

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1339**

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**Introduced by Assembly Member Maienschein**

February 22, 2013

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An act to amend Sections 1510, 1821, 2250, and 2643 of, and to add Sections 2614.7 and 2643.1 to, the Probate Code, relating to professional fiduciaries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1339, as amended, Maienschein. Professional fiduciaries: guardians and conservators.

Existing law provides that a relative or other person on behalf of a minor, or a minor if he or she is 12 years of age or older, may file a petition for the appointment of a guardian of the person or estate of the minor. Existing law also provides that certain persons may file a petition for the appointment of a conservator. Existing law provides that on or after the filing of a petition for appointment of a guardian or conservator, a person entitled to petition for the appointment of a guardian or conservator may file a petition for the appointment of a temporary guardian or temporary conservator, as specified. Under existing law, when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner is a professional fiduciary, as defined, the petition must include specified additional information, including the petitioner's license information and a statement explaining who engaged the petitioner or how the petitioner was engaged to file the petition for appointment of a conservator and what prior relationship the petitioner

had with the proposed conservatee or the proposed ~~conservatee's~~ *conservatee's* family or friends.

This bill would require that when a petition to appoint a conservator or a temporary conservator is filed, and the petitioner is a professional fiduciary, as defined, the petition also include the petitioner's proposed hourly fee schedule or another statement of the petitioner's proposed compensation from the estate of the proposed conservatee for services performed.

This bill would also require, when a petition to appoint a guardian or temporary guardian is filed, and the petitioner is a professional fiduciary, as defined, the petition to include the same additional information as when a professional fiduciary files a petition to appoint a conservator or a temporary conservator.

Existing law requires, within 90 days of a guardian's or conservator's appointment, the guardian or conservator to file an inventory and appraisal.

This bill would require the guardian or conservator, if he or she is a professional fiduciary, as defined, to file concurrently with the inventory and appraisal a proposed hourly fee schedule or another statement of his or her proposed compensation from the estate of the ward or conservatee for services performed.

Existing law permits the court, on petition by the guardian or conservator, to authorize periodic payments on account to the guardian or conservator for the services rendered by those persons during the period covered by each payment.

This bill would permit the court, on petition by a guardian or conservator who is a professional fiduciary, as defined, to authorize periodic payments on account only if the guardian or conservator filed a proposed hourly fee schedule or another statement of his or her proposed compensation from the estate of the ward or conservatee for services performed with the inventory and appraisal and only after addressing all objections to the petition. This bill would also provide that *the authorization for periodic payments to a guardian or conservator who is a professional fiduciary, as defined, would terminate, as specified, if shall terminate as of the due date of the next succeeding accounting is filed delinquenty. accounting.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 1510 of the Probate Code is amended to  
2 read:

3 1510. (a) A relative or other person on behalf of the minor, or  
4 the minor if 12 years of age or older, may file a petition for the  
5 appointment of a guardian of the minor. A relative may file a  
6 petition for the appointment of a guardian under this section  
7 regardless of the relative's immigration status.

8 (b) The petition shall request that a guardian of the person or  
9 estate of the minor, or both, be appointed, shall specify the name  
10 and address of the proposed guardian and the name and date of  
11 birth of the proposed ward, and shall state that the appointment is  
12 necessary or convenient.

13 (c) The petition shall set forth, so far as is known to the  
14 petitioner, the names and addresses of all of the following:

15 (1) The parents of the proposed ward.

16 (2) The person having legal custody of the proposed ward and,  
17 if that person does not have the care of the proposed ward, the  
18 person having the care of the proposed ward.

19 (3) The relatives of the proposed ward within the second degree.

20 (4) In the case of a guardianship of the estate, the spouse of the  
21 proposed ward.

22 (5) Any person nominated as guardian for the proposed ward  
23 under Section 1500 or 1501.

24 (6) In the case of a guardianship of the person involving an  
25 Indian child, any Indian custodian and the Indian child's tribe.

