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**PROBATE CODE SECTION 850 PETITIONS**

- A. Any Petition under Probate Code section 850 must state the names and last known addresses of all parties entitled to notice pursuant to Probate Code section 851.
- B. For any Petition under Probate Code section 850(a)(3)(B), the parties entitled to notice pursuant to Probate Code section 851(b) shall include the following:
1. The parties entitled to notice under Probate Code section 851(b)(1) shall include the following:
    - a) If a will and any codicil has been conclusively admitted to probate in the State of California within the meaning of Probate Code sections 8226 and 8007, to all beneficiaries mentioned in that will and codicil.
    - b) If a court in the State of California has ordered appointment of an administrator and if the later of the following time periods has elapsed: (1) one hundred twenty (120) days after such appointment of administrator and (2) sixty (60) days after proponent of a Will first obtains knowledge of the Will, to all heirs at law.
    - c) If a court in the State of California has made an order determining entitlement and the order is final within the meaning of Probate Code section 11705, to all heirs or beneficiaries identified in the order.
    - d) If none of (a) or (b) or (c) applies, then to all beneficiaries mentioned in every known Will, whether admitted to probate or not, to all beneficiaries mentioned in every known Codicil, whether admitted to probate or not, and to all heirs at law.
  2. The parties entitled to notice under Probate Code section 851(b)(3) shall include each person listed in section 17203.
- C. For any Petition under Probate Code section 850 that concerns a lease of land held by the Bureau of Indian Affairs, the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the Bureau of Indian Affairs.
- D. For any Petition under Probate Code section 850 that concerns an asset which is subject to the Employee Retirement Income Security Act (ERISA--29 USC sections 1001 et seq.) and which is held by an institution defined in Probate Code section 2890(c) or by a financial institution defined in Probate Code section 2892(b), the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the financial institution.

(Adopted 5-4-12, effective 7-1-12)

(d)  
**SALES**

**RULE 7140**  
**REAL PROPERTY SALE - BROKER'S COMMISSION**

Where more than one broker is involved, petitioner shall indicate the manner in which the commission is to be allocated if agreed upon between the brokers. No commission shall be paid to a broker who is a buyer or related to the buyer within the 2nd degree.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0903, 8-1-11, effective 1-1-12)

**RULE 7142**  
**SALE OF SPECIFICALLY DEVISED PROPERTY**

Notice of time and place of hearing of the return of sale must be given to the specific devisee of the property if the sale is for abatement, otherwise their consent must be filed prior to hearing on the return.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90 amended 10-17-98, effective 1-1-99; Moved from Title 6 and renumbered from Rule 6.0904, 8-1-11, effective 1-1-12; amended 5-7-21, effective 7-1-21)

**RULE 7143**  
**WRITTEN OVERBIDS**

At the hearing on confirmation of sale at which an overbid is accepted, a written overbid is required to be filed with the Court by the successful bidder.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0905, 8-1-11, effective 1-1-12)

**RULE 7145**  
**PERSONAL PROPERTY MUST BE APPRAISED BEFORE SALE**

Sales of securities will not be approved under Probate Code 10200 et seq., sales of personal property under Probate Code 10250 et seq., unless the property has been appraised. A reappraisal for sale will be required if the personal property has not been appraised within one year prior to the date of the confirmation hearing, unless the court dispenses with such reappraisal. When necessary, a partial inventory and appraisal may be filed for this purpose.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0906, 8-1-11, effective 1-1-12)

(e)  
**ACCOUNTS, FEES, AND DISTRIBUTIONS**

**RULE 7150  
TAXES**

Petitions for preliminary or final distribution shall contain an allegation that all real or personal property taxes, current federal and California income taxes, and all federal and California estate taxes have been paid or that such estate taxes have been adequately secured to the satisfaction of the Internal Revenue Service.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1007, 8-1-11, effective 1-1-12; amended 4-24-14, effective 7-1-14)

**RULE 7153  
OVERHEAD COSTS**

In decedent's estate administration cases, statutory fees or commissions are intended to cover all expenses incurred to carry out the ordinary duties of a personal representative that would be considered business overhead, including duplication of documents, long distance telephone calls, postage charges, and travel costs. Therefore, the Court will only allow reimbursement for these costs in extraordinary circumstances, such as those incurred to render services that could be the subject of a request for extraordinary fees or commissions.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amend. 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; Moved from Title 6 and renumbered from Rule 6.1010, 8-1-11, effective 1-1-12; amended 4-2-18, effective 7-1-18)

