

**Professional Fiduciaries Bureau
September 15, 2021 Legislative Update**

Important Dates

- **August 16** – Legislature reconvenes from Summer Recess
- **August 30 – September 10** – Floor session only
- **September 3** – Last day to amend bills on the floor
- **September 10** – Last day for any bill to be passed; interim recess begins upon adjournment
- **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

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.

August 2021 Status: Two-year bill

AB 260 (Stone) Guardianships

This bill would require 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 would require 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 would also eliminate existing law requirements to receive Kin-GAP aid.

August 2021 Status: Senate Appropriations Committee

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.

August 2021 Status: Senate Third Reading

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

This bill would require 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 would be required to complete at least two hours of instruction in ethics, cultural competency or both on an annual basis.

August 2021 Status: Senate Third Reading

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.

August 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.

August 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.

August 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.

August 2021 Status: Two-year bill

AB 1194 (Low) Conservatorship)

This bill would require: (1) a professional fiduciary with an internet website to post a schedule of fees on their website by January 1, 2023; (2) the Professional Fiduciaries Bureau (Bureau) to

revoke, suspend or put on probation a professional fiduciary's license if the licensee had a penalty imposed, was removed as a conservator for cause by a court or the court made a finding of abuse; and, (3) the Bureau to investigate when the court takes action to impose a penalty on a licensee, makes a finding of abuse against the conservatee, sanctions or removes a licensee for cause or determines that cause for removal exists. The bill would also enhance conservatorship oversight by the courts; requires the Judicial Council to conduct a study regarding conservatorship cases by January 1, 2023; and makes technical changes.

August 2021 Status: Senate Appropriations Committee

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.

August 2021 Status: Two-year bill

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.

August 2021 Status: Assembly Appropriations