26 (d) If the petitioner is a professional fiduciary, as described in  
27 Section 2340, who is required to be licensed under the Professional  
28 Fiduciaries Act (Chapter 6 (commencing with Section 6500) of  
29 Division 3 of the Business and Professions Code), the petition  
30 shall include the following:

31 (1) The petitioner's proposed hourly fee schedule or another  
32 statement of his or her proposed compensation from the estate of  
33 the proposed ward for services performed as a guardian. *The*  
34 *petitioner's provision of a proposed hourly fee schedule or another*  
35 *statement of his or her proposed compensation, as required by*  
36 *this paragraph, shall not preclude a court from later reducing the*  
37 *petitioner's fees or other compensation.*

1 (2) Unless a petition for appointment of a temporary guardian  
2 that contains the statements required by this paragraph is filed  
3 together with a petition for appointment of a guardian, both of the  
4 following:

- 5 (A) A statement of the petitioner’s license information.
- 6 (B) A statement explaining who engaged the petitioner or how  
7 the petitioner was engaged to file the petition for appointment of  
8 a guardian or to agree to accept the appointment as guardian and  
9 what prior relationship the petitioner had with the proposed ward  
10 or the proposed ward’s family or friends.
- 11 (e) If the proposed ward is a patient in or on leave of absence  
12 from a state institution under the jurisdiction of the State  
13 Department of State Hospitals or the State Department of  
14 Developmental Services and that fact is known to the petitioner,  
15 the petition shall state that fact and name the institution.
- 16 (f) The petition shall state, so far as is known to the petitioner,  
17 whether or not the proposed ward is receiving or is entitled to  
18 receive benefits from the Veterans Administration and the  
19 estimated amount of the monthly benefit payable by the Veterans  
20 Administration for the proposed ward.
- 21 (g) If the petitioner has knowledge of any pending adoption,  
22 juvenile court, marriage dissolution, domestic relations, custody,  
23 or other similar proceeding affecting the proposed ward, the  
24 petition shall disclose the pending proceeding.
- 25 (h) If the petitioners have accepted or intend to accept physical  
26 care or custody of the child with intent to adopt, whether formed  
27 at the time of placement or formed subsequent to placement, the  
28 petitioners shall so state in the guardianship petition, whether or  
29 not an adoption petition has been filed.
- 30 (i) If the proposed ward is or becomes the subject of an adoption  
31 petition, the court shall order the guardianship petition consolidated  
32 with the adoption petition, and the consolidated case shall be heard  
33 and decided in the court in which the adoption is pending.
- 34 (j) If the proposed ward is or may be an Indian child, the petition  
35 shall state that fact.

36 SEC. 2. Section 1821 of the Probate Code is amended to read:  
37 1821. (a) The petition shall request that a conservator be  
38 appointed for the person or estate, or both, shall specify the name,  
39 address, and telephone number of the proposed conservator and  
40 the name, address, and telephone number of the proposed

1 conservatee, and state the reasons why a conservatorship is  
2 necessary. Unless the petitioner is a bank or other entity authorized  
3 to conduct the business of a trust company, the petitioner shall  
4 also file supplemental information as to why the appointment of  
5 a conservator is required. The supplemental information to be  
6 submitted shall include a brief statement of facts addressed to each  
7 of the following categories:

8 (1) The inability of the proposed conservatee to properly provide  
9 for his or her needs for physical health, food, clothing, and shelter.

10 (2) The location of the proposed conservatee's residence and  
11 the ability of the proposed conservatee to live in the residence  
12 while under conservatorship.

13 (3) Alternatives to conservatorship considered by the petitioner  
14 and reasons why those alternatives are not available.

15 (4) Health or social services provided to the proposed  
16 conservatee during the year preceding the filing of the petition,  
17 when the petitioner has information as to those services.

18 (5) The inability of the proposed conservatee to substantially  
19 manage his or her own financial resources, or to resist fraud or  
20 undue influence.

21 The facts required to address the categories set forth in  
22 paragraphs (1) to (5), inclusive, shall be set forth by the petitioner  
23 when he or she has knowledge of the facts or by the declarations  
24 or affidavits of other persons having knowledge of those facts.

