

CONSERVATORSHIP PACKET

PAQUETE DE CURATELA

PACKET INCLUDES--(PAQUETE INCLUYE)

- **HOW TO FILE** a Petition for Conservatorship
(Como archivar una Petición de Curatela)
- **HOW TO FILE** a Petition for Limited Conservatorship
(Como archivar una Petición de Curatela Limitada)
- **HOW TO FILE** a Petition for Temporary Conservatorship
(Como archivar una Petición de Curatela Temporal)

ALSO--(ADEMÁS)

- **FORMS** for Petitioning for Conservatorship
(Formularios para la Petición de Curatela)
- **FORMS** for Petitioning for Limited Conservatorship
(Formularios para la Petición de Curatela Limitada)
- **FORMS** for Petitioning for Temporary Conservatorship
(Formularios para la Petición de Curatela Temporal)

Contact the Contra Costa County Bar Association at (925) 370-2540
for more information about the once a month Free Legal Workshop on the Conservatorship process.

You can also visit their community calendar to RSVP and get more information at
www.cccba.org/community/calendar/index.php

HOW TO FILE FOR CONSERVATORSHIP

WHAT IS A CONSERVATORSHIP?

A conservatorship is a legal proceeding in which an adult is appointed by a judge to be the "conservator" of another adult (the "conservatee") who the judge determines is unable to manage his affairs or take care of himself. A conservator can be a relative, spouse, close personal friend, neighbor, or even a professional caretaker who wishes to care for the conservatee.

There are two types of conservatorships: (1) a conservatorship of the person, and (2) a conservatorship of the estate.

WHEN IS A CONSERVATORSHIP NEEDED?

A conservatorship may be needed when friends or family members become incapacitated by illness, accident, or advancing age so that a conservator can become responsible for taking charge of the conservatee's medical and/or financial affairs. Many conservatees are elderly people who may be suffering from dementia or Alzheimer's disease. Other conservatees may be young, with temporary or permanent mental or physical disabilities.

WHAT IS A CONSERVATOR OF A PERSON?

Conservators of the person ensure that the conservatee is properly fed, clothed, and housed. This means that the conservator:

1. arranges for the conservatee's care and protection;
2. decides where the conservatee will live; and
3. is in charge of the conservatee's: (a) health care; (b) food, (c) clothes; (d) personal care; (e) housekeeping; (f) transportation; and (g) recreation.

WHAT IS A CONSERVATOR OF THE ESTATE?

When the court appoints a conservator of the estate, the conservator:

4. manages the conservatee's finances;
5. protects the conservatee's income and property;
6. makes a list of everything in the estate;
7. creates a plan to make sure the conservatee's needs are met;
8. makes sure the conservatee's bills are paid;
9. invests the conservatee's money;
10. makes sure the conservatee gets all the benefits he or she is eligible for;
11. makes sure the conservatee's taxes are filed and paid on time;
12. keeps exact financial records; and
13. makes regular reports of the financial accounts to the court and other interested persons.

TYPES OF CONSERVATORSHIPS

There are four main types of conservatorships: (1) General Conservatorship; (2) Limited conservatorship; (3) Temporary Conservatorship; and (3) Lanterman-Petris-Short Conservatorship (LPS). The first three are considered Probate Conservatorships, because they are governed by the California Probate Code.

WHAT ARE THE REQUIRED FORMS FOR A GENERAL CONSERVATORSHIP?

To obtain a general conservatorship, complete the following forms which follow the **ORANGE** cover sheet in this packet:

#	NAME OF FORM	FORM NO.
1.	Interpreter Request (if needed)	MC-300e&s
2.	Petition for Appointment of Probate Conservator	GC-310
3.	Contact Information Pursuant to Probate Code 2250.6(a)(1)(A)(B)(C)	GC-11
4.	Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator (if needed)	GC-210(A-PF)/ GC-310(A-PF)
5.	Attachment Requesting Special Order re Dementia (if needed)	GC-313
6.	Confidential Supplemental Information	GC-312
7.	Confidential Conservator Screening form	GC-314
8.	Citation for Conservatorship	GC-320
9.	Capacity Declaration-Conservatorship (to be completed by physician)	GC-335
10.	Dementia Attachment to Capacity Declaration (if needed-to be completed by physician)	GC-335A
11.	Notice of Hearing-Guardianship or Conservatorship	GC-020
12.	Order appointing Probate Conservator	GC-340
13.	Letters of Conservatorship	GC-350
14.	Duties of Conservator	GC-348

WHAT IS A LIMITED CONSERVATORSHIP?

