting the Professional Fiduciaries Bureau

The following bills may impact Professional Fiduciaries if they become law:

### AB 2024 (Bonilla) Professional Fiduciaries

This bill authorizes the Professional Fiduciaries Bureau (Bureau) to designate the license of a licensee as “retired” or as “cancelled” upon request of a licensee. This bill also authorizes the Bureau to cancel a license that is not renewed within three years following expiration and to reinstate a license from “retired” to “active” upon request of the licensee and completion of specific requirements. Additionally, this bill specifies that the Bureau has jurisdiction over a license that is retired, inactive, cancelled, suspended, or otherwise restricted. Lastly, this bill also authorizes the Bureau to set fees to designate a license as “retired,” “inactive,” and to reinstate a license to “active” from “retired” or “inactive.”

SPONSOR: Author

### AB 2034 (Gatto) Family relations: family visitation and conservatorships

This bill establishes a court process to allow adult children to petition to visit their parents and requires conservators to notify relatives when conservatees die or are hospitalized. The intent of this bill is to address those instances where adult children have been denied visitation rights, denied notice of hospitalizations, and even denied the knowledge of knowing a parent has died.

SPONSOR: Author

### AB 2741 (Bonilla) Professional Fiduciaries Bureau

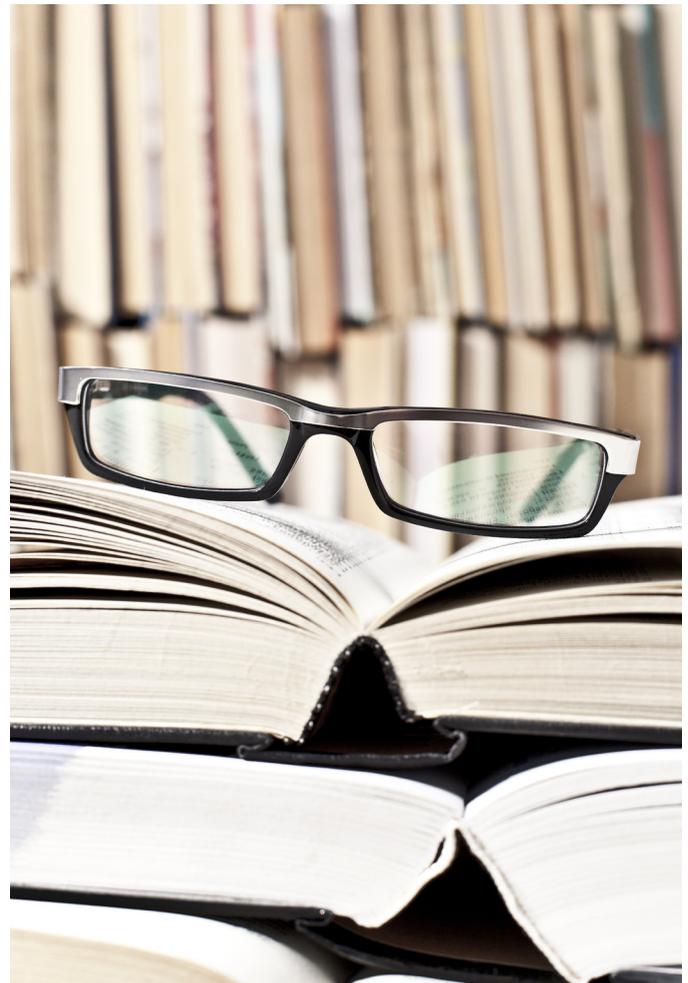
This bill extends the sunset date of the Bureau four years to January 1, 2019.

SPONSOR: Author

### SB 940 (Jackson) California Conservatorship Jurisdiction Act

This bill establishes the California Conservatorship Jurisdiction Act, effective January 1, 2016, which provides jurisdictional and procedural guidance on conservatorship proceedings between California and other states. The intent of this bill is to alleviate the burdens of handling a conservatorship situation that involves more than one state or jurisdiction.

