

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1660 (Schiavo)
Version: June 15, 2026
Hearing Date: June 23, 2026
Fiscal: No
Urgency: No
AM

SUBJECT

Public guardians and public administrators

DIGEST

This bill authorizes a court to award sanctions of no less than \$1,000 per violation if a financial institution or other person fails to comply with existing requirements to provide information or surrender property of a decedent, minor, or conservatee to a public administrator or public guardian that is authorized to take possession and control of such property after receipt of service of at least 30 days written notice to comply. The bill provides that receipt of the written certification fully releases a financial institution from any liability for any act or omission of the public administrator or public guardian with respect to the property or the safe-deposit box, in addition to existing law that discharges them of final liability. Lastly, the bill revises the statutory form certificate of authority for public guardians and establishes a statutory form certificate of authority for public administrators, as provided.

EXECUTIVE SUMMARY

Public administrators and public guardians are authorized to take possession and control of property, including bank accounts, retirement funds, and safe-deposit boxes, in furtherance of their duties and record a certificate of authority acknowledging this power. Under existing law, a financial institution, public agency, or other person is required to provide information and surrender property to a public administrator or public guardian “without the necessity of inquiring into the truth of the written certification, without requiring a death certificate, without charge, and without court order or letters being issued.” (Prob. Code §§ 7603 & 7660.) A financial institution that surrenders information or property is discharged from any liability for any act or omission with respect to the property. (Prob. Code §§ 7603(d)(2) & 7660(a)(2)(C)(ii).) The purpose of this law is to grant public administrators and public guardians timely access to the accounts and property of the persons for whom they are responsible in order to ensure that estates of decedents may be settled in a reasonable time and that

the assets of dependent minors and conservatees are not exposed to loss, waste, injury, or misappropriation. The sponsors of the bill state that public administrators and public guardians routinely have issues accessing information or control of assets at financial institutions, even when they provide identification and certificates of authority. This bill seeks to address this issue.

The bill is sponsored by the California State Association of Public Administrators, Public Guardians, and Public Conservators. The bill is supported by several local governments and associations representing local governments. No timely opposition was received by the Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes a public administrator to take charge of property of a decedent that is subject to loss, injury, waste, or misappropriation, to locate the next of kin of a decedent, and to petition the court to be appointed personal representative of the decedent's estate in order to effectuate a distribution of the estate. (Prob. Code §§ 7600-7666.)
- 2) Authorizes a public administrator authorized to take possession or control of property pursuant to 1) to issue a "certificate of authority" of that fact. The public administrator may record a copy of the written certification in any county in which is located real property of which the public administrator is authorized to take possession or control. (Prob. Code § 7603(a).)
- 3) Requires a county public guardian to apply for appointment as a guardian or conservator of the person, the estate, or the person and estate, if there is an imminent threat to a person's health or safety or the person's estate, there is no one else who is qualified and willing to act, as specified, and the appointment would be in the best interests of the person. (Prob. Code § 2920.)
- 4) Authorizes a public guardian or public conservator [hereafter public guardian], where conditions of 3) have been met, to take possession or control of real or personal property of the subject person if the property is subject to loss, injury, waste, or misappropriation. (Prob. Code § 2900.)
- 5) Authorizes a public guardian authorized to take possession or control of property pursuant to 3) to issue a written and recordable "certificate of authority" of that fact. Requires the certificate of authority to comply with a statutory form that includes the signature and official seal of the public guardian. (Section 2901 (a)-(c).)

- 6) Requires a financial institution, government or private agency, retirement fund administrator, insurance company, licensed securities dealer, or other person [hereafter financial institution], without necessity of inquiring into the truth of the written certification and without requiring a death certificate, to provide the public administrator with information about the decedent's property, to grant access to a safe-deposit box, as specified, and to surrender an property of the decedent that, in the sole discretion of the public administrator, is deemed to be subject to loss, injury, waste, or misappropriation. (Prob. Code §§ 7603 & 7660.)
- 7) Provides that the written certification in 6) constitutes sufficient basis for providing the information or surrendering the property and relieves the financial institution from liability for any act or omission done pursuant to the requirements of 6). (Prob. Code §§ 7603(d)(2) & 7660(a)(2)(C)(ii).)

This bill:

- 1) Authorizes a court to award sanctions of no less than \$1,000 per violation if a financial institution or other person fails to comply with existing requirements to provide information or surrender property of a decedent, minor, or conservatee to a public administrator or public guardian that is authorized to take possession and control of such property after receipt of service of at least 30 days written notice to comply.
 - a) The 30 days' written notice to comply shall be served in accordance with Section 684.115 of the Code of Civil Procedure, which governs notice to financial institutions in the state.
- 2) Provides that receipt of the written certification fully releases a financial institution from any liability for any act or omission of the public administrator with respect to the property or the safe-deposit box, in addition to existing law that discharges them of final liability.
- 3) Revises the statutory form certificate of authority for public guardians and establishes a statutory form certificate of authority for public administrators, as provided.
- 4) Makes conforming and other nonsubstantive changes.

