

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

SB 561 (Blakespear)
Version: July 2, 2026
Hearing Date: August 26, 2026
Fiscal: Yes
Urgency: No
AWM

PURSUANT TO SENATE RULE 29.10(d)

SUBJECT

Appointment of public guardians

DIGEST

This bill requires the public guardian of a county to acknowledge receipt of a referral for conservatorship or guardianship, to complete their investigation within a reasonable period of time, and to provide status updates of the investigation to the referring party upon request.

EXECUTIVE SUMMARY

In California, if an adult is unable to manage their own personal or financial affairs, a court may appoint a conservator of the person, of the estate, or both, to assist the adult in managing those needs. When there is not a family member or other trusted adult to serve as the conservator, existing law authorizes the county office of the public guardian to do so. Currently, anybody may refer an individual to the public guardian for a conservatorship, at which point the public guardian must conduct an investigation to determine whether it is appropriate to petition the court for a conservatorship.

This bill is intended to improve the conservatorship referral and investigation process. First, the bill requires the public guardian to acknowledge receipt of a conservatorship referral. Second, the bill requires the public guardian to complete its investigation within a reasonable period of time. Third, the bill requires the public guardian to include a determination of whether a temporary or general conservatorship is warranted. Fourth, the bill requires the public guardian to inform the referring party of the status of the conservatorship investigation upon request.

This bill is sponsored by the California State Association of Psychiatrists. The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes a court to appoint a conservator of the person or estate of an adult, or both, provided that the conservatorship is the least restrictive alternative necessary for the protection of the conservatee. (Prob. Code, § 1800.3.)
- 2) Provides, subject to 1):
 - a) A conservator of the person may be appointed for a person who is unable to provide properly for their personal needs for physical health, food, clothing, or shelter, except as specified.
 - b) A conservator of the estate may be appointed for a person who is substantially unable to manage their own financial resources or resist fraud or undue influence, except as specified.
 - c) A conservator of the person and estate may be appointed if the person meets the criteria for both conservatorship types.
 - d) A limited conservator of the person or of the estate, or both, may be appointed for a developmentally disabled adult; a limited conservatorship may be utilized only as necessary to promote and protect the wellbeing of the individual, shall be designed to encourage the development of maximum self-reliance and independence of the individual, and shall be ordered only to the extent necessitated by the individual's proven mental and adaptive limitations.
 - e) The standard of proof for the appointment of a conservator for any of the conservatorship types listed herein is clear and convincing evidence. (Prob. Code, § 1801.)
- 3) Provides for the establishment of a temporary conservatorship of the person, or the estate, or both, pending a decision on a petition for the appointment of a conservator. (Prob. Code, §§ 2250, 2250.2.)
- 4) Provides that, if any person domiciled in the county requires a guardian or conservator and there is no one else who is qualified and willing to act and whose appointment as guardian or conservator would be in the best interests of the person, either of the following applies:
 - a) The public guardian shall apply for appointment as guardian or conservator of the person, the estate, or both, if there is an imminent threat to the person's health or safety or the person's estate.
 - b) In all other cases, the public guardian may apply for appointment as guardian or conservator of the person, estate, or both. (Prob. Code, § 2920(a).)
- 5) Requires the public guardian to apply for appointment as guardian or conservator of the person, estate, or both, if the court so orders.

- a) The court may make such an order upon motion of an interested person or on the court's own motion in a pending proceeding or in a proceeding commenced for that purpose.
 - b) The court shall order the public guardian to apply for appointment as guardian or conservator on behalf of any person domiciled in the county who appears to require a guardian or conservator if it appears that there is no one else who is qualified and willing to act, and if that appointment is in the best interests of the person; if, however, prior to the filing of the petition, it is discovered that there is someone else who is qualified and willing to serve, the public guardian shall be relieved of the duty under the court order.
 - c) The court shall not make such an order except after notice to the public guardian, as specified, consideration of the alternatives, and a determination that the appointment is necessary. (Prob. Code, § 2920(b).)
- 6) Requires the public guardian to begin an investigation as to whether a guardianship or conservatorship is necessary within two business days of receiving a referral for conservatorship or guardianship. (Prob. Code, § 2920(c).)

This bill:

- 1) Requires the public guardian to acknowledge receipt of an investigation referral.
- 2) Requires the public guardian to conclude a referral investigation within a reasonable period of time.
- 3) Provides that, when the public guardian investigates a referral for a conservatorship, the investigation must include a determination of whether or not a temporary or general conservatorship is warranted, and that the public guardian must inform the referring party of the status of the investigation upon request.

