

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

PROPOSED LOCAL RULE/FORM CHANGES  
TITLE 7 – PROBATE  
EFFECTIVE JULY 1, 2023

**[RULE 7102  
ISSUANCE OF SUMMONS OR CITATION**

When the Probate Code provides rules of practice for proceedings, the rules in the Code of Civil Procedure do not apply. See Probate Code 1000. Consequently, when the Probate Code requires notice of hearing for a proceeding under the Probate Code, the court cannot issue a summons.

**A. Summons**

The clerk may issue a summons using [Judicial Council form DE-125](#) for a hearing on a petition or order to show cause under one of the following statutes:

- (1) Contest of Will under Probate Code 8250 et seq.
- (2) Revocation of Probate under Probate 8270 et seq.
- (3) Proration of Estate Taxes under Probate Code 20120 et seq.
- (4) Proration of Generation-Skipping Transfer Taxes under Probate Code 20220 et seq.

No summons can be issued for a petition under Probate Code 850 or 17200.

**B. Citation without order**

The clerk may issue the type of citation indicated for a hearing on a petition or order to show cause under one of the following statutes without the need for a prior court order:

- (1) Appointment of Conservator (form GC-310), Citation for Conservatorship (form GC-320)
- (2) A Particular Transaction under Probate Code 3100 et seq., Citation – Probate (form DE-122 / GC-322)
- (3) To Require the Personal Representative to Sell Property of the Estate Probate Code 10001, Citation – Probate (form DE-122 / GC-322)

**C. Citation after order**

A citation for a hearing on a petition or order to show cause under one of the following statutes may only be issued if ordered by the court. The citation must be presented on Judicial Council form DE-122 / GC-322:

- (1) Examination Concerning Assets of Estate under Probate Code 2616 et seq.
- (2) Enforcement of Support of a Spouse Who Has a Conservator under Probate Code 3080 et seq.

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

- (3) Removal from Office under Probate Code 8500 et seq.
- (4) Discovery of Property of Decedent under Probate Code 8870 et seq.
- (5) Status of Appraisal under Probate Code 8941.
- (6) Report of Sale Concerning Partnership Property under Probate Code 10261(c).
- (7) To Settle an Account under Probate Code 11002
- (8) Compelling an Accounting under Probate Code 11051
- (9) For the Personal Representative to Appear, Show the Condition of the Estate, and Reasons Why It Cannot Be Distributed and Closed under Probate Code 12202.]

## **RULE 7301**

### **RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE**

#### **A. Guardianship of the Person**

1. Upon filing of a petition for appointment of guardian of the person or petition for termination of guardianship of the person, the petitioner or the petitioner's attorney shall furnish to the Clerk a completed copy of the following local forms:
  - One form for each Guardian/Parent:
    - Social History of Guardian / Parent, Local Form RI-PR092
    - Employment Verification and Consent, Local Form RI-PR093
  - Three forms for each Guardian/Parent:
    - Character Reference Questionnaire, Local Form RI-PR094
  - One form for each Minor:
    - Social History of Minor, Local Form RI-PR095
    - School Report, Local Form RI-PR096
2. When a referral is made to the Riverside County Department of Public Social Services under Probate Code 1513(b), the investigation otherwise required by Probate Code section 1513(a) for a proposed guardian who is a relative is waived unless ordered by the court.
- [3. If the surviving parent(s) has not been personally served with a copy of a petition for appointment of guardian in the proceeding and does not appear at any hearing on a petition for appointment of guardian of the person, the petitioner shall file with the court a certified informational copy of the birth certificate for the proposed ward unless this requirement is waived by the court. The clerk shall file the birth certificate as a confidential document that is only available to the court absent a court order releasing the document. After imaging, the clerk shall forward the original to the local police or sheriff's department with jurisdiction over the residence of the proposed guardian. The police or sheriff's department shall check with the National Crime Information Center**

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

**Missing Person System to ascertain whether the child has been reported missing or is the victim of an abduction and shall report the results of the check to the court.]**

B. Guardianship of the Estate

When a petition requests appointment of a guardian of the estate only, the investigation otherwise required by Probate Code section 1513 is waived unless ordered by the court.

