RESOLUTION LF-01-2017

DIGEST
Court Funding: Change funding of trial courts to State General Fund
Amends Government Code section 68058.5 to provide that the trial courts should not receive any distributions from fines, fees, penalties, and assessments, as specified, and instead should be funded out of the State General Fund.

RESOLUTIONS COMMITTEE RECOMMENDATION
DISAPPROVE

History:
No similar resolutions found.

Reasons:
This resolution amends Government Code section 68058.5 to provide that the trial courts should not receive distributions from fines, fees, penalties, and assessments, as specified, and instead should be funded out of the State General Fund. This resolution should be disapproved because it fails to accomplish its stated goal, leaves the courts subject to continued underfunding, would result in a reduction of funding, and fails to adequately address the disposition of court fines and fees.

California courts currently receive funding from a variety of sources. The primary revenue sources are the state General Fund, civil filing and other court service fees and assessments, criminal penalties and fines, and county maintenance of effort payments. (See http://www.lao.ca.gov/Publications/Report/3557.) The courts also receive revenue from certain federal programs and grants. (Ibid.) Complicating court, and indeed state budgetary considerations, is the ongoing authority of Proposition 13 (1978) that, among other things, required a two-thirds vote for the California Legislature to enact new sales and property taxes. Contrasted with the fact that legislative enactment of fees requires only a majority vote, it becomes clear why many aspects of California government, including the trial courts, and including many state programs, are funded with fees rather than with General Fund (income tax) revenue.

Within the above described context, Government Code section 68058.5 provides for the transfer and disposition of court fees and fines collected by the courts, except as otherwise expressly provided for by other statutes. This resolution would delete the current fund transfer requirements as specified in Government Code section 68058.5 and, instead, require the transfer be made to a "special fund." It would also specify the courts are to be funded through the annual state budget.

At its core, the problem with this resolution is that it does not accomplish its stated goal of ensuring adequate funding for California's trial courts. There are no provisions in the proffered statutory language to help ensure the trial courts are funded through the state general fund at appropriate levels. It provides no metrics, such as a work-load formula (see http://newsroom.courts.ca.gov/news/the-trial-court-funding-formula-explained), to

ensure adequate funding, let alone continued funding at appropriate levels. The current language would leave court funding at the will of the Governor and Legislature, with no guarantees of adequate funding.

It is also unclear what effects the proposed changes would have on the judicial branch obtaining and receiving federal grant funds. Can the Governor and Legislature take into account such funds and reduce the amount of general funds allocated to the judicial branch or are they prohibited from doing so? The resolution is silent on the issue and leaves a critical gap warranting disapproval.

The proponent makes a legitimate point that decoupling court funding from fines and fees would help prevent potential adverse perceptions of litigants that the fees and fines are being imposed for the benefit of the judiciary. However, since the courts would still be position of collecting those fees and fines, adverse perceptions are likely to remain even with the proposed decoupling.

This resolution is further problematic because it calls for the transfer of collected fines and fees to a state "special fund" but fails to identify what is to be done with those funds. In the absence of a proposed solution identifying how such fines and fees are to be used and/or distributed after the court transfers them into the proposed special fund, the resolution suffers from critical flaws warranting disapproval.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to Amend California Government Code section 68085.5 to read as follows:

§ 68085.5

(a) Notwithstanding any other provision of law, except subdivision (h) and Section 68085.6, the fees and fines collected pursuant to Sections 116.390, 116.570, 116.760, 116.860, 491.150, 704.750, 708.160, 724.100, 1134, and 1161.2 of the Code of Civil Procedure, Sections 26824, 26828, 26829, 26834, and 72059 of the Government Code, and Section 1835 of the Probate Code, that are not part of a local revenue sharing agreement or practice shall be deposited in a special state deposit fund ~~account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.~~

(b) Notwithstanding any other provision of law, except subdivision (h) and Section 68085.6, the fees and fines collected pursuant to Sections 26827.6, 26827.7, 26840.1, 26847, 26854, 26855.1, 26855.2, 26859, 27293, 71386, and 72061 of the Government Code, Section 103470 of the Health and Safety Code, Sections 1203.4 and 1203.45 of the Penal Code, Sections 2343, 7660, and 13201 of the Probate Code, and Section 14607.6 of the Vehicle Code, that are not subject to a local revenue sharing agreement or practice, shall be deposited in a special state deposit fund ~~account in the county treasury~~.