SPONSOR: California Law Revision Commission





## Why Worry When You Can Plan?

by Marguerite C. Lorenz, Advisory Committee Member, CTFA, CLPF

How does your “What if?” thinking play out? Do you ever work up your heart rate just with your thoughts? No matter what your family, job, or life is like, how you process your thoughts, every moment of every day makes a difference in the quality of your life and the lives of those you love and serve.

Working yourself up with worry takes your precious energy, and presses against you. Worriers tend to think less of themselves, taking their own power away, every day.

If you can see that worry is just a habit, you can begin to make new choices when negative outcomes repeat themselves in your mind, when you hear yourself say “can’t” a lot, and when you refuse solutions, even before you hear the end of the sentence. Instead of choosing to worry, choose to plan instead.

### Worry and planning use the same energy in different ways

Mentally light a 60-watt bulb. See its bright light as an expression of electricity or energy. Now turn it off. Every time we have a thought, we are lighting a bulb briefly, using a little of our power, every time.

“Bright” ideas come into our mental process this way. What happens next is where the choice to worry or plan comes in.

The light bulb of “What happens if I get really sick?” blinks on, and you may use your energy to keep this, and any other similar bulbs, from turning on; however, thoughts like this cannot be ignored without a great deal of effort. There’s the blink of thought again, and now you have the power to choose to write down the question and shift from anxious to thoughtful.

Once you’ve written down the questions that keep you up at night, you can find the right people and services to help you process your feelings on these topics, offer positive ideas to choose from, and help you make a plan that takes the worry away. When looking for this help, be sure to always work with qualified, licensed professionals who have good communication skills and will listen to your concerns and offer wise solutions.

Getting your estate plan done is a great way to take away some worry in your life. Once I got my plan done, my mind was free to think about other things, and that’s when I started writing on a regular basis.

What will you do with your extra energy?

# DISCIPLINARY ACTIONS AND CITATIONS ISSUED BY THE PROFESSIONAL FIDUCIARIES BUREAU SINCE THE PUBLICATION OF THE FALL/WINTER 2013 NEWSLETTER

Licensee/Applicant	License Number	Action Taken	Effective Date
Christine M. Backhouse	263	Accusation	12/03/2013
Daniel Cunningham	294	Citation	1/09/2014
Kenneth Blickenstaff	767	3-Year Probation	4/02/2014
Melodie Scott	545	Petition to Revoke Probation	4/21/2014
Maggie Bohlman	169	Letter of Reprimand	6/03/2014

## Bureau Actions | Explanation of Language

**Accusation** – A formal, written statement of charges filed against a licensee.

**Citation and Fine** – Licensee is issued a citation and required to pay a fine commensurate with the violation committed.

**Default Decision** – Licensee fails to respond to an accusation by filing a Notice of Defense or fails to appear at an administrative hearing.

**Effective Decision Date** – The date the disciplinary decision/order goes into operation.

**Letter of Public Reprimand** – A formal reprimand issued by the Bureau, which could be in lieu of filing a formal accusation.

**Revoked** – The license is voided and the right to practice has ended.

**Revoked, Stayed, Probation** – “Stayed” means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specified probationary terms and conditions. Violation of probation may result in the revocation that was postponed by the stay.

**Statement of Issues** – Charges filed against an applicant to deny licensure due to alleged violations of the Professional Fiduciaries Act.

**Stipulated Settlement** – The case is negotiated and settled prior to hearing.

**Surrender of License** – While charges are still pending, the licensee agrees to turn in the license—subject to acceptance by the Bureau.

**Suspension** – The licensee is prohibited from practicing for a specific period.

**Writ** – An appeal filed by the licensee in Superior Court asking the court to overturn the Bureau’s decision.



## The Hat Vendor

By Kathleen Thomson, Advisory Committee Member, Supervising Court Investigator, Solano County Superior Court

On a recent trip to Costa Rica, my husband and I observed a man selling hats to tourists lounging on the beach. He had at least 30 hats stacked high on his head—just walking was quite a balancing feat. As I watched him, I was reminded that Professional Fiduciaries are required to

wear many hats. Each hat represents an area of expertise or reference that is required to manage your cases. You are an accountant one minute, social worker the next, mediator the next, and so much more. Similar to the hat vendor, you probably often feel like you are wearing 30 hats at once. Knowing what hat to wear and when, or balancing all the hats on your head, comes with experience, training, and education.