C. Confidentiality

1. The Employment Verification and Consent, Local Form RI-PR093, Character Reference Questionnaire, Local Form RI-PR094, and School Report, Local Form RI-PR096 are used by the court and / or by the Riverside County Department of Public Social Services to prepare reports under Probate Code 1513 or as ordered by the court. The forms and the information contained on the forms are confidential. They shall only be made available to persons who have been served in the proceedings or their attorneys. The clerk of the court shall make provisions to limit access to these documents exclusively to persons entitled to receipt.
2. The Social History of Guardian / Parent, Local Form RI-PR092 and Social History of Minor, Local Form RI-PR095 are used by the court and / or by the Riverside County Department of Public Social Services to prepare reports under Probate Code 1513 or as ordered by the court. The forms contain personal identifiers and are confidential. They shall not be released to any party or their attorney absent a court order. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.
3. The information on the Confidential Cohabitant Screening Form, Local Form RI-PR040 is used by the court and by persons or agencies designated by the court to supervise the placement and care of minors under guardianship. The form and the information obtained on the form are confidential and shall not be released to any party or their attorney absent a court order. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.
4. The results of the screening by the Riverside County Department of Public Social Services required by Probate Code 1516 are confidential. They shall only be made available to court-appointed counsel for the ward, or the person who is the subject of the screening results or their attorney. The clerk of the court shall make provisions to limit access to the results exclusively to persons entitled to receipt.

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

5. Confidential information from the California Law Enforcement Telecommunications System obtained by the Probate Investigator to complete the investigation required by Probate Code 1513(a) shall be in a separate attachment to the investigation report. It shall only be made available to court-appointed counsel for the ward, or the person who is the subject of the screening results or their attorney. The clerk of the court shall make provision to limit access to the results exclusively to persons entitled to receipt.

## **[RULE 7402**

### **PERSONALIZED LIST OF RIGHTS OF CONSERVATEE**

#### **A. Definitions. For purposes of this rule, the following definition shall apply:**

1. **“Conservator” includes a proposed conservator, conservator, or limited conservator.**
2. **“Conservatee” includes a proposed conservatee, conservatee, or limited conservatee.**
3. **“Petition requesting an order that would change the rights of a conservatee” includes a Petition for Appointment of Probate Conservator (form GC-310), a Petition for Exclusive Authority to Give Consent for Medical Treatment (form GC-380), or any other petition that seeks any order that would add or remove powers or duties of a conservator, or add or removes rights of a conservatee.**
4. **“Order changing the rights of a conservatee” includes an Order Appointing Probate Conservator (form GC-340), Order Authorizing Conservator to Give Consent for Medical Treatment (GC-385), or any other court order that adds or removes powers or duties of a conservator, or adds or removes rights of a conservatee.**

#### **B. Personalized List of Rights**

1. **Petition. A petitioner who files a petition requesting an order that would change the rights of a conservatee shall file concurrently with the petition a Personalized List of Rights (Local Form RI-PR105). The form shall be completed with the rights the conservatee would have if the petition were granted, and shall be signed by the conservator.**
2. **Court Order Changing the Rights of Conservatee. If the court makes an order changing the rights of a conservatee and a Personalized List of Rights (Local Form RI-PR105) has not already been filed that accurately states the rights of the conservatee, within 30 days after the court’s order the conservator must file a Personalized List of Rights (Local Form RI-PR105) completed with the rights of the conservatee and signed by the conservator.**
3. **Appointment of Probate Investigator. If after the appointment of a conservator the court appoints a probate investigator to complete an investigation under Probate Code 1851 and a Personalized List of Rights (Local Form RI-PR105) has not already been filed that accurately states**

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

**the rights of the conservatee, within 30 days after the court's order the conservator must file a Personalized List of Rights (Local Form RI-PR105) completed with the rights of the conservatee and signed by the conservator.**

- C. Proof of Service of Personalized List of Rights. Within 30 days after the court makes an order changing the rights of a conservatee, the conservator shall serve the conservatee with the Personalized List of Rights (Local Form RI-PR105) that was filed as required by this rule. Service may be accomplished by mail, or by personal service. Proof of service shall be filed using Proof of Service of Personalized List of Rights (Local Form RI-PR106).]**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE**

**PROPOSED LOCAL RULE/FORM CHANGES  
TITLE 7 – PROBATE  
EFFECTIVE JULY 1, 2023**

**(New Mandatory Forms to Follow)**

Additions are shown by bold and bracket **[example]**. Deletions are shown by strikeout (~~example~~).

IN THE MATTER OF:	CASE NUMBER:
<b>Riverside County Mandatory Attachment to Form DE-111</b>	

*(Continued from Petition for Probate (form DE-111).)*

10. I have enclosed a true and correct copy of the decedent's death certificate (with social security number redacted), as required by Local Rule 7200.
  