COMMENTS

1. Author's comment

According to the author:

Vulnerable adults with neurocognitive disorders like dementia may be referred to a public guardian when they need assistance with making important decisions and have no qualified family member or friend to act on their behalf. Public guardians are responsible for investigating these referrals and determining whether to petition the courts for a public conservatorship. Too often, these referrals are delayed without notice, leaving people in limbo without the support they need. A Santa Clara County Civil Grand Jury report documented one person with disabilities who died five months after being referred – but before the pre-petition investigation was

completed. SB 561 helps keep people from falling through the cracks by requiring public guardians to acknowledge referrals, complete investigations within a reasonable period, and provide status updates to referring parties upon request.

2. This bill modifies the public guardian's conservatorship referral and investigation process

In California, if an adult is unable to manage their own personal or financial affairs, a court may appoint a conservator of the person, of the estate, or both, to assist the adult in managing those needs.¹ A conservatorship may be established only if it is the least restrictive alternative needed for the protection of the conservatee.² A court may also establish a temporary conservatorship while a petition for a conservatorship is pending.

When there is not a family member or other trusted adult to serve as the conservator, existing law authorizes the county office of the public guardian to do so.³ Additionally, the public guardian must petition for a conservatorship upon a showing of probable cause to believe that a person is in substantial danger of abuse or neglect and needs a conservatorship for their own protection.⁴ Currently, anybody may refer an individual to the public guardian for a conservatorship, at which point the public guardian must conduct an investigation to determine whether it is appropriate to petition the court for a conservatorship.⁵ Current law does not, however, specify a timeline for the public guardian's investigation or require that the public guardian provide any further information to the person who made the referral.

This bill is intended to improve the public guardian's conservatorship referral and investigation process. First, the bill requires the public guardian to acknowledge receipt of a conservatorship referral. Second, the bill requires the public guardian to complete its investigation within a reasonable period of time. Third, the bill requires the public guardian to include a determination of whether a temporary or general conservatorship is warranted. Fourth, the bill requires the public guardian to inform the referring party of the status of the conservatorship investigation upon request.

3. Arguments in support

According to the California State Association of Psychiatrists:

Under current law, a public guardian must begin an investigation within two business days of a referral, but there is no requirement that the investigation ever conclude, and no requirement to update the referring party. This can leave

¹ Prob. Code, § 1800.3.

² *Ibid.*

³ *Id.*, § 2920.

⁴ *Id.*, § 2910.

⁵ *Id.*, § 2920.

vulnerable adults like people with dementia, brain injury, or other cognitive impairments stuck in limbo for extended periods of time.

SB 561 would require the public guardian to acknowledge receipt of a referral, begin the investigation within two business days as current law already requires, conclude that investigation within a reasonable time and reach a determination on whether conservatorship is warranted, and share status updates with the referring party upon request. These are common-sense safeguards that do not impose a rigid deadline or require disclosure of confidential records. Rather, they simply ensure cases get resolved and referring parties are not left in the dark.

SUPPORT

California State Association of Psychiatrists (sponsor)⁶

OPPOSITION

None received⁷

RELATED LEGISLATION

Pending legislation:

AB 2283 (Jeff Gonzalez, 2026) establishes the position of State Public Guardian to assist counties with performing their duties as a public guardian or public conservator. AB 2283 is pending before the Assembly Appropriations Committee.

Prior legislation:

AB 1663 (Maienschein, Ch. 894, Stats. 2022) implemented several reforms of the conservatorship system for adults unable to care for their own affairs and codified requirements for supported decisionmaking as a less restrictive alternative to a conservatorship.

AB 1194 (Low, Ch. 417, Stats. 2021) with respect to guardians and conservators, enhanced oversight and investigations, augmented remedies and penalties for misconduct, and imposed certain restrictions on fees and compensation, with some measures conditioned on an appropriation for the specific purpose. The bill also

⁶ Organizations that supported the bill before it was gutted and amended in the Assembly are not listed.

⁷ Organizations that opposed the bill before it was gutted and amended in the Assembly are not listed. The organizations that opposed the bill after it was gutted and amended, but before it was amended by the Assembly Judiciary Committee, removed their opposition in light of the Assembly Judiciary Committee's amendments.

required the Judicial Council, by January 1, 2024, to conduct a study regarding conservatorship cases.

PRIOR VOTES

Assembly Floor (Not available at time of release)
Assembly Appropriations Committee (Ayes 15, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
Senate Floor (Ayes 38, Noes 0)
Senate Appropriations Committee (Ayes 6, Noes 0)
Senate Appropriations Committee (Ayes 7, Noes 0)
Senate Judiciary Committee (Ayes 13, Noes 0)
Senate Environmental Quality Committee (Ayes 8, Noes 0)