A **limited conservatorship** is set up for adults with **developmental disabilities** who cannot fully care for themselves. The judge decides which responsibilities the conservatee will keep and which ones the conservator will have.

WHAT ARE THE REQUIRED FORMS FOR A LIMITED CONSERVATORSHIP?

The forms for a limited conservatorship are the same forms that are used for a general conservatorship.

The only difference is that you must be certain to check the boxes for a limited conservatorship.

Attachments 1.h & 1.j must be attached.

WHAT IS A TEMPORARY CONSERVATORSHIP?

A **temporary (emergency) conservatorship** may be set up when a person needs immediate help. A judge, upon finding of good cause, may appoint a temporary conservator of the person or of the estate, or both, for a specific period. A temporary conservator arranges for temporary care, protection, and support of the conservatee and protects the conservatee's property from loss or damage. A temporary conservator may also be appointed to fill in between permanent conservators, if, for example, the permanent conservator dies or the judge has ordered his or her removal.

WHAT ARE THE REQUIRED FORMS FOR A TEMPORARY CONSERVATORSHIP?

To obtain temporary (emergency) conservatorship, complete the following conservatorship forms which follow the **PINK** cover page:

#	NAME OF FORM	FORM NO.
1.	Petition for Appointment of Temporary Conservator	GC-111
2.	Ex Parte Application for Good Cause exception to Notice of Hearing on Petition for Appointment of Temporary Conservator	GC-112
3.	Declaration in support of Ex Parte Application for Good Cause Exception to Notice of Hearing on petition for Appointment of Temporary Conservator	GC-112(A-1)
4.	Order on Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator	GC-115
5.	Notice of Hearing-Guardianship or Conservatorship	GC-020
6.	Proof of Personal Service of Notice of Hearing-Guardianship or Conservatorship	GC-020(P)
7.	Declaration	MC-030
8.	Order Appointing Temporary Conservator	GC-141
9.	Letters of Temporary Guardianship or Conservatorship	GC-150

When you file a temporary (emergency) conservatorship petition **YOU MUST ALSO COMPLETE** all the forms for a conservatorship petition.

WHAT DO I DO WITH THE FORMS ONCE THEY ARE COMPLETED?

GENERAL CONSERVATORSHIP

Organize the Forms: After you have completed all the forms:

- Make two copies of each of the forms;
- Staple together the pages of those forms that have more than one page, i.e., GC-310;
- Two-hole punch the top of all the forms;
- Organize the forms with the original (signed) form on top and the two copies underneath.

File the Forms & Pay the Filing Fee:

- File your forms at the clerk's office in Room 103 at 725 Court Street, Martinez, CA;
- When you file the forms you pay the filing fee.
- The clerk will keep the original and one copy of the forms and will return to you a "conformed" set of copies. A "conformed" copy means that a copy has been stamped exactly as the original. The clerk will stamp your hearing date and time on the Notice of Hearing form (GC-020)

What If I Cannot Afford to Pay the Filing Fee?

If you cannot afford the filing fee, you can request a fee waiver by completing and filing a Request to Waive Court Fees (**FW-001-GC**) and Order on Court Fee Waiver (**FW-003-GC**).¹

A court fee waiver requested by you to be appointed conservator will be based on the financial condition of the proposed conservatee and not on your financial condition. However, you are responsible for completing all forms and providing all information asked for in the forms.

¹ These forms are not included in the packet. They have to be purchased or downloaded separately.

LIMITED CONSERVATORSHIP

Follow the same procedure that is described for a general conservatorship.

TEMPORARY CONSERVATORSHIP

After you have completed the forms for a **GENERAL CONSERVATORSHIP** and a **TEMPORARY CONSERVATORSHIP**, follow the same procedure described above for a general conservatorship.

Remember that the forms for a general conservatorship and temporary conservatorship have to be filed at the same time.

HOW DO I SERVE THE CONSERVATORSHIP FORMS?

GENERAL AND LIMITED CONSERVATORSHIP

- Service of Notice of Hearing and Petition

The law requires that certain relatives be given a copy of the petition for conservatorship and certain other court forms you filed with the court. After all, they have to know that you are petitioning for conservatorship of the conservatee. The legal term for this is "serving notice." Someone else--**NOT YOU**--must serve the documents. You must do this right or you will have to start all over.