11. (Check one of the following):
  - a.  This is a petition for appointment of a special administrator without general powers, and without power to sell real property.
  - b.  The decedent's estate does not include any interest in real property.
  - c.  The physical and mailing addresses of all real property in which the decedent's estate owns an interest is listed in attachment 11c as required by Local Rule 7132.
  
12. I have completed an internet search to identify and locate the heirs of the decedent as required by Local Rule 7132. A true and correct copy of the entry related to the decedent from each website or, if none, the listing of results, is enclosed as attachment 12.
  
13. (Check one of the following):
  - a.  Petitioner requests appointment with the bond required by Probate Code 8482.
  - b.  Petitioner requests either no bond or a minimum bond of \$30,000 based on the will waiving bond or bond waivers filed by all heirs. To support this request, petitioner alleges as follows as required by Local Rule 7203:
    - (1) The decedent is expected to owe the following taxes:
 

i State income tax:	\$ _____
ii Federal income tax:	\$ _____
iii Real and personal property tax:	\$ _____
Total:	\$ _____
  
    - 2) The decedent's known and reasonably-ascertainable unsecured or contingent creditors are as follows:

Name of Creditor	Address	Maximum Potential Liability
Total:		

IN THE MATTER OF:	CASE NUMBER:
-------------------	--------------

3) The estate is expected to be:  solvent  insolvent

4) The efforts taken to obtain the above information were as follows:

Reviewed decedent's mail for \_\_\_\_\_ days

Reviewed current utility bills

Reviewed current property tax bills

Reviewed bank statements for the last \_\_\_\_\_

Reviewed most recent income tax returns

Other: \_\_\_\_\_

14. (Select the appropriate option)

a.  Decedent was not married or in a registered domestic partnership at the time of death.

b.  Decedent was married or in a registered domestic partnership at the time of death. (Select the appropriate option below:)

i.  Petitioner does not intend to administer the share of the estate passing to the spouse / registered domestic partner in this estate because:

(aa)  A spousal property petition was filed on (date): \_\_\_\_\_

(ab)  Petitioner believes a spousal property petition will be filed, or is not necessary (specify reason(s)): \_\_\_\_\_

ii.  Petitioner intends to administer the share of the estate passing to the spouse / registered domestic partner in this estate. A Consent to Administer Property Passing to Surviving Spouse / Domestic Partner (Riverside County Local Form RI-PR104)

(aa)  is enclosed as attachment 14.

(ab)  was filed on (date): \_\_\_\_\_, and a copy is attached as attachment 14.

(ac)  is not necessary for the following reason(s) (explain): \_\_\_\_\_

Continued on attachment 14

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF ATTORNEY)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY)\*

\*(Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code §§ 1020, 1021; Cal. Rules of Court, rule 7.103).)

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)

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE)

Signatures of additional petitioners follow last attachment.



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

- PALM SPRINGS** 3255 E. Tahqhit Canyon Way, Palm Springs, CA 92262     **TEMECULA** 41002 County Center Dr., #100, Temecula, CA 92591  
 **RIVERSIDE** 4050 Main St., Riverside, CA 92501

**RI-PR104**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar Number and Address</i> )		<i>FOR COURT USE ONLY</i>
TELEPHONE NO.:	FAX NO. ( <i>Optional</i> ):	
E-MAIL ADDRESS ( <i>Optional</i> ):		
ATTORNEY FOR ( <i>Name</i> ):		
IN THE MATTER OF:		
		CASE NUMBER:
Hearing Date:	Time:	Department:
<b>CONSENT TO ADMINISTER PROPERTY PASSING TO SURVIVING SPOUSE / DOMESTIC PARTNER</b>		

NOTE: This document must be filed 1) before the court enters a Spousal Property Order (form DE -226), and 2) either within four months after the issuance of letters, or within any further time frame that the court may allow upon a showing of good cause.

1. My name is: \_\_\_\_\_ .
  
2. I am (select one):
  - a.  the surviving spouse or registered domestic partner of the decedent.
  - b.  the personal representative of the surviving spouse or registered domestic partner of the decedent (attach a certified copy of letters issued by a California court as attachment 2)  
 Continued on Attachment 3.
  - c.  the conservator of the estate of the surviving spouse or registered domestic partner of the decedent (attach a certified copy of letters issued by a California court or a filed Conservatorship Registration Cover Sheet (form GC-360) as attachment 2)
  
3. Letters  have not yet issued     first issued on (date): \_\_\_\_\_. This document is being filed before the court has entered a Spousal Property Order (form DE -226) and (select the appropriate option):
  - a.  Before 4 months have passed after letters issued.
  - b.  More than 4 months after letters issued. I request permission to file this late request for the following reasons (describe): \_\_\_\_\_
  