25 Where any of the categories set forth in paragraphs (1) to (5),  
26 inclusive, are not applicable to the proposed conservatorship, the  
27 petitioner shall so indicate and state on the supplemental  
28 information form the reasons therefor.

29 The Judicial Council shall develop a supplemental information  
30 form for the information required pursuant to paragraphs (1) to  
31 (5), inclusive, after consultation with individuals or organizations  
32 approved by the Judicial Council, who represent public  
33 conservators, court investigators, the State Bar, specialists with  
34 experience in performing assessments and coordinating  
35 community-based services, and legal services for the elderly and  
36 disabled.

37 The supplemental information form shall be separate and distinct  
38 from the form for the petition. The supplemental information shall  
39 be confidential and shall be made available only to parties, persons  
40 given notice of the petition who have requested this supplemental

1 information or who have appeared in the proceedings, their  
2 attorneys, and the court. The court shall have discretion at any  
3 other time to release the supplemental information to other persons  
4 if it would serve the interests of the conservatee. The clerk of the  
5 court shall make provision for limiting disclosure of the  
6 supplemental information exclusively to persons entitled thereto  
7 under this section.

8 (b) The petition shall set forth, so far as they are known to the  
9 petitioner, the names and addresses of the spouse or domestic  
10 partner, and of the relatives of the proposed conservatee within  
11 the second degree. If no spouse or domestic partner of the proposed  
12 conservatee or relatives of the proposed conservatee within the  
13 second degree are known to the petitioner, the petition shall set  
14 forth, so far as they are known to the petitioner, the names and  
15 addresses of the following persons who, for the purposes of Section  
16 1822, shall all be deemed to be relatives:

17 (1) A spouse or domestic partner of a predeceased parent of a  
18 proposed conservatee.

19 (2) The children of a predeceased spouse or domestic partner  
20 of a proposed conservatee.

21 (3) The siblings of the proposed conservatee's parents, if any,  
22 but if none, then the natural and adoptive children of the proposed  
23 conservatee's parents' siblings.

24 (4) The natural and adoptive children of the proposed  
25 conservatee's siblings.

26 (c) If the petitioner is a professional fiduciary, as described in  
27 Section 2340, who is required to be licensed under the Professional  
28 Fiduciaries Act (Chapter 6 (commencing with Section 6500) of  
29 Division 3 of the Business and Professions Code), the petition  
30 shall include the following:

31 (1) The petitioner's proposed hourly fee schedule or another  
32 statement of his or her proposed compensation from the estate of  
33 the proposed conservatee for services performed as a conservator.  
34 *The petitioner's provision of a proposed hourly fee schedule or*  
35 *another statement of his or her proposed compensation, as required*  
36 *by this paragraph, shall not preclude a court from later reducing*  
37 *the petitioner's fees or other compensation.*

38 (2) Unless a petition for appointment of a temporary conservator  
39 that contains the statements required by this paragraph is filed

1 together with a petition for appointment of a conservator, both of  
2 the following:

3 (A) A statement of the petitioner’s license information.

4 (B) A statement explaining who engaged the petitioner or how  
5 the petitioner was engaged to file the petition for appointment of  
6 a conservator or to agree to accept the appointment as conservator  
7 and what prior relationship the petitioner had with the proposed  
8 conservatee or the proposed conservatee’s family or friends.

9 (d) If the petition is filed by a person other than the proposed  
10 conservatee, the petition shall include a declaration of due diligence  
11 showing both of the following:

12 (1) Either the efforts to find the proposed conservatee’s relatives  
13 or why it was not feasible to contact any of them.

14 (2) Either the preferences of the proposed conservatee  
15 concerning the appointment of a conservator and the appointment  
16 of the proposed conservator or why it was not feasible to ascertain  
17 those preferences.

18 (e) If the petition is filed by a person other than the proposed  
19 conservatee, the petition shall state whether or not the petitioner  
20 is a creditor or debtor, or the agent of a creditor or debtor, of the  
21 proposed conservatee.