Service by mail—You must arrange to give notice to certain relatives of the proposed Conservatee and to some agencies. This means that someone over the age of 18, **NOT YOU**, must mail a copy of the Notice of Hearing (GC-020) and a copy of the Petition for Appointment of Probate Conservator (GC-310) to those individuals and agencies before the hearing. The following relatives of the proposed Conservatee and agencies must be given notice by mail: (1) parents; (2) brothers and sisters; (3) spouse; (4) children; (5) grandparents; (6) grandchildren; (7) Regional Center (for limited conservatorship); and (8) the Veteran's Administration (if applicable).

The relative and the Veteran's Administration must receive the two documents **15 days** prior to the hearing. The Regional Center requires **30 days** notice.

- Service of the Citation for Conservatorship

Personal Service—The law requires that you must arrange to have someone over the age of 18, **NOT YOU**, serve the "Citation for Conservatorship" on the proposed conservatee. This means that someone, **other than you**, must personally give a copy of the Citation for Conservatorship (**GC-310**) and a copy of the petition for Appointment of Probate Conservator (**GC-310**) to the proposed conservatee.

TEMPORARY CONSERVATORSHIP

You have already completed all the necessary forms for both a general and temporary conservatorship. Now:

- File the temporary conservatorship petition, the general conservatorship petition and supporting documents in Room 103 at 725 Court Street, Martinez, CA;
- Personally serve the proposed conservatee with a Notice of Hearing and a copy of the petition for Appointment of Temporary Conservator (**GC-311**) to the proposed conservatee (**five days** prior the hearing date);
- Serve by mail a copy of the Notice of Hearing and Petition for Appointment of Temporary Conservator (**GC-311**) to the persons listed above (**five days** prior to the hearing).

The hearing take place in Department 14, Room 212 at 725 Court Street, Martinez, CA.

HEARING ON PETITION FOR TEMPORARY CONSERVATORSHIP

You must then take the proofs of service and the copies of all the filed documents to the Probate Examiners in Room 210 at 725 Court Street, Martinez, CA. The proposed conservatee **must** be present unless:

- A doctor's declaration or other declaration per PRC § 2250(j) excusing his presence is presented;
- An Ex Parte Application for Good Cause Exception to Notice of Hearing (**Form GC-112**), Declaration in support (**GC-112(A-1)**) and Order (**GC-115**) is presented; or
- The proposed conservatee refused to attend despite transportation being offered.

The parties may further respond to each other's petitions and responses, and copies made by the Probate Examiners for each party by presenting or submitting declarations.

If the proposed conservatee appears, the court will hear the Petition for Temporary Conservatorship in the courtroom.

If the proposed conservatee fails to appear, the court may consider the matter as submitted.

If there is sufficient reason for the temporary petition to be considered without notice then:

- file the petitions in the Clerk's office first;
- take copies to the Probate Examiner' office in Room 210 at 725 Court Street, Martinez, CA;
- the petition will be considered by the court;
- If it is approved then Notice may be waived;
- If denied as not warranting waiver of notice, proceed as above for a noticed temporary conservatorship (or other notice that may be ordered by the court).

WHAT FORMS DO I FILE AFTER APPOINTMENT OF CONSERVATORSHIP?

After an appointment of conservatorship, the conservator must complete and serve the Notice of Conservatee's Rights (**GC-341**) and the Attachment to Notice of Conservatee's Rights (**GC-341(MA)**). The other forms listed below, which follow the blue sheet, may have to be filed at a later date during the conservatorship:

#	NAME OF FORM	FORM NO.
1.	Notice of Conservatee' s Rights	GC-341
2.	Attachment to Notice of Conservatee' s Rights	GC-341(MA)
3.	Notice of Filing Inventory and Appraisal and How to Object to the Inventory of the Appraised Value of Property	GC-042
4.	Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or Appraised Value of Property	GC-042(MA)
5.	Objections to Inventory and Appraisal of Conservator or Guardian	GC-045
6.	Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward	GC-079
7.	Attachment to Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward	GC-079(MA)
8.	Post-Move Notice of change of Residence of Conservatee or Ward	GC-080
9.	Attachment to Post-Move Notice of change of Residence of Conservatee or Ward	GC-080(MA)
10.	Inventory and Appraisal	DE-160/GC-040)

* * * * *

TEMPORARY (EMERGENCY) CONSERVATORSHIP FORMS

To file for a **TEMPORARY (EMERGENCY) CONSERVATORSHIP**, you must complete and file all applicable temporary conservatorship forms and all general conservatorship forms at the same time.