**RULE 7156  
NOTICE TO INDIAN TRIBE**

- (a) Notice of the time and place of hearing on a petition, report, or account, and a notice of the filing of an inventory, together with a copy of the petition, report, inventory, or account, shall be mailed to the Indian tribe of the minor or conservatee at least 15 days before the hearing, or within 15 days after the inventory is filed, if both of the following conditions exist:
- (1) The guardianship or conservatorship estate includes money received from the minor or conservatee's Indian tribe, property acquired with that money, or revenue or profit from that money or property.
  - (2) The petition, report, inventory, or account is filed under any one or more of the following provisions: Section 1510, 1601, 1820, 1861, 1874, 2422, or 2423; Article 7 (commencing with Section 2540) of Chapter 6 of Part 4; Section 2570,

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2571, 2580, 2592, 2610, 2613, or 2620; Chapter 8 (commencing with Section 2640) of Part 4; Chapter 9.5 (commencing with Section 2670) of Part 4; Section 3080 or 3088; or Chapter 3 (commencing with Section 3100) of Part 6.

- (b) Notice to the tribe shall be to the tribal chairperson, unless the tribe has designated another agent for service.

(Adopted 5-4-12, effective 7-1-12)

**RULE 7158**  
**ACCOUNTING FOR CASH**

- A. Transfers Between Cash Accounts. Transfers of cash between accounts as defined in Probate Code § 21 or money market mutual funds as defined in subdivision (b) of Probate Code §9730 shall not be reported in the detailed schedules required by Probate Code §1062(a) (receipts), (b) (disbursements), (d) (calculation of gains or losses on sale or other disposition), or Probate Code § 1063(b) (purchases or other changes in the form of assets).
- B. Totals for Gains and Losses. Each detailed schedule required by Probate Code § 1062(d) (calculation of gains or losses on sale or other disposition) shall contain a calculation of the total of the sales price column of the schedule.
- C. Total for Purchases. Each detailed schedule required by Probate Code § 1063(b) (purchases or other changes in the form of assets) shall contain a calculation of the total of the column of the schedule providing the purchase price of the assets. Items that are not purchased or sold in exchange for cash shall not be included in this total.
- D. Cash Reconciliation. The Probate Examiner's notes shall include language if court staff cannot verify the ending cash on hand by calculating a cash reconciliation. The process for calculating a cash reconciliation is as follows:
1. Add either the cash on hand from the prior accounting or if there is no prior accounting the total of attachment 1 and all accrued dividends from attachment 2 from all Inventory and Appraisals,
  2. Add the receipts,
  3. Add the total sales price from the detailed schedules required by Probate Code § 1062(d) (calculation of gains or losses on sale or other disposition),
  4. Subtract the disbursements,
  5. Subtract the distributions of cash, and
  6. Subtract the total of the column of the schedule required by Probate Code § 1063(b) (purchases or other changes in the form of assets) providing the purchase price of the assets purchased or sold in exchange for cash.

(Adopted 4/24/14, effective 7-1-14)



**RULE 7160  
ACCOUNTING FOR RESERVE**

If an order for final distribution of an estate of a decedent, ward, conservatee or trust includes a reserve of more than \$1,500, an accounting of the reserve shall be attached to the Ex Parte Petition for Final Discharge (Judicial Council form DE-295 or GC-395). If the reserve amount is \$10,000 or more, the Ex Parte Petition for Final Discharge shall be set for hearing, and notice of hearing shall be given in the same manner as is required for an accounting.

(Adopted 11-8-14, effective 1-1-15)

**RULE 7162  
DOCUMENTS FILED IN SUPPORT OF ACCOUNTINGS**

- A. Along with each court accounting, the party filing the accounting shall file the following supporting documents in the manner provided in Probate Code 2620 and Local Rule 7112:
1. Original closing escrow statement received showing the charges and credits for any sale of real property of the estate.
  2. All account statements as defined in Probate Code 2620(c)(1) showing the account balance as of the closing date of the accounting period of the court accounting. If the accounting is the first court accounting filed by the party and the party has not filed a Final Inventory and Appraisal with the supporting documents required by Local Rule 7129, the party shall also provide to the court all account statements showing the account balance immediately preceding the start date of the accounting.