(c) However, if a superior court incurs the cost or provides the services specified in subdivision (b), the fees and fines collected shall be transmitted from the special account in the county treasury monthly to the Controller for deposit in the Trial Court Trust Fund.

(d) The California Court System shall receive operational funding according to the annual state budget. ~~(1) Until July 1, 2005, each superior court and each county shall maintain the distribution of revenue from the fees specified in subdivisions (a) and (b) that is in effect pursuant to an agreement or practice that is in place at the time this section takes effect.~~

~~(2) In order to ensure that expenditures from revenue sharing agreements are consistent with Judicial Council fiscal and budgetary policy, the Administrative Director of the Courts shall review and approve all distribution of revenue agreements that are negotiated after the effective date of this section. If approval of an agreement negotiated after the effective date of this section is not granted, the director shall advise the court and county of the reasons for not granting approval and suggest modifications that will make the agreement consistent with the Judicial Council fiscal and budgetary policies.~~

(e) These court funding reform provisions shall take effect two years after such new law becomes effective. ~~The Administrative Office of the Courts and the California State Association of Counties shall jointly determine and administer on or after January 1, 2004, and on or after January 1, 2005, all of the following:~~

~~(1) The amount of revenue that was deposited in the Trial Court Trust Fund pursuant to subdivisions (a) and (b) during the calendar year that just ended.~~

~~(2) The difference between the amount specified in subdivision (c) and thirty-one million dollars ($31,000,000).~~

~~(3) A county-by-county transfer of the amount specified in paragraph (2) to the Trial Court Trust Fund in two equal installments, on February 15 and May 15, in each fiscal year.~~

~~(4) Any payment to correct for an overpayment or underpayment made for the 2003–04 fiscal year, shall be paid to the appropriate party on or before September 15, 2004. Any payment to correct for an overpayment or underpayment made for the 2004–05 fiscal year, shall be paid to the appropriate party on or before November 15, 2005.~~

~~(5) The sum of the amounts specified in paragraphs (1) and (2) may not exceed thirty-one million dollars ($31,000,000), and shall be deposited in the Trial Court Trust Fund.~~

~~(6) Counties that have not paid amounts billed under this section for the 2003-04 or 2004-05 fiscal year shall pay the amounts still owing to the Trial Court Trust Fund on or before September 1, 2005. If payment is not received on or before September 1, 2005, it shall be considered delinquent and subject to the penalties set forth in Section 68085.~~

~~(7) Penalty amounts calculated under paragraph (6) shall be paid by the county or the city and county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.~~

~~(f) Each superior court and each county shall provide detailed quarterly reports of the revenues generated by the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code. The reports shall include the total amount collected and retained by the court or county and the existing distribution of those fees.~~

~~(g) No other transfers of the fees and fines specified in subdivisions (a) and (b), Sections 177.5 and 1218 of the Code of Civil Procedure, and Sections 166 and 1214.1 of the Penal Code shall take effect prior to July 1, 2005.~~

~~(h) This section does not apply to fees and fines specified in subdivisions (a), (b), and (f) that are collected on or after July 1, 2005.~~

~~(i) Nothing in this section shall be deemed to alter or make void the shift of responsibility for court funding from the counties to the state.~~

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: The Bar Association of San Francisco

STATEMENT OF REASONS

The Problem:
Although the "Trial Court Funding Act of 1997, AB 233 (Escutia, 2014)" placed trial court operations under the control of the statewide Judicial Council, the primary funding for each trial court remained dependent upon the amount of traffic fines and other fees collected. As a result, trial court operations directly depend upon the number and types of traffic tickets issued by law enforcement officers within each county.

This system for court funding is flawed for two main policy reasons. First, it depends upon people breaking the law. Second, it requires the courts to rely on local law enforcement agencies to issue enough traffic tickets to ensure adequate funds for the courts. Because traffic ticket amounts have skyrocketed, the courts have only been able to collect roughly half of what they are owed. As a result, the state of California must supplement the Judicial Branch from the General Fund. *See* LAO, The 2017-18 Budget, Judicial Branch, available at: http://www.lao.ca.gov/Publications/Report/3557. For example, the 2017-18 Budget proposes $1.7 billion from the General Fund, representing 43 percent of the total Judicial Branch budget.