#	FORM NAME	FORM #
1.	Petition for Appointment of Temporary Conservator	GC-111
2.	Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator	GC-112
3.	Declaration in Support of Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator	GC-112(A-1)
4.	Order on Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator	GC-115
5.	Notice of Hearing-Guardianship or Conservatorship	GC-020
6.	Proof of Personal Service of Notice of Hearing-Guardianship or Conservatorship	GC-020(P)
7.	Declaration	MC-030
8.	Order Appointing Temporary Conservator	GC-141
9.	Letters of Temporary Guardianship or Conservatorship	GC-150

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
TEMPORARY CONSERVATORSHIP OF (Name):		CASE NUMBER:	
		CONSERVATEE	
PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR		HEARING DATE:	
<input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate		DEPT.:	TIME:

1. **Petitioner (name each):**

requests that

a. (Name):
(Address and
telephone number):

be appointed temporary conservator of the PERSON of the proposed conservatee and Letters issue upon qualification.

b. (Name):
(Address and
telephone number):

be appointed temporary conservator of the ESTATE of the proposed conservatee and Letters issue upon qualification.

c. (1) bond not be required because petition is for a temporary conservatorship of the person only.
(2) bond not be required for the reasons stated in attachment 1c.
(3) \$ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.
(Specify reasons in attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).)

(4) \$ in deposits in a blocked account be allowed. Receipts will be filed.
(Specify institution and location):

d. a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.
e. the powers specified in Attachment 1e be granted in addition to the powers provided by law.
f. other orders be granted (specify in attachment 1f).

2. **The proposed conservatee is (name):**

Current address:

Current telephone no.:

3. **The proposed conservatee requires a temporary conservator to** **provide for temporary care, maintenance, and support**
 protect property from loss or injury because (facts are **specified in attachment 3** **as follows):**

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER:
	CONSERVATEE

4. Temporary conservatorship is required

- a. pending the hearing on the petition for appointment of a general conservator.
- b. pending the appeal under Probate Code section 1301.
- c. during the suspension of powers of the conservator.

5. Character and estimated value of the property of the estate (complete if a temporary conservatorship of the estate or the person and estate is requested):

- a. Personal property: \$
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$
- c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): \$ _____
- d. **Total:** \$ _____

6. Petitioner requests authority to change the proposed conservatee's residence during the temporary conservatorship

- a. Petitioner proposes to change the residence of the proposed conservatee to (address):

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (reasons are specified in attachment 6a as follows):

- b. The proposed conservatee must be removed from the State of California to permit the performance of the following nonpsychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment. (Facts and place of treatment are specified in attachment 6b as follows):

7. Petitioner is a professional fiduciary

- a. Petitioner holds license no. (specify): _____ from the Professional Fiduciaries Bureau of the Department of Consumer Affairs issued or last renewed on (specify later date of initial issuance or renewal): _____
- b. Petitioner was requested to file this petition by (name): _____
- c. The circumstances leading to petitioner's engagement to file this petition are described in attachment 7c.
- d. Petitioner had:
 - (1) No relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition.
 - (2) A relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition. That relationship is described in attachment 7d. the *Petition for Appointment of Probate Conservator* (form GC-310) filed with this petition or an attachment to that petition (specify attachment to general petition): _____

TEMPORARY CONSERVATORSHIP OF (Name): CONSERVATEE	CASE NUMBER:
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8. Petitioner's contact with persons named in *Petition for Appointment of Probate Conservator*

- a. Petitioner is the proposed conservatee. (If this item is selected, go to item 9.)
- b. Petitioner is not the proposed conservatee. All persons other than the proposed conservatee named in the *Petition for Appointment of Probate Conservator* filed with this petition:
 - (1) Have been found and contacted. All will be given notice of the hearing on this petition.
 - (2) Have not been found or have not been contacted. Efforts to find the persons who have not been found and the reasons why any person cannot be contacted are described in one or more declarations under penalty of perjury attached to this petition as attachment 8b. (Attachment 8b is not a request for a good cause exception to notice. See Prob. Code, § 2250(e) and rule 7.1062 of the Cal. Rules of Court.)
- c. Petitioner is not the proposed conservatee. Facts showing the preferences of the proposed conservatee concerning the appointment of any temporary conservator, and the appointment of the temporary conservator proposed in this petition, or why it was not feasible to ascertain those preferences, are specified in one or more declarations attached to this petition as attachment 8c.