(Adopted 4-30-20, effective 7-1-20, amended 5-7-21, effective 7-1-21)

**DIVISION 2  
DECEDENT'S ESTATES**

**(a)  
GENERAL PROCEDURE AND POLICY**

**RULE 7200  
FILING OF COPY OF DEATH CERTIFICATE**

A copy of the decedent's death certificate, with the decedent's social security number redacted, shall be filed with any Petition for Probate (Probate Code 7000 et seq), Petition

to Determine Succession to Real Property (Probate Code 13150 et seq) or Spousal Property Petition (Probate Code 13500 et seq).

(Adopted 10-30-15, effective 1-1-16)

**RULE 7201**  
**NOTICE OF PETITION TO ADMINISTER**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 20-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.0203, 8-1-11, effective 1-1-12; repealed 10-30-15, effective 1-1-16)

**RULE 7201**  
**NOTICE OF REFUSAL TO PROBATE REJECTED WILL OR CODICIL**

- (a) A petitioner who files a petition for letters of administration, letters of administration with will annexed, probate of will and for letters testamentary, to determine succession to real property, or a spousal property petition must comply with this rule if either of the following is true:
- (1) The petition requests a finding that the decedent died intestate when a will and/or codicil has been lodged as an original with the court or a copy of a will and/or codicil has been otherwise filed with the court.
  - (2) The petition requests probate of or distribution under a will and/or codicil, and a different will and/or codicil has been lodged as an original with the court or a copy has otherwise been filed with the court.
- (b) The petitioner shall serve a copy of the rejected will and/or codicil attached to Local Form RI-PR070 on all heirs of the decedent or potential beneficiaries under the document at least 15 days prior to the hearing on the petition.
- (c) This rule does not apply if any of the following is true:
- (1) The petition requests probate of or distribution under a will that purports to have been executed after the date of rejected will and/or codicil and that expressly revokes all prior wills.
  - (2) The petition is for letters of administration or distribution under intestate succession and the rejected will and/or codicil provides for distribution that is identical to intestate succession and does not appoint a party other than petitioner to serve as executor.

(Adopted 10-30-15, effective 1-1-16)

**RULE 7203  
REQUEST FOR BOND WAIVER**

In all cases where a waiver of bond is being requested, the petitioner must submit a declaration using mandatory local form RI-PR069 which provides the following information:

- (1) An estimate of any federal, state, or county tax liabilities of the estate;
- (2) An estimate of the total maximum potential liability of the estate to any known or reasonably-ascertainable potential unsecured creditors of the estate, including known contingent liabilities;
- (3) Whether the estate is expected to be solvent;
- (4) The name and address of any known or reasonably-ascertainable potential unsecured creditors of the estate, including known contingent liabilities; and
- (5) A detailed description of the efforts taken to obtain the information required by this rule.

(Adopted 4-24-15, effective 7-1-15; amended 10-30-15, effective 1-1-16)

**RULE 7204  
CONFIDENTIAL FORMS**

**A. CONFIDENTIAL SUPPLEMENT TO DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE(S)**

The Confidential Supplement to Duties and Liabilities of the Personal Representatives(s) Judicial Council Form DE-147(S) must be submitted by each personal representative and must contain the personal representative's date of birth and driver's license number. This form shall be filed as confidential and shall not be released to any party absent a prior order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

**B. NOTICE TO DEPARTMENT OF HEALTH CARE SERVICES**

The optional local form for Notice to the Department of Health Care Services (RI-PR036) contains the decedent's social security number. Consequently, the form shall be filed as confidential, and shall not be released to any party absent a prior order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

**C. NOTICE TO VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**

The optional local form for Notice to the Victim Compensation and Government Claims Board (RI-PR039) contains the date of birth of the heirs and/or beneficiaries of the decedent's estate. Consequently, the form shall be filed as confidential, and shall not be released to any party absent a prior order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

**D. NOTICE TO FRANCHISE TAX BOARD**

The optional local form for Notice to the Franchise Tax Board (RI-PR038) contains the decedent's social security number. Consequently, the form shall be filed as confidential, and shall not be released to any party absent a prior order of the court. The clerk must maintain the form in a manner that will protect and preserve its confidentiality.

(Adopted 10-22-10, effective 1-1-11; Moved from Title 6 and renumbered from Rule 6.0207, 8-1-11, effective 1-1-12; amended 4-29-16, effective 7-1-16)

**RULE 7205  
SPOUSAL PROPERTY ELECTIONS**

Any written election under Probate Code section 13502 must include a declaration under penalty of perjury by the electing surviving spouse or registered domestic partner, or by the personal representative, guardian, or conservator of their estate acknowledging the following:

1. That the alternative procedures available pursuant to Probate Code sections 13540, 13541, 13545, 13600, and 13650 have been considered; and
2. That inclusion of the property in the administration of the decedent's estate could result in probate fees, personal representative commissions, and attorney fees that are higher than if an alternative procedure was used.