Court investigators look to Professional Fiduciaries to perform this balancing act well; after all, you are the professionals. The court holds you to a higher standard than a family member who is a conservator because you have received specific education and training and should have the experience needed to perform these balancing acts. I recently reached out to my colleagues to find out what types of concerns they have encountered with Professional Fiduciaries. It was not a surprise that the No. 1 concern is reasonableness, especially as it relates to fee requests. An example that was given is a Professional Fiduciary who charged the estate eight hours per week to visit a conservatee who does not communicate and had little awareness of her surroundings, but was medically stable and in a very nice care facility. She had friends who visited her daily, and there was no concern about her care. Was it reasonable for the Professional Fiduciary to visit the conservatee that amount of time and charge the estate for those visits? What benefit to the conservatee was gained from these visits? A second example was a Professional Fiduciary who was charging 40 hours per month to manage a very simple estate consisting of a couple of bills, no investments, and a checking account.

I think most of us would agree that in these two cases, the court had reason to be concerned about the reasonableness of these actions. There are so many stories I hear where the boundaries of reasonableness are stretched. During the course of any of your duties as a Professional Fiduciary, you should be constantly asking yourself, “Is what I am doing just, rational, and appropriate?” “Would someone else looking at this think the same way I do?” One definition I found for reasonableness is “being within the bounds of common sense.” Another was “not excessive or extreme; fair.” Both definitions are good and should always be in the back of your mind while managing your cases or requesting fees.

Court investigators ask the same type of questions when reviewing matters for the court, only we ask, “Did the Professional Fiduciary act within the bounds of common sense and are their fees fair, not excessive, or extreme? Were they acting reasonably?” Last year, Marin County Superior Court made changes to their Local Rules of Court to address this challenging problem. Marin County Superior Court Uniform Local Rules of Court, Probate Rule 5.87, Section C *Compensation to Conservators and Guardians and Their Attorneys* states:

*Professional Fiduciaries must submit requests for compensation in a manner that allows the Court to evaluate whether the fee requested is reasonable. The fiduciary must distinguish “routine, non-professional services” from those that require professional skill, experience, risk and responsibility. “Routine, non-professional services” rendered by the fiduciary and his or her staff include filing, opening mail, paying routine bills, picking up medications, banking, shopping, and accompanying Conservatees to routine, non-medical appointments. Professional Fiduciaries must disclose whether their fee request includes travel time. The fiduciary may not charge the estate for making entries on timesheets. The fiduciary may not charge the estate if required to clarify or explain billing entries to the Court.*

As you can see, the Court is looking to you to provide it with a clear picture of the service you have provided to determine whether your request for compensation is reasonable. There are no hard and fast rules for reasonableness. However, with experience, education, and interaction with organizations such as the Professional Fiduciary Association of California (PFAC), as well as interfacing with the Department of Consumer Affairs’ Professional Fiduciaries Bureau, you will have the tools necessary to know what is reasonable and to balance your hats effectively. And always avoid the Ripple Effect (to be discussed in a future newsletter).

# The Rise of the Trust Protectors

By Prescott Cole, Advisory Committee Member, Senior Staff Attorney, California Advocates for Nursing Home Reform, with special thanks to Gregory Wilcox, Esq.

A well-established trust estate planning practice is to have a California-Licensed Professional Fiduciary as trustee. A more recent development is to have Professional Fiduciaries appointed as “trust protectors.” As with trustees, trust protectors are persons named by the settlor of a trust to oversee the trustee’s administration of the trust. A trust protector’s primary duties are to protect the beneficiaries and the trust estate from an errant trustee. In effect, they are the trusts’ “bodyguards.”