9. Petitioner is informed and believes that the proposed conservatee

- a. will attend the hearing.
- b. is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
- c. is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as attachment 9c.
- d. is not the petitioner, is out of state, and will not attend the hearing.

10. Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

11. All attachments to this form are incorporated by this reference as though placed here in this form. There are _____ pages attached to this form.

Date:

* (Signature of all petitioners also required (Prob. Code, § 1020).)

(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)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
<p>TELEPHONE NO.:</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>		
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>		
<p>TEMPORARY CONSERVATORSHIP OF</p> <p>(Name):</p>		CONSERVATEE
<p>EX PARTE APPLICATION FOR GOOD CAUSE EXCEPTION TO NOTICE OF HEARING ON PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR of the <input type="checkbox"/> Person <input type="checkbox"/> Estate</p>		CASE NUMBER:
<p>Note to Applicant: Please review the instructions in item 6 on page 3 and at the bottom of that page for completing this form and supporting documents.</p>		

1. Applicant (name): _____ is

- A petitioner for appointment of a temporary conservator of the person estate of the proposed conservatee.
- A proposed temporary conservator.

2. Immediate and substantial harm would be caused to the proposed conservatee, or his or her estate, during the notice period required by Probate Code section 2250(e) because of the following (*check all that apply*):

- A medical emergency (*give a brief description*):

(A medical emergency must be immediate and substantial; treatment must be reasonably unavailable unless a temporary conservator is appointed and cannot wait for the notice period because of the proposed conservatee's pain or extreme discomfort or a significant risk of harm.)

b. A financial emergency (*give a brief description*):

(A financial emergency must be immediate and substantial. Means other than an exception to notice of hearing on the appointment of a temporary conservator must be shown likely to be ineffective to prevent loss or further loss to the proposed conservatee's estate during the notice period.)

c. Other immediate and substantial emergency (*give a brief description*):

(An emergency must be immediate and likely to cause substantial harm to the proposed conservatee during the notice period.)

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER: CONSERVATEE
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3. Instead of an exception to giving notice to the persons named in item 3c, Applicant requests that (check all that apply):

- The time period of notice to the person or persons named in item 3c be changed as follows (specify number of days of notice or number of hours if less than one day):
- The method of giving notice to the person or persons named in item 3c be changed as follows (specify method of service; for example, personal delivery, fax, or e-mail):
- The person or persons, and his, her, or their relationship to the proposed conservatee are as follows (specify):

<u>Name</u>	<u>Relationship to proposed conservatee</u>
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Additional persons and relationships are listed on attachment 3c.

4. An exception to giving notice to the person or persons named below should be made because of the potential harm to the proposed conservatee, or his or her estate, if notice is given (include in this category persons who might not cause harm themselves, but to whom notice should not be given because the notice is likely to bring harm to the proposed conservatee through the actions of another person. State the names and relationships to the proposed conservatee of all persons who should not be given notice):

<u>Name</u>	<u>Relationship to proposed conservatee</u>
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Additional persons and relationships are listed on attachment 4.

5. An exception to giving notice to the person or persons named below should be made because Applicant cannot find him, her, or them, despite the exercise of due diligence to search for him, her, or them (state names and relationships to the proposed conservatee of all persons who could not be found):

<u>Name</u>	<u>Relationship to proposed conservatee</u>
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Additional person(s) and relationship(s) are listed on attachment 5.

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER: CONSERVATEE
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6. The following documents are presented with this application in support:

- a. Applicant's *Petition for Appointment of Temporary Conservator* (form GC-111);
- b. Supporting declaration of (name):
- c. Supporting declaration of (name):
- d. Supporting declaration of (name):
- e. Supporting declaration of (name):

(At least one declaration supporting the grounds for a good cause exception to notice stated in items 2–5 of this application, showing facts within the personal knowledge of the person signing the declaration (or the declaration of an expert witness) is required. See rule 7.1062(e)(2) of the California Rules of Court and Evidence Code sections 800–805. You may use forms GC-112(A-1) and GC-112(A-2) for all supporting declarations.)

- f. Declaration regarding notice of ex parte application of (name):

(This declaration is required with this application. See rules 3.1204(b) and 7.1062(e)(3).)

