



"Caring for California's loved ones"

PROFESSIONAL FIDUCIARIES PRE-LICENSING EDUCATION REQUIREMENTS



STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

INFORMATION

Last year the legislature passed and the Governor signed a bill to create the Professional Fiduciaries Bureau (Bureau) to license and regulate professional fiduciaries. The new law requires any person representing himself or herself as a professional fiduciary in California to be licensed by July 1, 2008.

One major component of licensing is the requirement to obtain thirty (30) hours of qualified education credit. To enable licensing candidates to meet this requirement within the necessary timeframe, the Bureau is working diligently to pass emergency regulations to recognize approved education courses and providers.

The Bureau is also in the process of drafting emergency regulations to implement other requirements for licensure as mandated by the new law. The Bureau has targeted the end of 2007 in which to begin offering candidates application packages.

In preparation to meet the licensing qualifications within the necessary timeframe, it is highly recommended that licensing candidates begin fulfilling the thirty (30) hours of pre-licensing education credit as soon as possible. As proposed in the draft regulations, to qualify for credit, eligible courses must be in one of the specified subject topics including conservatorship, guardianship, trust administration, California court system relative to fiduciaries and ethics for fiduciaries, and they must be offered or approved by an approved education provider as identified in the proposal.

To assist candidates to meet this pre-licensing requirement, the Bureau has identified the following educational opportunities to earn qualified credit immediately.

1. CSUF Fullerton's Fiduciary Management Program – website:
www.csufextension.org All classes available
2. The National Guardianship Association has three (3) one unit, web-based courses available now and will have ten (10) available in December 2007. The list of courses and instructions may be accessed at <http://www.guardianship.org/> under "Website training for Guardianship CEUs"

For additional opportunities to meet the thirty (30) hours of pre-licensing education credit, the following is the complete list of entities recognized as education providers in the proposed regulation:

1. An accredited educational institution;
2. An education provider offering courses sponsored by a local court of the State of California;



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PROFESSIONAL FIDUCIARIES LICENSING REQUIREMENTS



Last year the Legislature passed and the Governor signed the Professional Fiduciaries Act (Act) to create the Professional Fiduciaries Bureau (Bureau) to license and regulate professional fiduciaries. A Professional Fiduciary is defined as: a non-family, private conservator, guardian, trustee or agent under durable power of attorney for health care or for finances as defined in the Act. Attorneys, Certified Public Accountants, and others, as specified in the Act, are not subject to licensing.

The new law requires any person representing himself or herself as a professional fiduciary in California to be licensed by July 1, 2008. The Bureau is in the process of passing emergency regulations to assist candidates to timely meet the mandates of the Act.

Proposed licensing criteria to implement the Act will require applicants and licensees to:

- Provide information as requested on the licensing application form for qualification, including contact information and disclosure of conviction, bankruptcy, and breaches of fiduciary duties as required by the Act.
- Complete thirty (30) hours pre-licensing education.
- Submit fingerprints to a Department of Justice Live Scan operator for a criminal background check.
- Consent to a credit check to give the Bureau authority to conduct a credit check as part of the application evaluation.
- Agree to adhere to the Professional Fiduciaries Code of Ethics.
- Sign an affidavit under penalty of perjury stating that all information represented is correct.
- Submit a \$400.00 processing fee with the application form.
- Pass an examination.
- Submit a \$700 licensing fee once approved for licensure.
- For annual license renewal, fulfill the reporting requirements and pay the annual renewal fee.

As determined by the successful passage of draft regulations, the Bureau has targeted the end of 2007 to begin offering candidates application packages. Also contingent upon the passage of emergency regulations, it is anticipated that the examination will be offered to eligible candidates by the Center for Guardianship Certification (CGC) early next year. This will give qualified candidates a fair opportunity to timely meet the licensing requirements of the Act.

As proposed, to be eligible to take the examination a licensing candidate must complete the application package and submit it to the Bureau for evaluation. If the Bureau determines a candidate is eligible, the candidate must pass an examination for qualification. A candidate is given five (5) opportunities to pass the examination during a twelve (12) month eligibility period.

Please note that the Bureau is working diligently to pass emergency regulations to implement the licensing program as mandated by the Act. For more information visit the Bureau's website at www.fiduciary.ca.gov and sign up on the mailing list for updates. You may also contact the office at the number below.