In order to help the courts to collect more outstanding criminal court-ordered debt, the January Budget proposal includes increasing the Franchise Tax Board's (FTB) resources with a $1.1 million Court Collection Account and eleven new positions, in order to address the fee collection backlog. *See* http://www.ebudget.ca.gov/budget/2017-18/#/Department/7730. While providing additional resources to the FTB should help, this approach does not solve the more fundamental problem of how the courts are funded.

The Solution:
In response to the May Budget Revised, which included a 0.33% increase to the Judicial Branch, Chief Justice Cantil-Sakauye stated:

> Under this proposed budget, trial courts receive a little more than a penny for every general fund tax dollar, less than what the courts were receiving before the Great Recession. This is neither fair nor just. We will continue to press for adequate and stable funding for our court system.

Available at: http://www.ebudget.ca.gov/budget/2017-18MR/#/Department/0250.
See also letter from 49 of California's 58 Superior Courts to Governor Brown, Feb. 16, 2017: http://www.sbcourts.org/gi/notices/GovernorLetter021717.pdf. In April 2017, the Commission on the Future of California's Court System issued a report. Recommendation 4.2 suggested depositing all court fines and fees into a special state deposit fund and providing alternate funding to adequately support the judicial system. *See* Commission on the Future of California's Court System (2017), 181-191, http://www.courts.ca.gov/documents/futures-commission-final-report.pdf.

According to the Commission's recommendations, this resolution requires most criminal and civil court fine and fee revenues to be deposited into a special state treasury fund. In turn, each Superior Court would be funded according to the annual state budget.

IMPACT STATEMENT
This resolution does not affect any other statute or case law.

CURRENT OR PRIOR RELATED LEGISLATION
AB 233 (Escutia, 1997): "The Lockyer-Isenberg Trial Court Funding Act of 1997," to create a stable, long-term funding solution for the trial courts by shifting funding responsibilities away from county governments, that were often financially strapped, to the state.

AB 341 (Committee on Budget. State government, 2005): expanded the fees to which Government Code § 68085.5 applies

Government Code § 68502.5: The Judicial Council's trial court budget process

Penal Code § 1463.007: court debt-collection practices, including using the Franchise Tax Board's collections program, using the Tax Board's "Intercept" program, contracting with private debt collectors, sending monthly bills, garnishing wages, and placing liens on real property.

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RESOLUTION LF-02-2017

DIGEST
Guardianships: Process for Creation and Designation of Standby Guardian
Amends Probate Code section 2105 and Education Code section 48204 to create a process for a custodial parent to designate a standby guardian to care for their child when necessary.

RESOLUTIONS COMMITTEE RECOMMENDATION
DISAPPROVE

History:
No similar resolutions found.

Reasons:
This resolution amends Probate Code section 2105 and Education Code section 48204 to create a process for a custodial parent to designate a standby guardian to care for their child when necessary. This resolution should be disapproved because it would bypass the legal process of petitioning for a guardianship.

Probate Code section 2105, subdivision (f), provides that a custodial parent can nominate someone to act as a joint guardian if the custodial parent has a terminal illness. The Legislature stated the intended purpose of subdivision (f) was to allow a parent with a terminal illness to arrange for a smooth transition for someone to care for their child and avoid a temporary guardianship, or placing the minor child in foster care, pending the appointment of a guardian.

The proposed subdivision (g) seeks to expand the purpose of subdivision (f) a step further by allowing a custodial parent to "designate" someone to act as a "standby guardian" which would take effect immediately. The proposed subdivision (g) does not require that the non-custodial parent, grandparents or other family members be given notice, as required when petitioning for a guardianship. Likewise, there are no specified time limitations on the authority of the proposed standby guardian, or a requirement that the court ultimately review and approve appointment of the standby guardian either on an emergency, short-term period or a more permanent basis.

The proposed subdivision (g) goes on to state that the court "may" appoint the designated standby guardian to "assume care, custody, and control of the minor child." It is unclear what this means and whether or not the standby guardian would have to file a petition for guardianship after the custodial parent has signed the proposed form. Based on the proposed language of subdivision (g) and the proposed form, it would seem unnecessary for the standby guardian to file a petition for guardianship because the proposed form would already authorize the standby guardian to act on behalf of the minor. It also appears that the form would allow the standby guardian to make medical decisions when someone else has legal custody of the minor child. The proposed change would create a quagmire of who has legal authority to act on behalf of the minor.