- g. Other (describe):

- h. Proposed order. *(A proposed order must be submitted with this application. You may use the Order on Ex Parte Application For Good Cause Exception to Notice of Hearing on Petition For Appointment of Temporary Conservator (form GC-115) for the order.)*

Date:



(TYPE OR PRINT NAME OF APPLICANT OR ATTORNEY FOR APPLICANT)

(SIGNATURE OF APPLICANT OR ATTORNEY FOR APPLICANT)

INSTRUCTIONS

1. Who must be given notice of a hearing on a petition for appointment of a temporary conservator?

At least five days' advance notice must be given (1) by **personal delivery** to the proposed conservatee and (2) by **mail** or **personal delivery** to the proposed conservatee's spouse or registered domestic partner and the proposed conservatee's brothers and sisters, parents, grandparents, and children and grandchildren at least 12 years old or the parents, guardians or legal custodians of children or grandchildren under that age. If the proposed conservatee has no spouse or registered domestic partner and none of the relatives listed above, certain other persons must receive notice by mail or personal delivery. If the proposed temporary conservator has no prior relationship with the proposed conservatee, the public guardian of the county where the petition is filed must also be given notice by mail or personal delivery. See Probate Code sections 2250(e) and 1821(b). Written notice is given by delivery, in person or by mail, of a filled-out *Notice of Hearing—Guardianship or Conservatorship* (form GC-020) showing the time and place of the hearing and the nature of the relief to be requested, together with a copy of the *Petition for Appointment of a Temporary Conservator* (form GC-111).

2. Good cause exception to notice

The court for good cause may order an exception to the notice requirements described above for some or all of the persons entitled to notice, either by waiving or dispensing with notice to them entirely or by changing the time and manner of giving notice to them. This form and the other forms or documents that support it listed in item 6 above may be used to request an exception to the notice of hearing on a temporary conservatorship petition. See rule 7.1062 of the California Rules of Court for the standards for good cause exceptions to the notice requirements on a petition for appointment of a temporary conservator and for the required contents of a request for a good cause exception.

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER: CONSERVATEE
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**DECLARATION IN SUPPORT OF EX PARTE APPLICATION FOR GOOD CAUSE EXCEPTION TO
NOTICE OF HEARING ON PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR ***

I (name): declare as follows:

- (This box must be checked unless the declarant is an expert witness.) I have personal knowledge of the facts stated in this declaration and could and would testify competently to those facts.
- I am an expert witness. My qualifications are stated below.
- (Continue declaration here, number each paragraph consecutively on this page and on all continuation pages.)

Date and signature are on the last page of this declaration.

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 DECLARANT)

(SIGNATURE OF DECLARANT)

* Use **Declaration Continuation Page** (form GC-112(A-2)) for additional pages of the declaration.

Page 1 of _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
TEMPORARY CONSERVATORSHIP OF (Name): CONSERVATEE		
ORDER ON EX PARTE APPLICATION FOR GOOD CAUSE EXCEPTION TO NOTICE OF HEARING ON PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR of the <input type="checkbox"/> Person <input type="checkbox"/> Estate		CASE NUMBER:

1. The ex parte application for good cause exception to notice of hearing on the petition for appointment of temporary conservator was presented as follows (check boxes c–j to indicate personal presence):

- a. Judicial officer (name):
- b. Date presented: Time: Dept.: Room:
- c. Applicant (name):
- d. Attorney for applicant (name):
- e. Proposed conservatee (name):
- f. Attorney for proposed conservatee (name):
- g. Proposed conservatee's spouse or registered domestic partner and relatives (names and relationships):
- h. Attorney for persons listed in item g (name or names of all attorneys and persons represented):

- i. Public Guardian (name):
- j. Attorney for Public Guardian (name):

THE COURT FINDS

2. a. Notice of the time and place of the application has been given as required by law.
- b. Notice of the time and place of the application should be dispensed with.
- c. Notice of the time and place of the application should be dispensed with only for (names):
3. Good cause exists for an exception to notice of the hearing of the petition of (name):
for appointment of a temporary conservator of the proposed conservatee named above. The exception is essential to protect the proposed conservatee, or his or her estate, from substantial harm.
4. Immediate and substantial harm would be caused to the proposed conservatee, or his or her estate, during the notice period required by Probate Code section 2250(e) because of:
 - a. An immediate and substantial medical emergency for which treatment is reasonably unavailable without the appointment of a temporary conservator. Treatment cannot wait for the notice period because of the proposed conservatee's pain or extreme discomfort or a significant risk of harm.