COMMENTS

1. Author statement

The author writes:

AB 1660 attempts to address a persistent problem faced by county Public Administrators (PA), Public Guardians (PG) and Public Conservators (PC) when lawfully seeking to secure the assets of individuals who have died, or who are now under guardianship or conservatorship.

A County Public Administrator is a fiduciary who manages the estates of people who die without a will or any known relatives. Public Administrators investigate and administer estates when there is no one else assigned. Under Probate Code 7600-7666, Public Administrators are granted the authority to take control of a deceased person's personal property, including bank accounts, safe-deposit boxes, and retirement accounts. Their primary responsibility is to protect assets from theft, fraud and misuse. Ultimately, they may be asked to pay the debts of the deceased and distribute any remaining assets to lawful heirs.

Public Guardians primarily assist individuals with dementia-related disorders that affect their ability to make decisions. Public Conservators become the legal decision-makers for individuals with serious mental illnesses that affect their ability to provide for their own basic needs. Probate Code 2901 and 2901.5 grant the Public Guardian/Conservator authority to secure property of conservatees.

2. Public Administrators and Public Guardians

Public administrators are officers of a county authorized under the Probate Code to take possession or control of property of a decedent that is subject to loss, injury, waste, or misappropriation. They are required to attempt to locate the will and next of kin of a decedent and instructions for disposition of the decedent's remains. If no other appropriate person exists or is willing or able to administer the decedent's estate, the public administrator is required to petition the court to be appointed personal representative of the decedent's estate in order to effectuate a distribution of the estate and to control disposition of the decedent's remains.

Public guardians are county-appointed officials who provides guardianship assistance for the estate of a minor when assets are substantial and parents are not available. A public guardian can also act as a public conservator to arrange for the personal care or estate management for people who are unable to provide for their physical needs or manage their financial resources.

The sponsors of the bill state that:

It is common for banks and investment companies to deny a Public Administrator or Public Guardian/Conservator requests for information or control of assets even when presented with proper identification and legally prescribed documentation of authority. The lack of compliance by financial institutions delays the probate process and can create estate and guardianship complications, and/or worsen existing financial disputes. The significant time spent prodding financial institutions to comply with existing law, often more than six months, is a waste of county and taxpayer resources.

To address this issue, the bill authorizes a court to award sanctions of no less than \$1,000 per violation if a financial institution or other person fails to comply with requirements to provide information or surrender property of a decedent, minor, or conservatee to a public administrator or public guardian after receipt of service of at least 30 days written notice to comply. The 30 days' written notice to comply must be served in accordance with Section 684.115 of the Code of Civil Procedure, which governs notice to financial institutions in the state.

Additionally, the bill enacts a statutory form certificate of authority for public administrators and revises the existing statutory form certificate of authority for public guardians. The forms will require the full name of the individual for which they are appointed a public administrator or public guardian, the individual's social security number, date of birth, and last address. The statutory form certificate of authority will include special notes to financial institutions of their obligations under existing law and that if they comply with the certificate of authority they are discharged and released from liability for any act or omission of the public administrator or public guardian with respect to the property or the safe-deposit box. The certificates of authority will also require contact information for a financial institution to verify the identity of a public administrator or public guardian.

3. Amendments¹

The author has agreed to take an amendment to cross reference sections of existing law that provide for a limitation on liability for financial institutions when complying with a certificate of authority in the statutory form certificate of authority – Sections 7603 and 7660 of the Probate Code.

¹ The amendments may include nonsubstantive changes as identified by Legislative Counsel.

4. Stakeholder statements

The sponsor of the bill, the California State Association of Public Administrators, Public Guardians, and Public Conservators write in support stating:

Current law outlines the procedure by which a PA, PG and PC obtain control of assets from banks, credit unions, investment companies, and online financial companies. Unfortunately, many financial institutions are ignoring the law by failing to cooperate timely with PA, PG, PC requests. AB 1660 allows courts to impose monetary sanctions of no less than \$1,000 on financial institutions who fail to timely comply with current law. [...]

AB 1660 does not expand authority or place any new mandates on financial institutions. Instead, it enhances existing law by allowing the court to impose fines for noncomplying financial institutions. In response to concerns presented by the opposition, fines are not automatic but will be left to the discretion of the court. Fines cannot be imposed for at least 30 days after a financial institution is served with a Certificate of Authority, newly created in statute, to assist banks and other similar institutions more easily confirm the identify a Public Administrator and outlines the process they must follow. [...]

In the prior Assembly Judiciary Committee, opposition to this bill was submitted by various associations representing sectors of the financial industry. However, no opposition was submitted to this Committee. As such, it is unclear if the recent amendments to this bill addressed the issues raised in the prior committee.

SUPPORT

California State Association of Public Administrators, Public Guardians, and Public Conservators (sponsors)

Alameda County Board of Supervisors

California State Association of Counties (CSAC)

County Behavioral Health Directors Association

County of Humboldt

County of Kern

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.

PRIOR VOTES

Assembly Floor (Ayes 52, Noes 10)

Assembly Appropriations Committee (Ayes 11, Noes 1)

Assembly Judiciary Committee (Ayes 9, Noes 0)