(Adopted 10-19-12, effective 1-1-13; amended 5-7-21, effective 7-1-21)

**(b)  
SMALL ESTATE PROCEEDINGS**

**RULE 7210  
SMALL ESTATE WITHOUT ADMINISTRATION  
SUCCESSION PETITIONS  
SPOUSAL PROPERTY PETITIONS  
DEPOSIT OF WILL**

- (a) If an Affidavit re Real Property of Small Value (Probate Code 13200), Petition to Determine Succession to Real Property (Probate Code 13150 et seq) or Spousal Property Petition (Probate Code 13500 et seq) is based upon the decedent's will or codicil, the original will or codicil shall be deposited with the court prior to or concurrent with the filing of the affidavit or petition. A copy of the will or codicil shall also be attached to the affidavit or petition at the time of filing.
- (b) The original will shall be deposited with the court pursuant to Probate Code Section 8200.

- (c) If the original will has been deposited with a foreign jurisdiction, a certified copy of the will shall be filed as an attachment to the affidavit or petition.
- (d) If the original will is lost, a copy of the lost will or a document setting forth the terms of the lost will shall be filed as an attachment to the affidavit or petition. The attachment must clearly indicate that the original will is lost, and shall be accompanied by a declaration addressing the presumption of revocation under Probate Code 6124.

(Adopted 10-26-07, effective 1-1-08; Moved from Title 6 and renumbered from Rule 6.0403, 8-1-11, effective 1-1-12; amended 10-30-15, effective 1-1-16; amended 11-5-21, effective 1-1-22)

**RULE 7215**  
**AFFIDAVITS FOR REAL PROPERTY OF SMALL VALUE**

When an Affidavit for Real Property of Small Value is filed pursuant to Probate Code section 13200, one of the following must be attached to the affidavit:

- (a) If the decedent died testate, a statement using mandatory local form RI-PR076 identifying that the decedent died testate and an executed copy of the will; or
- (b) If the decedent died intestate, a statement using mandatory local form RI-PR076 identifying the relationship of the heir(s) that establishes the affiant's claim to entitlement.

(Adopted 4-24-15, effective 7-1-15; amended 4-29-16, effective 7-1-16; amended 5-3-19, effective 7-1-19)

**(c)**  
**CREDITOR'S CLAIMS**

**RULE 7220**  
**PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS**

When accrued interest has been paid in connection with the delayed payment of claims for the reasonable costs of funeral expenses, a specific allegation must be made in the report accompanying the account in which credit for such payment has been taken setting forth the reasons for credit for payment of interest where the delay in payment of the claims is not justified by the facts set forth. Interest for funeral and interment claims will be allowed only as provided by Health and Safety Code Section 7101, and will be separately set forth.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; Moved from Title 6 and renumbered from Rule 6.0804, 8-1-11, effective 1-1-12)

**RULE 7230  
WAIVER OF ACCOUNT**

Any waiver of account presented under Probate Code 10954 shall be filed using the mandatory local form RI-PR056 – Waiver of Accounting.

(Adopted 11-8-14, effective 1-1-15)

**DIVISION 3  
GUARDIANSHIPS**

**RULE 7301  
RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF THE PERSON AND/OR  
ESTATE**

A. Guardianship of the Person

1. Upon filing of a petition for appointment of guardian of the person or petition for termination of guardianship of the person, the petitioner or the petitioner's attorney shall furnish to the Clerk a completed copy of the following local forms:
  - One form for each Guardian/Parent:
    - Social History of Guardian / Parent, Local Form RI-PR092
    - Employment Verification and Consent, Local Form RI-PR093
  - Three forms for each Guardian/Parent:
    - Character Reference Questionnaire, Local Form RI-PR094
  - One form for each Minor:
    - Social History of Minor, Local Form RI-PR095
    - School Report, Local Form RI-PR096
2. When a referral is made to the Riverside County Department of Public Social Services under Probate Code 1513(b), the investigation otherwise required by Probate Code section 1513(a) for a proposed guardian who is a relative is waived unless ordered by the court.