Page 1 of 2

TEMPORARY CONSERVATORSHIP OF (Name):	CONSERVATEE	CASE NUMBER:
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4. b. An immediate and substantial financial emergency. Means other than an exception to notice of the hearing on the appointment of a temporary conservator are likely to be ineffective to prevent loss or further loss to the proposed conservatee's estate during the notice period.

c. An immediate emergency that is likely to cause substantial harm to the proposed conservatee during the notice period.

5. The period of notice or the manner of giving notice to the persons named below should be modified as follows (specify names, period of notice, and manner of giving notice):

<u>Name</u>	<u>Period of Notice</u>	<u>Manner of Giving Notice</u>
-------------	-------------------------	--------------------------------

6. Notice should be dispensed with to the persons named below because of the harm he, she, or they, or another person, might do to the proposed conservatee, or his or her estate, if notice is given to the persons (specify names):

7. Notice should be dispensed with to the persons named below because applicant cannot find him, her, or them despite the exercise of due diligence (specify names):

THE COURT ORDERS

8. Notice of the application for an exception to notice of hearing on the petition for appointment of a temporary conservator is

a. dispensed with.

b. dispensed with for the following named persons only:

9. Notice of the hearing on the petition of (name):
for appointment of a temporary conservator is

a. dispensed with.

b. dispensed with for the following named persons only:

c. modified as follows for the following named person(s):

<u>Name</u>	<u>Period of Notice</u>	<u>Manner of Giving Notice</u>
-------------	-------------------------	--------------------------------

10. Other orders as specified on Attachment 10 are made.

11. Number of pages attached: _____

Date:

_____ JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
<p>TELEPHONE NO.:</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>		
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p> <p><input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):</p> <p><input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE</p>		
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP		CASE NUMBER:

This notice is required by law.
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (name):
(representative capacity, if any):
 has filed (specify):
2. You may refer to documents on file in this proceeding for more information. *(Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)*
3. The petition includes an application for the independent exercise of powers by a guardian or conservator under
 Probate Code section 2108 Probate Code section 2590.
 Powers requested are specified below specified in Attachment 3.
4. A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> is (specify):			

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



<input type="checkbox"/> GUARDIANSHIP	<input type="checkbox"/> CONSERVATORSHIP	OF THE	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER:
OF (Name):					
<input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE					

NOTE: *

A copy of this *Notice of Hearing—Guardianship or Conservatorship* ("Notice") must be "served" on—delivered to—each person who has the right under the law to be notified of the date, time, place, and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) **may not personally perform either service by mail or personal service**, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court.. You may use form GC-020(P) to show personal service of this Notice.

* (This Note replaces the clerk's certificate of posting on prior versions of this form. If notice by posting is desired, attach a copy of form GC-020(C), Clerk's Certificate of Posting Notice of Hearing—Guardianship or Conservatorship. (See Prob. Code, § 2543(c).)

PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):

3. I served the foregoing *Notice of Hearing—Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 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.

4. a. Date mailed: _____ b. Place mailed (city, state): _____
5. I served with the *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.

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)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name of person served

Address (number, street, city, state, and zip code)

1.	
2.	
3.	
4.	

Continued on an attachment. (You may use form DE-120(MA)/GC-020(MA) to show additional persons served.)

<input type="checkbox"/> GUARDIANSHIP	<input type="checkbox"/> CONSERVATORSHIP	OF THE	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER:
OF (Name):					
<input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE					

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing—Guardianship or Conservatorship for each person who personally served a copy of the Notice.)

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. I served with the attached *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4. I served with the attached *Notice of Hearing—Guardianship or Conservatorship* copies of the following documents (specify):

Continued on Attachment 4.

5. I am (check all that apply):
 - not a registered California process server.
 - a California sheriff or marshal.
 - a registered California process server.
 - an employee or independent contractor of a registered California process server.
 - exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are (specify):

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

	<u>Name</u>	<u>Address where served (number, street, city, and state)</u>	<u>Date and time service made</u>
1.			Date: _____ Time: _____
2.			Date: _____ Time: _____
3.			Date: _____ Time: _____
4.			Date: _____ Time: _____

List of names and addresses of persons personally served by the undersigned continued on an attachment.
(You may use Attachment to Notice of Hearing Proof of Personal Service, form DE-120(PA)/GC-020(PA), for this purpose.)

