

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 12, 2002

ALL-COUNTY INFORMATION NOTICE NO.:I-19-02

TO: ALL-COUNTY WELFARE DIRECTORS
ADULT PROTECTIVE SERVICES
PROGRAM MANAGERS
ALL-COUNTY PUBLIC GUARDIAN OFFICES

**REASON FOR THIS
TRANSMITTAL**

- State Law Change
- Federal Law or Regulation
Change
- Court Order or Settlement
Agreement
- Clarification Requested
by One or More Counties
- Initiated by CDSS

SUBJECT: ORDERS FOR GUARDIANSHIP/CONSERVATORSHIP NOT
ENTERED IN CALIFORNIA

This All-County Information Notice provides information regarding the legal status of orders for guardianship/conservatorship which have been entered in non-California jurisdictions.

The California Department of Social Services (CDSS), Public Inquiry and Response Unit recently received a complaint from a woman who stated that her order for guardianship of her mother, which had been entered in another state, was not being recognized by Adult Protective Services (APS) in the county in California where she and her mother now reside. In order to clarify the responsibility of county APS programs to honor orders of guardianship/conservatorship entered in other jurisdictions, the APS Bureau requested a legal opinion from the CDSS Legal Division.

The Legal Division has informed the APS Bureau that California is obligated to recognize orders for guardianship or conservatorship entered in another state or another country. To the extent that a judicially adjudicated conservatorship or guardianship order is made by a state other than California, it should be treated as equal to a California determination unless the court in the other state did not have jurisdiction to decide the matter.

Regarding guardianship or conservatorship orders made in other countries, a final judgment of a foreign court establishing or confirming the status of a person is conclusive between the parties and is entitled to recognition by courts in the United States. A foreign judgment is generally entitled to the same recognition in California as are judgments made by sister states.

Therefore, a judicial adjudication of guardianship or conservatorship by other states or countries should be given the same weight as determinations made by California courts unless there is evidence that the adjudication is invalid. The foregoing is a statement of general principles. Questions about specific cases should be directed to your County Counsel.

If you have any questions regarding this notice, please contact the Adult Protective Services Bureau, at (916) 229-0323.

Sincerely,

***Original Document Signed By
Donna L. Mandelstam on 3/12/02***

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division