

Item W05-10 Response Form

Title: Reports by financial institutions to courts concerning accounts or safe-deposit boxes that reflect ownership interests held by guardians or conservators (revise form GC-051)

- Agree with proposed changes
- Agree with proposed changes **only if modified**
- Do not agree with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

Address: _____

City, State, Zip: _____

Please write or fax or respond using the Internet to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, February 4, 2005

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<i>Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.</i>
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Title	Reports by financial institutions to courts concerning accounts or safe-deposit boxes that reflect ownership interests held by guardians or conservators (revise form GC-051)
Summary	This revision of form GC-051 would modify it to conform to recent changes in the statute that directs financial institutions to report to the court concerning accounts and safe-deposit boxes in the institutions that reflect ownership interests held by guardians and conservators appointed by the court.
Source	Probate and Mental Health Advisory Committee Hon. Don E. Green, Chair
Staff	Douglas C. Miller Attorney Office of the General Counsel counsel to the advisory committee (415) 865-7535, (415) 865-7664 (Fax) douglas.miller@jud.ca.gov
Discussion	<p>Form GC-051 was adopted effective July 2002 in response to legislation that added section 2892 to the Probate Code.¹ Section 2892 requires financial institutions to file statements with appointing courts containing information about new or existing accounts or safe-deposit boxes in the institution that reflect ownership interests in guardians or conservators appointed by the courts.</p> <p>The Legislature amended section 2892 in 2003, effective January 1, 2004.² The amendment changed the information requested concerning the contents of safe-deposit boxes, and limited the duty of disclosure to those safe-deposit boxes to which the responding financial institution has been given access.³ This revision of form GC-051 would conform to the new statutory requirements.</p>

¹ Stats.2001, ch. 563 (AB 1286), § 7.

² Stats.2003, ch. 888 (AB 394), § 7.

³ As amended, Probate Code section 2892(a)(5) provides:

“If the asset is held in a safe-deposit box, and the financial institution has been given access to the safe-deposit box, a list of the contents, including, for example, currency, coins, jewelry, tableware, insurance policies or certificates, stock certificates, bonds, deeds, and wills.” (Italics added.)

Revisions made necessary by statute

The changes required by the 2003 amendment of Probate Code section 2892 are contained in item 5d (revised from item 1e in the existing form) and new item 5e. Item 5d would request the institution to state that it has or has not been given access to the safe-deposit box. If access has been given, the institution would be required to respond to item 5e.

Item 5e would request the institution to list the types of assets contained in the safe-deposit box in general terms. The example of a list given in the instructions for the item is taken from revised section 2892(a)(5).

Other revisions

The following additional revisions to the form are proposed to make it easier to complete, read, and use:

1. The caption box at the top of the form would be expanded, more space provided for the financial institution's address, and the name and job title of the declarant placed above the name of the institution. Space would be provided for the institution to provide an optional fax number. The person to be identified would be changed to the declarant from a contact person.
2. The text in the "Note to Financial Institution" text box would be compressed without changing its essential meaning.
3. Items 2 and 3 of the existing form would be moved to the top of the form, to become, respectively, items 2 and 1.
4. The information requested concerning bank accounts and safe-deposit boxes in items 1a through 1e of the existing form would be broken out into renumbered items 3 through 6, an arrangement that provides greater clarity and ease of use, and more room on the page.
5. The information requested concerning safe-deposit boxes would be rewritten to parallel the information requested about bank accounts.

6. Checkboxes would be added to items 4 and 5, concerning bank accounts and safe-deposit boxes (items 1b through 1e of the existing form), to cover the situations where the institution has an affected bank account but no safe-deposit box, or a box but no bank account.
7. The instruction for item 4 (existing item 1b) would be revised and a new instruction to item 5 (existing items 1d and 1e) added to clarify that the form requests information about one bank account, new or existing, and one safe-deposit box, new or existing. These revised instructions would request responding institutions to report additional accounts or safe-deposit boxes on separate forms requesting institutions to file additional forms for additional new or existing accounts or safe-deposit boxes.
8. The cash balance of an identified bank account would be placed within a text box to give it greater emphasis.

Attachments

DECLARANT (name): _____ TITLE: _____ INSTITUTION (name): _____ ADDRESS: _____ TELEPHONE: _____ FAX (Optional): _____	FOR COURT USE ONLY Draft 3 09/10/04 Not Approved by the Judicial Council NO FILING FEE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF _____ (Name): _____ <div style="text-align: right;"><input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE</div>	CASE NUMBER: _____
NOTICE OF OPENING OR CHANGING A GUARDIANSHIP OR CONSERVATORSHIP ACCOUNT OR SAFE-DEPOSIT BOX	

NOTE TO FINANCIAL INSTITUTION: When a guardian or conservator of the estate of a person opens or changes the name on an account or a safe-deposit box in a "financial institution" (a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union), the institution must file a statement with the court having jurisdiction over the proceeding and identified in the Letters of Guardianship or Letters of Conservatorship. The statement must contain the information specified below concerning each new or existing account or safe-deposit box in the institution. The statement must be signed by an authorized officer of the institution.

1. I am an officer of the financial institution identified in this statement, and I am authorized to sign this statement on its behalf.
2. The guardian or conservator presented Letters of Guardianship or Letters of Conservatorship identifying the guardian or conservator of the estate of the ward or conservatee named above.
3.
 - a. Financial institution (name): _____
 - b. Branch (name): _____
 (street address): _____
 (city and zip code): _____ (telephone): _____
4. Account status (check one): (File an additional form for each additional account.)
 - a. (1) New account opened on (date): _____ reflecting the guardianship or conservatorship.
 (2) Account number: _____
 - b. (1) Existing account changed on (date): _____ to reflect the guardianship or conservatorship.
 (2) Account number: Prior to change: _____ After change: _____
 (3) Name on account prior to change (state each name): _____
 - c. Opening balance of new account or balance of existing account immediately after change: \$
5. Safe-deposit box status (check one): (File an additional form for each additional safe-deposit box.)
 - a. New box rented on (date): _____ reflecting the guardianship or conservatorship.
 - b. Existing box rental changed to reflect the guardianship or conservatorship on (date): _____
 - c. New safe-deposit box number or current number after change: _____
 - d. This institution has has not been given access to the safe-deposit box identified above.
 (If you checked "has," complete item 5e.)
 - e. The contents of the safe-deposit box identified above are as follows (list the contents in general terms, e.g., "currency, coins, jewelry, tableware, insurance policies or certificates, stock certificates, bonds, deeds, and wills"):
6. Name of each person who opened or whose name was added to above-identified account or safe-deposit box (state each name): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____ (TYPE OR PRINT NAME OF AUTHORIZED OFFICER)	_____ (SIGNATURE OF AUTHORIZED OFFICER)
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