B. Guardianship of the Estate

When a petition requests appointment of a guardian of the estate only, the investigation otherwise required by Probate Code section 1513 is waived unless ordered by the court.

C. Confidentiality

1. The Employment Verification and Consent, Local Form RI-PR093, Character Reference Questionnaire, Local Form RI-PR094, and School Report, Local Form RI-PR096 are used by the court and / or by the Riverside County Department of Public Social Services to prepare reports under Probate Code 1513 or as ordered by the court. The forms and the information contained on

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the forms are confidential. They shall only be made available to persons who have been served in the proceedings or their attorneys. The clerk of the court shall make provisions to limit access to these documents exclusively to persons entitled to receipt.

2. The Social History of Guardian / Parent, Local Form RI-PR092 and Social History of Minor, Local Form RI-PR095 are used by the court and / or by the Riverside County Department of Public Social Services to prepare reports under Probate Code 1513 or as ordered by the court. The forms contain personal identifiers and are confidential. They shall not be released to any party or their attorney absent a court order. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.
3. The information on the Confidential Cohabitant Screening Form, Local Form RI-PR040 is used by the court and by persons or agencies designated by the court to supervise the placement and care of minors under guardianship. The form and the information obtained on the form are confidential and shall not be released to any party or their attorney absent a court order. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.
4. The results of the screening by the Riverside County Department of Public Social Services required by Probate Code 1516 are confidential. They shall only be made available to court-appointed counsel for the ward, or the person who is the subject of the screening results or their attorney. The clerk of the court shall make provisions to limit access to the results exclusively to persons entitled to receipt.
5. Confidential information from the California Law Enforcement Telecommunications System obtained by the Probate Investigator to complete the investigation required by Probate Code 1513(a) shall be in a separate attachment to the investigation report. It shall only be made available to court-appointed counsel for the ward, or the person who is the subject of the screening results or their attorney. The clerk of the court shall make provision to limit access to the results exclusively to persons entitled to receipt.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 10-30-99; effective 1-1-00; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1101, 8-1-11, effective 1-1-12; amended 10-3-15, effective 1-1-16; amended 10-26-18, effective 1-1-19; amended 5-7-21, effective 7-1-21)

**RULE 7303**  
**DUTIES OF GUARDIAN - LIABILITY OF PARENTS TO SUPPORT CHILD**

As parents are required by statute to support their children, the Court will not permit guardianship funds to be used for the minor's maintenance where one or both parents are living, except upon a showing of the parents' financial inability or other circumstances which would justify the Court in departing from this rule in the best interests of the minor.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; Moved from Title 6 and renumbered from Rule 6.1103, 8-1-11, effective 1-1-12)

**RULE 7306**  
**GUARDIAN'S ACCOUNTS**

Where a guardian accounts for the assets of more than one minor, an accounting for each minor must be set forth separately.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1104, 8-1-11, effective 1-1-12)

**RULE 7309**  
**ESTABLISHING CHILD SUPPORT ORDERS IN A GUARDIANSHIP CASE**  
**(PROBATE CODE SECTION 1500 ET. SEQ. AND FAMILY CODE SECTION 3950,**  
**4000 AND 17400 ET. SEQ.)**

When the Appointment of a Guardian is granted in a Probate proceeding and the Guardian seeks to establish child support orders, the Guardian shall petition the court by filing a Request for Order using the mandatory Family Law Judicial Council Form with all supporting attachments in the existing Guardianship case. A hearing shall be scheduled in the family Law Department to address child support issues.

If an Income and Expense Declaration is filed by the guardian, the declaration shall report the income and expenses of the minor and need not report the income and expenses of the guardian.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1106, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 10-19-12, effective 1-1-13)

**RULE 7311**  
**CONFIDENTIAL GUARDIANSHIP STATUS REPORTS**

- (a) If a guardian is required to file a confidential guardianship status report and an adult has moved into the child's home after the guardianship was established, in addition to the mandatory Judicial Council form the guardian shall file a confidential



local form. The form shall provide the date of birth, driver's license number, and social security number of each adult who has moved into the child's home after the guardianship was established.

- (b) The form required by this section and the information contained on the form are confidential. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.
- (c) The clerk shall obtain State summary criminal information, as defined in Penal Code section 11105, concerning each adult who is indicated on the form filed pursuant to this rule and shall provide the information to the judicial officer who is reviewing the guardianship status report.