Also Probate Code sections 1501 and 1502, which are referenced in proposed subdivision (g), already allow a parent to nominate a person to act as guardian, either in the petition for

guardianship or in a separate written document. The proposed change would only create an unnecessary process and form that is not needed.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Association recommends that legislation be sponsored to amend Probate Code section 2105 and Education Code section 48204 to read as follows:

§ 2105

(a) The court, in its discretion, may appoint for a ward or conservatee:
(1) Two or more joint guardians or conservators of the person.
(2) Two or more joint guardians or conservators of the estate.
(3) Two or more joint guardians or conservators of the person and estate.
(b) When joint guardians or conservators are appointed, each shall qualify in the same manner as a sole guardian or conservator.
(c) Subject to subdivisions (d) and (e):
(1) Where there are two guardians or conservators, both must concur to exercise a power.
(2) Where there are more than two guardians or conservators, a majority must concur to exercise a power.
(d) If one of the joint guardians or conservators dies or is removed or resigns, the powers and duties continue in the remaining joint guardians or conservators until further appointment is made by the court.
(e) Where joint guardians or conservators have been appointed and one or more are (1) absent from the state and unable to act, (2) otherwise unable to act, or (3) legally disqualified from serving, the court may, by order made with or without notice, authorize the remaining joint guardians or conservators to act as to all matters embraced within its order.
(f) If a custodial parent has been diagnosed as having a terminal condition, as evidenced by a declaration executed by a licensed physician, the court, in its discretion, may appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the person of the minor. However, this appointment shall not be made over the objection of a noncustodial parent without a finding that the noncustodial parent's custody would be detrimental to the minor, as provided in Section 3041 of the Family Code. It is the intent of the Legislature in enacting the amendments to this subdivision adopted during the 1995–96 Regular Session for a parent with a terminal condition to be able to make arrangements for the joint care, custody, and control of his or her minor children so as to minimize the emotional stress of, and disruption for, the minor children whenever the parent is incapacitated or upon the parent's death, and to avoid the need to provide a temporary guardian or place the minor children in foster care, pending appointment of a guardian, as might otherwise be required.
"Terminal condition," for purposes of this subdivision, means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, within reasonable medical judgment, result in death.
(g) A custodial parent or a person who has been awarded custody or guardianship of a minor may designate a person to serve as standby guardian of the person, the estate, or person and estate of the minor child and provide that such designation shall take effect whenever the

parent is absent, incapacitated, upon the parent's death, or upon the occurrence of a contingency and under the terms specified under Section 1501 or 1502 of the Probate Code. The court in its discretion may appoint the designated standby guardian to assume the care, custody, and control of the minor child. This appointment shall not be made over the objection of a noncustodial parent without a finding that the noncustodial parent's custody would be detrimental to the minor, as provided in Section 3041 of the Family Code. Appointment of a standby guardian does not supersede the parental rights of a parent.

(1) A statutory form standby guardian under this part is legally sufficient if all of the following requirements are satisfied.

(2) The signatures of the custodial parent or guardian and the standby guardian shall be acknowledged.

(3) The standby guardian's authorization affidavit shall be in substantially the following form:

Standby Guardian's Authorization Affidavit
Use of this affidavit is authorized by Section 2105(g) of the California Probate Code.
Instructions: Custodial parent(s) / guardian(s) complete this form to nominate a standby guardian to assume the care, custody, and control of a minor child when the custodial parent(s) / guardian(s) is absent, incapacitated, upon the parent's death, or in the event of another contingency. Print clearly.
1. Name of minor:
2. Minor's birth date:
3. Name of nominating custodial parent(s):
4. Home address of nominating custodial parent(s):
5. Name of nominated standby guardian:
6. Address of nominated standby guardian:
7. Nominated standby guardian date of birth:

8. Nominated standby guardian California driver's license, passport, social security, Medi-Cal, or government-issued identification card number:
9. ☐ Standby guardian is a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of "qualified relative").
10. Check one or both (for example, if one parent was advised and the other cannot be located):
☐I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.
☐I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.
Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.
Authorization by custodial parent / guardian signature I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Dated: Signed:
Acceptance by standby guardian: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Dated: Signed:

NOTICES:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor.
2. This declaration confers temporary legal custody of the minor to the standby guardian during the pendency of the circumstance that requires the standby custodian to act.
3. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
4. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

5. If the circumstance requiring the standby custodian to act ceases or if the standby guardian cease to act, the custodial parent or guardian shall notify any person, school, day care, health care provider, or health care service plan that relies upon this affidavit.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the standby guardian.