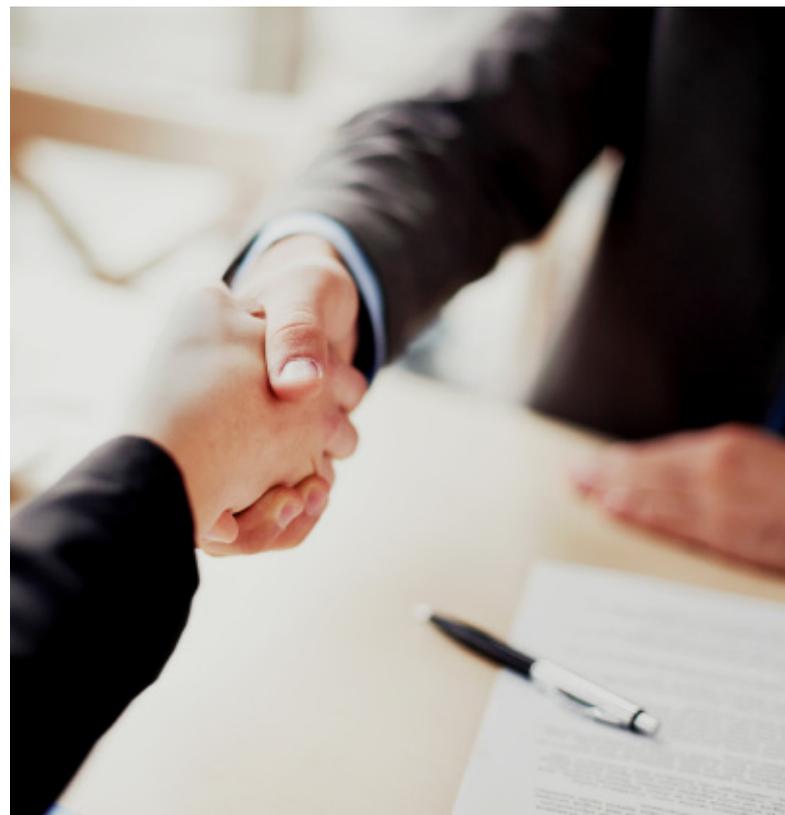
Trust protectors are appropriate where the beneficiary cannot be expected to adequately supervise the administration of the trust. They can step in and implement the settlor’s purposes. Reasons to call for a trust protector would be in circumstances where it is not really reasonable to expect the beneficiaries to provide adequate supervision of the trustee’s administration, or if the trustee is far away. Trust protectors also appear in special needs trusts where the beneficiaries are persons with a mental illness or developmental disability.

Frequently, the trust protector is authorized to reform the trust for certain purposes described in the trust. For example, the trust may need to be modified in light of changes in public benefits law or in the beneficiary’s circumstances. The greatest powers a trust protector can have are the powers to remove the trustee and the power to appoint a replacement. Depending on the working of the trust, a trust protector’s power to terminate the trustee may require some showing of grounds or it might be unlimited. The trust can also authorize the trust protector to appoint a successor. For the Professional Fiduciary, this would occur if he or she is no longer able or willing to serve.

California does not have any specific statutes that address “trust protectors,” but it does have elaborate provisions requiring trustees to account for their actions to the trust’s beneficiaries, most notably in Probate Code section 16060, et seq., “Trustee’s Duty to Report Information and Account to Beneficiaries.” Trusts that do call for trust protectors must give the trustee the duty to keep the trust protector informed about the administration of the trust. Accordingly, the trust protector will normally have the right to receive all accounts, reports, and notices that a beneficiary receives. In addition, the trust should make clear that the trust protector has the same right as the beneficiary to request additional information (see Probate Code section 16061). Also, the trust language should provide guidance on how to set the fees of a trust protector, such as a fixed dollar amount per year. Because California law is silent on trust protectors, it is solely the settlor’s language in the trust that defines the extent of the trust protector’s powers.

Professional Fiduciaries should add trust protectors to their checklists of topics to discuss with their clients. Another suggestion for Professional

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Fiduciaries is that they work with the attorneys who are the drafters of trusts, especially special needs trusts. Readers can find further discussion of trust protectors and model language in *Special Needs Trusts: Planning, Drafting, and Administration*, Continuing Education of the Bar (CEB), Chapter 6, at Section 6.36, et seq.