22 (f) If the proposed conservatee is a patient in or on leave of  
23 absence from a state institution under the jurisdiction of the State  
24 Department of State Hospitals or the State Department of  
25 Developmental Services and that fact is known to the petitioner,  
26 the petition shall state that fact and name the institution.

27 (g) The petition shall state, so far as is known to the petitioner,  
28 whether or not the proposed conservatee is receiving or is entitled  
29 to receive benefits from the Veterans Administration and the  
30 estimated amount of the monthly benefit payable by the Veterans  
31 Administration for the proposed conservatee.

32 (h) The petition may include an application for any order or  
33 orders authorized under this division, including, but not limited  
34 to, orders under Chapter 4 (commencing with Section 1870).

35 (i) The petition may include a further statement that the proposed  
36 conservatee is not willing to attend the hearing on the petition,  
37 does not wish to contest the establishment of the conservatorship,  
38 and does not object to the proposed conservator or prefer that  
39 another person act as conservator.

1 (j) In the case of an allegedly developmentally disabled adult,  
2 the petition shall set forth the following:

3 (1) The nature and degree of the alleged disability, the specific  
4 duties and powers requested by or for the limited conservator, and  
5 the limitations of civil and legal rights requested to be included in  
6 the court’s order of appointment.

7 (2) Whether or not the proposed limited conservatee is or is  
8 alleged to be developmentally disabled.

9 Reports submitted pursuant to Section 416.8 of the Health and  
10 Safety Code meet the requirements of this section, and  
11 conservatorships filed pursuant to Article 7.5 (commencing with  
12 Section 416) of Part 1 of Division 1 of the Health and Safety Code  
13 are exempt from providing the supplemental information required  
14 by this section, so long as the guidelines adopted by the State  
15 Department of Developmental Services for regional centers require  
16 the same information that is required pursuant to this section.

17 SEC. 3. Section 2250 of the Probate Code is amended to read:

18 2250. (a) On or after the filing of a petition for appointment  
19 of a guardian or conservator, any person entitled to petition for  
20 appointment of the guardian or conservator may file a petition for  
21 appointment of:

22 (1) A temporary guardian of the person or estate, or both.

23 (2) A temporary conservator of the person or estate, or both.

24 (b) The petition shall state facts which establish good cause for  
25 appointment of the temporary guardian or temporary conservator.  
26 The court, upon that petition or other showing as it may require,  
27 may appoint a temporary guardian of the person or estate, or both,  
28 or a temporary conservator of the person or estate, or both, to serve  
29 pending the final determination of the court upon the petition for  
30 the appointment of the guardian or conservator.

31 (c) If the petitioner is a professional fiduciary, as described in  
32 Section 2340, who is required to be licensed under the Professional  
33 Fiduciaries Act (Chapter 6 (commencing with Section 6500) of  
34 Division 3 of the Business and Professions Code), the petition for  
35 appointment of a temporary guardian or temporary conservator  
36 shall include the following:

37 (1) The petitioner’s proposed hourly fee schedule or another  
38 statement of his or her proposed compensation from the estate of  
39 the proposed ward or proposed conservatee for services performed  
40 as a guardian or conservator. *The petitioner’s provision of a*

1 *proposed hourly fee schedule or another statement of his or her*  
2 *proposed compensation, as required by this paragraph, shall not*  
3 *preclude a court from later reducing the petitioner's fees or other*  
4 *compensation.*

5 (2) Unless a petition for appointment of a guardian or  
6 conservator that contains the statements required by this paragraph  
7 is filed together with a petition for appointment of a temporary  
8 guardian or temporary conservator, both of the following:

9 (A) A statement of the petitioner's registration or license  
10 information.

11 (B) A statement explaining who engaged the petitioner or how  
12 the petitioner was engaged to file the petition for appointment of  
13 a temporary guardian or temporary conservator or to agree to accept  
14 the appointment as temporary guardian or temporary conservator  
15 and what prior relationship the petitioner had with the proposed  
16 ward or proposed conservatee or the proposed ward's or proposed  
17 conservatee's family or friends.