4. I understand that any property passing from the decedent to the surviving spouse or registered domestic partner can be received free of administration, and that the following procedures are available:
  - a. Spousal or Domestic Partner Property Petition (form DE -221)
  - b. Affidavit for Disposition of Community Property Real Estate (Probate Code 13540-13541)
  - c. Disposition of Community Property Securities (Probate Code 13545)
  - d. Affidavit for Collection of Compensation Owed to Deceased Spouse or Registered Domestic Partner (Probate Code 13600)

IN THE MATTER OF:	CASE NUMBER:
-------------------	--------------

5. I hereby give the personal representative of the decedent's estate authority to administer the following property:
- a.  all property passing from the decedent's estate to the surviving spouse or registered domestic partner
  - b.  my share of the community property
  - c.  only the following property (specify): \_\_\_\_\_
6. I acknowledge that inclusion of the property in the administration of the decedent's estate could result in personal representative commissions, attorneys fees, and costs that are higher than if one of the procedures mentioned in item 4 was used.

I am the attorney or the spouse or registered domestic partner. I have informed my client that a spousal property election may reduce statutory fees or commissions.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF ATTORNEY)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY)

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 PETITIONER)

\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PETITIONER)

\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

- PALM SPRINGS** 3255 E. Tahquitz Canyon Wy., Palm Springs, CA 92262     **TEMECULA** 41002 County Center Dr., #100, Temecula, CA 92591  
 **RIVERSIDE** 4050 Main St., Riverside, CA 92501

**RI-PR105**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar Number and Address</i> )          TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY          CASE NUMBER: _____
CONSERVATORSHIP OF: _____	
<b>PERSONALIZED LIST OF RIGHTS</b>	

A conservatorship has been established for you.

You still have the right to do all of the following:

- To understand, make, and communicate your own informed choices to the greatest possible extent.
- Be informed on a regular basis of decisions your conservator has made for you.
- To remain as independent as possible and in the least restrictive setting.
- Make or change your will.
- Enter into reasonable business transactions to provide for your basic needs and those of your children and spouse or registered domestic partner.
- Have a lawyer.
- Ask a judge to review your concerns or complaints about the conservatorship and the actions of your conservator.
- Ask a judge to change conservators.
- Ask a judge to end the conservatorship.

Whether you also have the following rights is indicated by a mark in the "Yes" or "No" box below. If the "changed" box is checked, an explanation will be provided under "Other Rights:"

**Personal Rights**

Yes	Changed	No	Right
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive personal mail.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive visits from family and friends.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Marry or enter into a registered domestic partnership.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your own health care decisions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide whether to take medication for the treatment of major neurocognitive disorder.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide whether to reside in a secured-perimeter facility for the treatment of major neurocognitive disorder.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vote.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select your residence.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access your confidential records and papers.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your own educational decisions.

CONSERVATORSHIP OF:	CASE NUMBER:
---------------------	--------------

**Estate Rights**

Yes	Changed	No	Right
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Directly receive and control your wages.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Enter into business transactions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Possess and manage your property.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Collect, manage, and litigate your rentals, and other claims against others.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pay, compromise, or defend claims against you.

**Other Rights**

If the court has granted any additional rights or for each box checked "changed" above, a short explanation will appear below:

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE OF CONSERVATOR)

\_\_\_\_\_  
(TYPE OR PRINT NAME OF CONSERVATOR)

\_\_\_\_\_  
(SIGNATURE OF CONSERVATOR)

\_\_\_\_\_  
(TYPE OR PRINT NAME OF CONSERVATOR)



CONSERVATORSHIP OF:	CASE NUMBER:
---------------------	--------------

ii. I also (check the option below):

- deposited** the sealed envelope on the date and at the place shown in item 3(a)(iv) with the United States Postal Service with the postage fully prepaid.
- placed** the envelope for collection and mailing on the date and at the place shown in item 3(a)(iv) following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

iii. Date mailed: \_\_\_\_\_

iv. Place mailed (city, state): \_\_\_\_\_

b.  **Delivery by Personal Service**

i. I personally served  the conservatee  other (specify name and title or relationship to the conservatee): \_\_\_\_\_

I served the document on the person as follows:

ii. On (date): \_\_\_\_\_ at (time): \_\_\_\_\_

iii. At (address): \_\_\_\_\_  
 \_\_\_\_\_

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 PERSON COMPLETING THIS FORM)

\_\_\_\_\_  
 (SIGNATURE OF PERSON COMPLETING THIS FORM)