## What are the duties and liabilities of a trust protector?

Professional Fiduciaries who are named trust protectors must be diligent in executing their duties and keep themselves apprised of the administration of the trust. Accordingly, the major duty of a trust protector is to review the accounts and reports of the trustee. Less clear is whether the trust should require the trust protector to “consult” with the trustee. If the trust requires consultation, the trust protector may end up being liable for failure to *adequately* consult with the trustee.

Because California law is silent on trust protectors, it is solely the settlor’s language in the trust that defines the extent of the trust protector’s powers. Virtually all trust protectors are given the authority to remove the trustee, and usually also the power to appoint a replacement. Beyond this, powers vary substantially from trust to trust. The trust protector’s power to terminate the trustee may be unlimited or require some showing of grounds. The trust can authorize the trust protector to appoint a successor trust protector if he or she is no longer able or willing to serve. Frequently, the trust protector is authorized to reform the trust for certain purposes described in the trust. For example, the trust may need to be modified in light of changes in public benefits law or in the beneficiary’s circumstances.

## What are the rights of a trust protector?

In California we have both banks that serve as trust companies and private Professional Fiduciaries. Both are often asked to serve as trustees of special needs trusts and other trusts that elder law attorneys draft. They will certainly pay special attention to the provisions for trust protectors because they will owe the continuation of their job as trustee to the good will and approval of the trust protector.

Their responses can be expected to vary. Some will welcome the opportunity to consult with a third party, but others may not be comfortable with having another party “looking over their shoulder” and “second-guessing” their performance. One way of avoiding the resistance of future potential trustees is to invite the proposed trustee to participate in the drafting of the trust and its provisions for a trust protector.

## Further Information

Readers can find further discussion of trust protectors and model language in *Special Needs Trusts: Planning, Drafting, and Administration*, Continuing Education of the Bar (CEB), Chapter 6, at Section 6.36, et seq.

*(Gregory Wilcox, Esq., is an attorney in private practice in Berkeley, CA.)*

*DISCLAIMER: The above article is meant to be informative and is not the opinion of the Professional Fiduciaries Bureau. The inclusion of this article in this newsletter is not an endorsement of such practices or services.*



## How to Access the Department of Consumer Affairs' Webcast Internet Page

The Professional Fiduciaries Bureau (Bureau) provides a webcast of all public meetings if webcast technology is available at the location of the meeting. Webcasting allows the public to view the Bureau's public meetings; however, it is not interactive and the public is not able to participate via webcast. The Bureau welcomes the public to attend the meetings if they would like to speak on agenda topics or request that a topic be put on a future meeting agenda.

A list of past and future Bureau meetings can be found online at [www.fiduciary.ca.gov/about\\_us/meetings.shtml](http://www.fiduciary.ca.gov/about_us/meetings.shtml).

To access the webcast while the meeting is in progress, please go to [www.dca.ca.gov/publications/multimedia/webcast.shtml](http://www.dca.ca.gov/publications/multimedia/webcast.shtml) and click on "Current Webcasts." The webcast will be available online approximately 15 minutes prior to the start of the meeting.

Once the meeting has concluded, the video will be uploaded to the Department of Consumer Affairs' "Webcast Archive" and may be viewed online at [www.dca.ca.gov/publications/multimedia/webcast\\_archive.shtml](http://www.dca.ca.gov/publications/multimedia/webcast_archive.shtml). It may take up to two weeks for the video to appear on the archive list.

If you have any questions regarding our webcasts, please contact Angela Bigelow at (916) 574-7341.

### Professional Fiduciaries Bureau Contact Information

**Location:** 1625 N. Market Blvd., Ste. S-209  
Sacramento, CA 95834

**Phone:** (916) 574-7340

**Fax:** (916) 574-8645

**E-mail:** [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov)

**Hours:** Monday–Friday, 8 a.m.–5 p.m.

### Our office will be closed on the following holidays for the remainder of 2014:

Monday, September 1 ..... Labor Day  
Tuesday, November 11 ..... Veterans Day  
Thursday, November 27 ..... Thanksgiving Day  
Friday, November 28 ..... Day after Thanksgiving  
Thursday, December 25 ..... Christmas Day



## Important Bureau Updates and How to Receive Them

The Professional Fiduciaries Bureau (Bureau) is now on Facebook and Twitter!

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