2. The school district may require additional reasonable evidence that the standby guardian lives at the address provided.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a standby guardian's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.

§ 48204

(a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district if he or she is any of the following:

(1) (A) A pupil placed within the boundaries of that school district in a regularly established licensed children's institution or a licensed foster home as defined in Section 56155.5, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.

(B) An agency placing a pupil in a home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.

(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(5) A pupil who lives in the home of a caregiving adult or standby guardian that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult or pursuant to Probate Code section 2105(g) by the standby guardian is a sufficient basis for a determination that the pupil lives in the home of the caregiver or standby guardian, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver or standby guardian.

(6) A pupil residing in a state hospital located within the boundaries of that school district.

(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.

(b) (1) A school district may deem a pupil to have complied with the residency requirements for school attendance in the school district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that school district for a minimum of 10 hours during the school week.

(2) This subdivision does not require the school district within which at least one parent or the legal guardian of a pupil is employed to admit the pupil to its schools. A school district shall not, however, refuse to admit a pupil under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(3) The school district in which the residency of either the parents or the legal guardian of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the school district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the school district.

(4) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the school district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(5) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph (2), (3), or (4) is encouraged to identify, and communicate in writing to the parents or the legal guardian of the pupil, the specific reasons for that determination and is encouraged to ensure that the determination, and the specific reasons for the determination, are accurately recorded in the minutes of the board meeting in which the determination was made.

(6) The average daily attendance for pupils admitted pursuant to this subdivision is calculated pursuant to Section 46607.

(7) Unless approved by the sending school district, this subdivision does not authorize a net transfer of pupils out of a school district, calculated as the difference between the number of pupils exiting the school district and the number of pupils entering the school district, in a fiscal year in excess of the following amounts:

(A) For a school district with an average daily attendance for that fiscal year of less than 501, 5 percent of the average daily attendance of the school district.

(B) For a school district with an average daily attendance for that fiscal year of 501 or more, but less than 2,501, 3 percent of the average daily attendance of the school district or 25 pupils, whichever amount is greater.

(C) For a school district with an average daily attendance of 2,501 or more, 1 percent of the average daily attendance of the school district or 75 pupils, whichever amount is greater.

(8) Once a pupil is deemed to have complied with the residency requirements for school attendance pursuant to this subdivision and is enrolled in a school in a school district the boundaries of which include the location where at least one parent or the legal guardian of a pupil is physically employed, the pupil does not have to reapply in the next school year to attend a school within that school district and the governing board of the school district shall allow the pupil to attend school through grade 12 in that school district if the parent or legal guardian so chooses and if at least one parent or the legal guardian of the pupil continues to be physically

employed by an employer situated within the attendance boundaries of the school district, subject to paragraphs (2) to (7), inclusive.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Bar Association of San Francisco.

STATEMENT OF REASONS:

The Problem:

California law currently fails to allow parents to plan for the seamless care of their children. A caregiver affidavit authorizes the caregiver to enroll children in school, but not to pick them up from school. Medical authorizations may or may not be recognized by a healthcare provider. But, a guardianship is too strong of a response as it suspends a parent's rights. Under Probate Code section 2105(f), a custodial parent can assure him or herself of the continuous care of a child only if the parent has a terminal illness. According to the Robert Wood Johnson Foundation, thirty-two percent (32%) of children in California live in single parent households. (http://www.countyhealthrankings.org/app/california/2015/measure/factors/82/description) There are many reasons for a parent to plan for their children's ongoing stable care in the parent's absence. Given the changing face of immigration enforcement, many parents now urgently need to plan for their children's care in the event of separation. Where there is no backup, or even where there is, a concerned parent may wish to designate a standby guardian who could care for the child.

Standby guardianship laws provide parents a way to legally transfer custody of their child without the necessity of relinquishing their parental rights. Many States developed these laws specifically to address the needs of parents living with HIV/AIDS, other disabling conditions, or terminal illnesses who want to plan a legally secure future for their children. Approximately 28 States and the District of Columbia have made statutory provisions for standby guardianships. It is time for California to help parents plan for their children with as much confidence as they plan for their assets.

The Solution:

This resolution will create a legally recognized method for parents to create a parental rights succession plan.

CURRENT OR PRIOR RELATED LEGISLATION

None.

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