(Adopted 5-13-13, effective 7-1-13)

#### **DIVISION 4 CONSERVATORSHIPS**

##### **RULE 7400 REQUIRED EDUCATIONAL PROGRAM FOR NON-PROFESSIONAL CONSERVATORS**

- a. Each proposed conservator shall attend the educational program for non-professional conservators provided by the court pursuant to Probate Code section 1457 before the hearing on the petition for their appointment as a conservator. A conservator who resides outside of Riverside County may make arrangements to attend an equivalent program at a Superior Court in another county in California where available. The proposed conservator shall file written proof of attending the educational program at least four court days prior to the hearing.
- b. If a proposed conservator fails to meet these requirements, the court may continue or deny the petition for appointment, or make other appropriate orders. If the proposed conservator has been appointed as temporary conservator and fails to meet these requirements, the temporary conservator must attend the hearing on the petition for appointment as conservator. If the temporary conservator fails to attend the hearing or fails to show good cause why they failed to attend the educational program, the court may suspend the powers of the temporary conservator, terminate the temporary conservatorship, deny or continue the petition for appointment of conservator, or make other appropriate orders.
- c. This rule does not apply to a trust company as defined in Probate Code section 83, a public guardian as defined in Government Code section 27430 et seq., a regional center established pursuant to Chapter 5 (commencing with section 4620) of Division 4.5 of the Welfare and Institutions Code, a licensed professional fiduciary as defined in Probate Code section 60.1, a conservator appointed under Welfare and Institutions Code section 5350 et seq., a limited conservator

authorized to consent to the sterilization of an adult with a developmental disability pursuant to Probate Code section 1852, or a temporary conservator appointed pursuant to Probate Code section 2250 unless otherwise ordered by the court.

(Adopted 10-19-12, effective 1-1-13; amended 5-7-21, effective 7-1-21)

**RULE 7401**  
**TEMPORARY CONSERVATORSHIPS**

In addition to the notice required pursuant to Probate Code, Section 2250, all persons entitled to notice on the general petition shall be given at least twenty-four (24) hour, telephonic notice of the request for appointment of a temporary conservator.

(Added 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1200, 8-1-11, effective 1-1-12)

**RULE 7403**  
**CAPACITY TO GIVE INFORMED CONSENT FOR MEDICAL TREATMENT**

- A. If a separate petition is filed concerning capacity of the conservatee to consent to medical treatment pursuant to Probate Code 1880, et seq., the petition must be filed in duplicate with a Riverside Superior Court form entitled "Order Appointing Probate Investigator" and "Probate Investigator's Referral Form" (even if previously filed), and shall contain a statement that there is on file a current Notification to Court of Current Address of conservatee.
  
- B. Termination of Life Support Treatment. Notwithstanding that the conservator has the authority to give medical consent for the conservatee, the conservator shall not withhold or terminate life support treatment without prior court authorization. Advice of a licensed physician as well as the consents of the immediate family members are required.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-17-98, effective 1-1-99; Moved from Title 6 and renumbered from Rule 6.1203, 8-1-11, effective 1-1-12)

**RULE 7404**  
**CONFIDENTIALITY**

- A. Capacity Declaration and Dementia Attachment
  - 1. Use of Form. The Capacity Declaration Form (form GC-335) and Dementia Attachment to Capacity Declaration (form GC-335A) provide the diagnoses, medications, and the testimony of a physician or psychologist concerning the following information relating to a conservatee or proposed conservatee:  
Medical inability to attend the hearing as required by Probate Code 1825(b);

Mental function deficits as required by Probate Code 810 et seq., 1801, and 1821(a);

Capacity to give informed consent for medical treatment as required by Probate Code 1890(c); and

Findings concerning placement in a secured perimeter residential care facility for the elderly or administration of medications appropriate for the care and treatment of dementia as required by Probate Code 2356.5(f)(3).

2. Constitutional Findings. There is a substantial probability that the privacy of the medical information will be prejudiced if these forms are not filed as confidential. This privacy interest requires that the forms be filed as confidential, and overcomes the right of public access. This rule is narrowly tailored, and is the least restrictive means to protect the privacy of the proposed conservatee or conservatee.
3. Confidentiality. The Capacity Declaration and Dementia Attachment to Capacity Declaration shall be confidential and shall be made available only to parties, persons given notice of the proceedings who have requested these forms or who have appeared in the proceedings, their attorneys, and the court. The court shall have the discretion at any other time to release the forms to other persons if it would serve the interests of the conservatee. The clerk of the court shall make provision for limiting disclosure of the forms exclusively to persons entitled to receive them under this rule.

