

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

February 17, 1988



ALL COUNTY INFORMATION NOTICE NO. 1-09-88

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY PROBATE DEPARTMENTS
ALL COUNTY CLERKS

SUBJECT: PROBATE CODE SECTIONS 1516 and 1542

As we indicated in ACIN No. 1-113-87 regarding legislation chaptered in 1987, the purpose of this notice is to inform you of changes to Probate Code Sections 1516 and 1542 which became effective on January 1, 1988 (AB 1937, Chapter 229, Statutes of 1987).

Probate Code Section 1516, as amended, requires that in each case involving a petition for guardianship of the person, the petitioner shall mail a notice of the hearing and a copy of the petition at least 15 days prior to the hearing to the local agency designated by the board of supervisors to investigate guardianships for the court. Petitioners are no longer required to send either the notice or a copy of the petition to the State Department of Social Services (SDSS) unless the petition for guardianship is on behalf of a nonrelative, as indicated below.

Probate Code Section 1542, as amended, requires that in the case of nonrelative guardianships, the petitioner shall mail a notice of the hearing and a copy of the petition at least 15 days prior to the hearing to the Director of the State Department of Social Services at 744 P Street, M.S. 19-31, Sacramento, CA 95814, and to the local agency designated by the board of supervisors to investigate guardianships for the court. The SDSS will become involved in a guardianship petition filed by a nonrelative only when there is a petition for adoption pending concerning the child who is the subject of the guardianship petition.

A copy of the legislation is enclosed for your information. Questions may be directed to the Adoptions Branch, Policy Bureau at (916) 322-4228 or ATSS 492-4228.

A handwritten signature in cursive script, appearing to read "Loren D. Suter".

LOREN D. SUTER
Deputy Director
Adult and Family Services Division

Enclosure

cc: CWDA

Assembly Bill No. 1937

CHAPTER 229

An act to amend Sections 1516 and 1542 of the Probate Code, relating to guardianship.

[Approved by Governor July 23, 1987. Filed with Secretary of State July 23, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1937, Quackenbush. Guardianship.

Under existing law, proceedings for the appointment of a guardian for the person of a minor, the petitioner is required to provide advance notification to the Director of Social Services. Local public social services agencies providing child protection services are required to screen the name of the proposed guardian for prior referrals of neglect or abuse of minors, as specified.

This bill would require (a), in the case of nonrelative guardianships, the advance notification to also be provided to the local agency designated by the board of supervisors to investigate guardianships for the court and (b), in the case of other guardianships of the person of a minor, that the notice be provided only to that local agency.

The people of the State of California do enact as follows:

SECTION 1. Section 1516 of the Probate Code is amended to read:

1516. In each case involving a petition for guardianship of the person, the petitioner shall mail a notice of the hearing and a copy of the petition, at least 15 days prior to the hearing, to the local agency designated by the board of supervisors to investigate guardianships for the court. The local social services agency providing child protection services shall screen the name of the guardian for prior referrals of neglect or abuse of minors. The results of this screening shall be provided to the court having jurisdiction over the case.

This section does not apply to guardianships resulting from a permanency plan for a dependent child pursuant to Section 366.25 of the Welfare and Institutions Code.

SEC. 2. Section 1542 of the Probate Code is amended to read:

1542. In each case involving a petition for guardianship of the person, the petitioner shall mail a notice of the hearing and a copy of the petition, at least 15 days prior to the hearing, to the Director of Social Services at the director's office in Sacramento and to the local agency designated by the board of supervisors to investigate guardianships for the court.

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