18 (d) If the petition is filed by a party other than the proposed  
19 conservatee, the petition shall include a declaration of due diligence  
20 showing both of the following:

21 (1) Either the efforts to find the proposed conservatee's relatives  
22 named in the petition for appointment of a general conservator or  
23 why it was not feasible to contact any of them.

24 (2) Either the preferences of the proposed conservatee  
25 concerning the appointment of a temporary conservator and the  
26 appointment of the proposed temporary conservator or why it was  
27 not feasible to ascertain those preferences.

28 (e) Unless the court for good cause otherwise orders, at least  
29 five court days before the hearing on the petition, notice of the  
30 hearing shall be given as follows:

31 (1) Notice of the hearing shall be personally delivered to the  
32 proposed ward if he or she is 12 years of age or older, to the parent  
33 or parents of the proposed ward, and to any person having a valid  
34 visitation order with the proposed ward that was effective at the  
35 time of the filing of the petition. Notice of the hearing shall not be  
36 delivered to the proposed ward if he or she is under 12 years of  
37 age. In a proceeding for temporary guardianship of the person,  
38 evidence that a custodial parent has died or become incapacitated,  
39 and that the petitioner is the nominee of the custodial parent, may

1 constitute good cause for the court to order that this notice not be  
2 delivered.

3 (2) Notice of the hearing shall be personally delivered to the  
4 proposed conservatee, and notice of the hearing shall be served  
5 on the persons required to be named in the petition for appointment  
6 of conservator. If the petition states that the petitioner and the  
7 proposed conservator have no prior relationship with the proposed  
8 conservatee and has not been nominated by a family member,  
9 friend, or other person with a relationship to the proposed  
10 conservatee, notice of hearing shall be served on the public  
11 guardian of the county in which the petition is filed.

12 (3) A copy of the petition for temporary appointment shall be  
13 served with the notice of hearing.

14 (f) If a temporary guardianship is granted ex parte and the  
15 hearing on the general guardianship petition is not to be held within  
16 30 days of the granting of the temporary guardianship, the court  
17 shall set a hearing within 30 days to reconsider the temporary  
18 guardianship. Notice of the hearing for reconsideration of the  
19 temporary guardianship shall be provided pursuant to Section  
20 1511, except that the court may for good cause shorten the time  
21 for the notice of the hearing.

22 (g) Visitation orders with the proposed ward granted prior to  
23 the filing of a petition for temporary guardianship shall remain in  
24 effect, unless for good cause the court orders otherwise.

25 (h) (1) If a temporary conservatorship is granted ex parte, and  
26 a petition to terminate the temporary conservatorship is filed more  
27 than 15 days before the first hearing on the general petition for  
28 appointment of conservator, the court shall set a hearing within  
29 15 days of the filing of the petition for termination of the temporary  
30 conservatorship to reconsider the temporary conservatorship.  
31 Unless the court otherwise orders, notice of the hearing on the  
32 petition to terminate the temporary conservatorship shall be given  
33 at least 10 days prior to the hearing.

34 (2) If a petition to terminate the temporary conservatorship is  
35 filed within 15 days before the first hearing on the general petition  
36 for appointment of conservator, the court shall set the hearing at  
37 the same time that the hearing on the general petition is set. Unless  
38 the court otherwise orders, notice of the hearing on the petition to  
39 terminate the temporary conservatorship pursuant to this section  
40 shall be given at least five court days prior to the hearing.

1 (i) If the court suspends powers of the guardian or conservator  
2 under Section 2334 or 2654 or under any other provision of this  
3 division, the court may appoint a temporary guardian or conservator  
4 to exercise those powers until the powers are restored to the  
5 guardian or conservator or a new guardian or conservator is  
6 appointed.

7 (j) If for any reason a vacancy occurs in the office of guardian  
8 or conservator, the court, on a petition filed under subdivision (a)  
9 or on its own motion, may appoint a temporary guardian or  
10 conservator to exercise the powers of the guardian or conservator  
11 until a new guardian or conservator is appointed.

