

FROM THE PROBATE SECTION... GIVING NOTICE OF A CONSERVATEE'S DEATH

BY AMBER RODRIGUEZ

Earlier this year, I shared with you the new Notice of Death of Conservatee (GC-399). This is a mandatory Judicial Counsel form which just became available for use this year. The form is very simple and really only asks for the date of death. The problem is the conflict that has arisen with our Local Rules and the requirements regarding a Notice of Death under our Local Rules.

Under our Local Rules, a certified Death Certificate must be filed with the court. Thus, the filing of the new mandatory form alone does not satisfy local reporting requirements. Neither does the Judicial Counsel form technically allow for any attachments. While this may seem to be a minor issue, it has already, in fact, caused confusion at the clerk's office and with various parties trying to meet both requirements.

In order to address this issue, I spoke with Richard Padilla, the Court Program Supervisor for Oxnard. He has graciously agreed to the following solution: simply attach the certified Death Certificate to the mandatory Judicial Counsel form. Our office also adds to the form (under the section requesting the date of death), "A certified copy of the conservatee's death certificate is attached." This seemingly simple solution is helpful just for that reason; it is simple and yet it allows us to meet both State and local requirements for giving notice of the death of a conservatee.

One of the best parts of working in Ventura County is how we all work together towards resolutions that allow us to do a better job for all of our clients. Resolving this issue is an example of how our section actively works with the courts and the clerks' office in an effort to make the entire probate process smoother for all involved. If you have a concern or issue that you would like to have addressed, please let me know.

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