B. Probate Investigators Referral Report

1. Use of Form. The Probate Investigator's Referral Report (local form RI-PR016) provides phone and email contact information for relatives of the conservatee, contact information concerning the conservatee's residence and school or day program, need for an interpreter, and the conservatee's current medical diagnoses and medications. This information is provided to assist the probate investigator in completing the duties required by law.
2. Confidentiality. The Probate Investigator's Referral Report shall be confidential and shall be made available only to parties, persons given notice of the proceedings who have requested these forms or who have appeared in the proceedings, their attorneys, and the court. The court shall have the discretion at any other time to release the forms to other persons if it would serve the interests of the conservatee. The clerk of the court shall make provision for limiting disclosure of the forms exclusively to persons entitled to receive them under this rule.

(Adopted 10-30-15, effective 1-1-16)

**RULE 7405  
TRUSTS**

At the filing of a petition for conservatorship of an estate, the petitioner shall advise the court if the conservatee is the settlor of a pre-existing trust, wherein the proposed conservatee is a beneficiary of such trust. The petitioner shall also advise the court of whether the proposed conservator of the estate is a trustee of said trust. The court shall provide a form for such disclosure, which shall accompany the petition upon filing.

The court may order a conservator of the estate, who is also acting as the trustee of said trust, to account for the trust, concurrent with any account for the conservatorship.

(Adopted 10-30-15, effective 1-1-16)

**RULE 7406  
EMPLOYMENT OF CARE PROVIDERS**

All payments made to care providers (relative or non-relative) for personal care to the conservatee must be authorized by the court prior to the rendition of services.

(Added 10-19-96, effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 6 and renumbered from Rule 6.1204.1, 8-1-11, effective 1-1-12)

**RULE 7407  
LIMITED CONSERVATORSHIPS**

- (1) All petitions for limited conservatorship of person, limited conservatorship of estate, or limited conservatorship of person and estate, must include mandatory local form RI-PR059 as an attachment setting forth the specific powers and duties over the Person and/or Estate being requested.
- (2) All orders and letters for limited conservatorship of person, limited conservatorship of estate, or limited conservatorship of person and estate, must include mandatory local form RI-PR062 as an attachment, setting forth the specific powers and duties over the Person and/or Estate granted by the Court.

(Adopted 4-28-17, effective 7-1-17)

**RULE 7409  
CONSERVATOR'S ACCOUNTS**

- A. Copies to be Sent. At the time of filing an accounting or a Declaration in Support of Order Dispensing With Accounting, a Riverside Superior Court form entitled "Probate Investigator's Referral Form," must be filed. A copy of the accounting or

declaration shall be mailed to counsel for the conservatee, or to conservatee personally if unrepresented, at least fifteen days before the hearing.

- B. Conservatee's Address. The conservatee's current residence address shall be set forth in each accounting or Declaration in Support of Order Dispensing With Accounting filed.
- C. Declaration in Support of Order Dispensing With Accounting. Any request for an order dispensing with an accounting under Probate Code 2628 must be submitted using local form RI-PR061. If the estate qualifies under Probate Code 2628 and the conservator elects to use this procedure instead of an accounting, the fully-completed form must be submitted in the same frequency as an accounting under Probate Code 2620.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-4-91, effective 1-1-92; amend. 10-22-94, effective 1-1-95; amend. 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06; amended 10-26-07, effective 1-1-08; Moved from Title 6 and renumbered from Rule 6.1205, 8-1-11, effective 1-1-12; amended 10-30-15, effective 1-1-16; amended 4-20-18, effective 7-1-18)

#### **RULE 7412 INVENTORIES AND APPRAISALS**

Copies of all inventories and appraisals shall be served on any attorneys of record for any conservatee at the time of filing with the Clerk.

Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1208, 8-1-11, effective 1-1-12)

#### **RULE 7415 APPOINTMENT OF COUNSEL**

When appointment of counsel is required by statute in a proceeding under the Probate Code, that appointment shall be made upon the filing of the petition.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1210, 8-1-11, effective 1-1-12; amended 4-24-14, effective 7-1-14)

#### **RULE 7418 FINDINGS REQUIRED REGARDING PAYMENT OF ATTORNEY FEES TO COURT APPOINTED COUNSEL**

One of the following findings shall be made in conservatorship matters where counsel has been appointed:

The conservatee, proposed conservatee, limited conservatee, proposed limited conservatee, or person alleged to lack legal capacity is:

- Able to pay court-appointed counsel's attorney fees.
- Unable to pay court-appointed counsel's attorney fees.
- Able to pay a portion of the sum in the amount of \$\_\_\_\_\_.
- The court presently lacks sufficient information to determine whether the conservatee, proposed conservatee, proposed limited conservatee, or person alleged to lack legal capacity, or the conservator of such person's estate has sufficient funds to pay all or a portion of the attorney's fees. Therefore, the court orders the County of Riverside to pay attorney an amount to be determined upon submission of the payment voucher.

Note: If this finding is made, the court shall reconsider the ability to pay all or a portion of the attorney's fees paid by the County of Riverside at the time of the hearing on the First Accounting, and the probate examiner(s) shall make a note regarding same.

Should the court determine that there is an ability to pay, an order shall be made that the County of Riverside be reimbursed, from the estate, for attorney's fees advanced, payable to the County of Riverside.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 6 and renumbered from Rule 6.1211, 8-1-11, effective 1-1-12)

**RULE 7420**  
**NOTICE OF DEATH OF CONSERVATEE**

A conservator of the estate has the same duty to provide notice of a conservatee's death that is imposed on a conservator of the person by Probate Code 2361.

(Adopted 4-28-17, effective 7-1-17)

**DIVISION 5**  
**OTHER PROTECTIVE PROCEEDINGS – MINORS AND CONSERVATEES**

**RULE 7501**  
**COMPROMISE OF DISPUTED CLAIMS - TRUSTS**

When a Petition to Approve Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Adult Person with a Disability is filed

where a request is made for the establishment or funding of a Trust, a separate petition shall be filed requesting the establishment or funding of the Trust, to be heard concurrently with the Petition to Approve Compromise of Disputed Claim. The petition shall be filed in a new probate case number, and there shall be no initial filing fee for such petition.

(Adopted 10-24-08, effective 1-1-09; Moved from Title 6 and renumbered from Rule 6.1505, 8-1-11, effective 1-1-12; amended 5-7-21, effective 7-1-21)

**DIVISION 6**  
**MENTAL HEALTH MATTERS**

**RULE 7610**  
**MEDICATION CAPACITY/RIESE HEARINGS (FACILITY-BASED)**

- (a) The person filing a petition for a medication capacity hearing pursuant to Welfare & Institutions Code § 5332 must promptly send an email to the Court Services Supervisor and Division Manager for the Probate Department in the region where the hearing will be conducted with notice that the petition will be filed, the name of the patient, and the date, time, and location of the requested hearing. If an interpreter is necessary for the patient, the email and the petition shall request the presence of an interpreter and must indicate the language required.
- (b) The medical facility must ensure that the patient is present at the appointed time of the hearing unless the patient has waived their presence.
- (c) The hearing will be closed to all but necessary participants except for persons expressly invited by the patient and permitted to attend at the judicial officer's discretion, and persons permitted to attend by the judicial officer for safety reasons or training purposes.
- (d) For hearings conducted at the medical facility, it is the responsibility of the medical facility to provide adequate security for the hearing. The following security measures must be met by each medical facility conducting such hearings:
  - 1. Competent and capable security personnel or orderly must be present in the hearing room at all times;
  - 2. A table that is a minimum of 60" wide by 24" deep must be present between the patient and the judicial officer. This table shall be secured to the floor in order to provide a physical barrier. There shall be a minimum of 3'-5" between the edge of the table and the wall behind to accommodate a wheelchair or mobility device and allow the judicial officer sufficient work area;
  - 3. All furniture and potentially dangerous objects in the room shall be secured to the floor; and
  - 4. A separate exit door on the judicial officer's side of the table.

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In lieu of the above security requirements, the medical facility may provide video conference equipment to allow the patient and the doctor to appear for the hearing by video. The video equipment must provide two-way video and audio communication compatible with the video conference equipment of the court. The equipment must also provide the ability for the judicial officer to simultaneously view both the patient and the doctor.

- (e) A patient may request judicial review by notifying a member of the facility staff, the court, or the patients' rights office who shall then notify the Public Defender's office. The person filing an appeal to the superior court pursuant to Welfare & Institutions Code § 5334(e)(1) must provide notice in the same manner required by subsection (a).

(Adopted 10-30-15, effective 1-1-16; amended 5-7-21, effective 7-1-21)