12 (k) On or before January 1, 2008, the Judicial Council shall  
13 adopt a rule of court that establishes uniform standards for good  
14 cause exceptions to the notice required by subdivision (e), limiting  
15 those exceptions to only cases when waiver of the notice is  
16 essential to protect the proposed conservatee or ward, or the estate  
17 of the proposed conservatee or ward, from substantial harm.

18 (l) A superior court shall not be required to perform any duties  
19 imposed pursuant to the amendments to this section enacted by  
20 Chapter 493 of the Statutes 2006 until the Legislature makes an  
21 appropriation identified for this purpose.

22 SEC. 4. Section 2614.7 is added to the Probate Code, to read:

23 2614.7. If a guardian or conservator of the person or estate, or  
24 both, is a professional fiduciary, as described in Section 2340, who  
25 is required to be licensed under the Professional Fiduciaries Act  
26 (Chapter 6 (commencing with Section 6500) of Division 3 of the  
27 Business and Professions Code), the guardian or conservator shall  
28 file, concurrently with the inventory and appraisal required by  
29 Section 2610, a proposed hourly fee schedule or another statement  
30 of his or her proposed compensation from the estate of the ward  
31 or conservatee for services performed as a guardian or conservator.  
32 *The filing of a proposed hourly fee schedule or another statement*  
33 *of the guardian or conservator's proposed compensation, as*  
34 *required by this section, shall not preclude a court from later*  
35 *reducing the petitioner's fees or other compensation.*

36 SEC. 5. Section 2643 of the Probate Code is amended to read:

37 2643. (a) Except as provided in Section 2643.1, on petition  
38 by the guardian or conservator of the person or estate, or both, the  
39 court may by order authorize periodic payments on account to any

1 one or more of the following persons for the services rendered by  
2 that person during the period covered by each payment:

- 3 (1) The guardian of the person.
- 4 (2) The guardian of the estate.
- 5 (3) The conservator of the person.
- 6 (4) The conservator of the estate.
- 7 (5) The attorney for the guardian or conservator of the person  
8 or estate, or both.

9 (b) Notice of the hearing on the petition shall be given for the  
10 period and in the manner provided in Chapter 3 (commencing with  
11 Section 1460) of Part 1.

12 (c) The petition shall describe the services to be rendered on a  
13 periodic basis and the reason why authority to make periodic  
14 payments is requested. In fixing the amount of the periodic  
15 payment, the court shall take into account the services to be  
16 rendered on a periodic basis and the reasonable value of those  
17 services. The guardian or conservator of the estate may make the  
18 periodic payments authorized by the order only if the services  
19 described in the petition are actually rendered. The payments made  
20 pursuant to the order are subject to review by the court upon the  
21 next succeeding account of the guardian or conservator of the  
22 estate to determine that the services were actually rendered and  
23 that the amount paid on account was not unreasonable, and the  
24 court shall make an appropriate order if the court determines that  
25 the amount paid on account was either excessive or inadequate in  
26 view of the services actually rendered.

27 SEC. 6. Section 2643.1 is added to the Probate Code, to read:

28 2643.1. (a) On petition by a guardian or conservator of the  
29 person or estate, or both, who is a professional fiduciary, as  
30 described in Section 2340 and who is required to be licensed under  
31 the Professional Fiduciaries Act (Chapter 6 (commencing with  
32 Section 6500) of Division 3 of the Business and Professions Code),  
33 the court may by order authorize periodic payments on account to  
34 a person described in subdivision (a) of Section 2643 for the  
35 services rendered by that person during the period covered by each  
36 payment only if that person has filed a proposed hourly fee  
37 schedule or another statement of his or her proposed compensation  
38 from the estate of the ward or conservatee for services performed  
39 as a guardian or conservator, as required by Section 2614.7, and  
40 only after the time for filing objections under subdivision (d) has

1 ~~expired and the court has addressed any objections filed pursuant~~  
2 ~~to that subdivision.~~ *subdivision (d).*

3 (b) The petition shall describe the services to be rendered on a  
4 periodic basis, the reason why authority to make periodic payments  
5 is requested, and a ~~budget of anticipated estate income and~~  
6 ~~expenditures~~ *good faith estimate of the fees to be charged by the*  
7 *professional fiduciary from the date the petition is filed up to, and*  
8 *including, the date of the next succeeding account required by*  
9 ~~Section 2620.~~ *2620 or, if the next succeeding account required by*  
10 *Section 2620 is due in less than one year, a good faith estimate of*  
11 *the fees to be charged by the professional fiduciary from the date*  
12 *the petition is filed through the next succeeding 12 months,*  
13 *inclusive. Prior to ordering periodic payments or fixing the amount*  
14 *of the periodic payment, the court shall determine whether making*  
15 *periodic payments is in the best interest of the ward or conservatee,*  
16 *taking into consideration the needs of the ward or conservatee*  
17 *and the need to preserve and protect the estate. If the court*  
18 *determines that making periodic payments is not in the best interest*  
19 *of the ward or conservatee, the court shall deny the petition to*  
20 *authorize periodic payments. If the court determines that making*  
21 *periodic payments is in the best interest of the ward or conservatee,*  
22 *the court shall fix the amount of the periodic payment. In fixing*  
23 *the amount of the periodic payment, the court shall take into*  
24 *account the services to be rendered on a periodic basis and the*  
25 *reasonable value of those services.*

26 (c) (1) Notice of the hearing on the petition and notice of how  
27 to file an objection to the petition shall be given for the period and  
28 in the manner provided in Chapter 3 (commencing with Section  
29 1460) of Part 1.

30 (2) ~~If a court investigator has been appointed, the~~ *The* notices  
31 required by paragraph (1) shall be made to the court investigator  
32 for the period and in the manner provided in Chapter 3  
33 (commencing with Section 1460) of Part 1.

34 (d) (1) ~~Within 30 days of giving notice as required by paragraph~~  
35 ~~(1) of subdivision (c), any~~ *Any* person entitled to notice under that  
36 paragraph *(1) of subdivision (c)* may file with the court a written  
37 objection to the authorization of periodic payments on account.  
38 The court clerk shall set any objections for a hearing no fewer than  
39 15 days after the date the objections are filed.

1 (2) If an objection is filed pursuant to paragraph (1), the guardian  
 2 or conservator shall have the burden of establishing the necessity  
 3 for and amount, if any, of periodic payments.

4 (e) The guardian or conservator of the estate may make the  
 5 periodic payments authorized by the order only if the services  
 6 described in the petition are actually rendered. The payments made  
 7 pursuant to the order ~~are subject to review~~ *shall be reviewed* by  
 8 the court upon the next succeeding account of the guardian or  
 9 conservator of the estate to determine that the services were  
 10 actually rendered and that the amount paid on account was ~~not~~  
 11 ~~unreasonable, and the~~ *reasonable and in the best interest of the*  
 12 *ward or conservatee, taking into consideration the needs of the*  
 13 *ward or conservatee and the need to preserve and protect the*  
 14 *estate. The* court shall make an appropriate order *reducing the*  
 15 *guardian or conservator's compensation* if the court determines  
 16 that the amount paid on account was either ~~excessive or inadequate~~  
 17 *unreasonable or not in the best interest of the ward or conservatee*  
 18 in view of the services actually rendered.

19 (f) ~~If the next succeeding account required by Section 2620 is~~  
 20 ~~not timely filed, the~~ *The* authorization for periodic payments  
 21 granted pursuant to this section shall terminate as of the *due* date  
 22 ~~of that accounting. the next succeeding account required by Section~~  
 23 *2620. Nothing in this section shall preclude a guardian or*  
 24 *conservator from filing a subsequent petition to receive periodic*  
 25 *payments pursuant to this section.*

26 (g) ~~By January 1, 2015, the Judicial Council shall develop a~~  
 27 ~~form to effectuate the notices required in subdivision (e).~~