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

Date:

► _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct

Date:

► _____
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.:		FAX NO. (Optional):
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
DECLARATION		CASE NUMBER:

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 OF DECLARANT)

Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify): _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: TEMPORARY CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): CONSERVATEE		
ORDER APPOINTING TEMPORARY CONSERVATOR		CASE NUMBER:
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.		

1. The petition for appointment of a temporary conservator came on for hearing as follows (check boxes c–j to indicate personal presence):

- a. Judicial officer (name):
- b. Hearing date: Time: Dept.: Room:
- c. Petitioner (name):
- d. Attorney for petitioner (name):
- e. Conservatee (name):
- f. Attorney for conservatee (name):
- g. Conservatee's spouse or registered domestic partner, and relatives (names and relationships):

h. Attorneys for persons listed in item g (names and persons represented):

- i. Public Guardian (name):
- j. Attorney for Public Guardian (name):

THE COURT FINDS

- 2. a. Notice of time and place of hearing has been given as required by law.
- b. Notice of time and place of hearing has been modified or dispensed with under *Order on Ex Parte Application for Good Cause Exception to Notice on Petition for Appointment of Temporary Conservator* filed on (date):
- 3. It is necessary that a temporary conservator be appointed to provide for temporary care, maintenance, and support protect property from loss or injury
 - a. pending the hearing on the petition for appointment of a general conservator.
 - b. pending an appeal under Probate Code section 1301.
 - c. during the suspension of powers of the conservator.
- 4. To prevent irreparable harm, the residence of the conservatee must be changed. No means less restrictive of the conservatee's liberty will prevent irreparable harm.

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER: CONSERVATEE
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5. The conservatee must be removed from the State of California to permit the performance of nonpsychiatric medical treatment essential to the conservatee's physical survival. The conservatee consents to this medical treatment.

6. The conservatee need not attend the hearing.

THE COURT ORDERS

7. a. (Name):
(Address): (Telephone):

is appointed temporary conservator of the PERSON of (name):
and Letters shall issue upon qualification.

b. (Name):
(Address): (Telephone):

is appointed temporary conservator of the ESTATE of (name):
and Letters shall issue upon qualification.

8. a. Bond is not required.

b. Bond is fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law.

c. Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order. Additional orders in attachment 8c.

d. The temporary conservator is not authorized to take possession of money or any other property without a specific court order.

9. The temporary conservator is authorized to change the residence of the conservatee to (address):

10. The temporary conservator is authorized to remove the conservatee from the State of California to the following address to permit the performance of nonpsychiatric medical treatment essential to the conservatee's physical survival (address):

11. The conservatee need not attend the hearing.

12. In addition to the powers granted by law, the temporary conservator is granted other powers. These powers are specified in attachment 12 below (specify):

13. Other orders as specified in attachment 13 are granted.

14. Unless modified by further order of the court, this order expires on (date):

15. Number of boxes checked in items 7-14: _____

16. Number of pages attached: _____

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP

CASE NUMBER:

OF (name):

MINOR CONSERVATEE

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP

FOR COURT USE ONLY

Person Estate

LETTERS

1. (Name):

is appointed temporary guardian conservator of the person
 estate of (name):

2. Other powers that have been granted or restrictions imposed on the temporary
 guardian conservator are specified in Attachment 2.
 specified below:

3. These Letters shall expire

a. on (date): or upon earlier issuance of Letters to a general guardian or conservator.
b. on other date (specify):

4. The temporary guardian conservator is not authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date:

Clerk, by _____, Deputy

Page 1 of 2

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name):	CASE NUMBER:
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter, or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe deposit box held by the financial institution. A single form may be filed for all affected accounts or safe deposit boxes held by the financial institution.

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of temporary guardian. conservator.

Executed on (date): _____, at (place): _____

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____, Deputy

GENERAL CONSERVATORSHIP FORMS

To file for a GENERAL CONSERVATORSHIP you must fill out and file ALL of the below applicable forms at the same time.

#	FORM NAME	FORM #
1.	Interpreter Request (If necessary)	MC-300e&s
2.	Petition for Appointment of Probate Conservator	GC-310
3.	Contact Information Pursuant to Probate Code 2250.6(a)(1)(A)(B)(C)	GC-11 (Local Form)
4.	Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator (if needed)	GC-210(A-PF)/ GC-310(A-PF)
5.	Attachment Requesting Special Order re Dementia (if needed)	GC-313
6.	Confidential Supplemental Information	GC-312
7.	Confidential Conservator Screening Form	GC-314
8.	Citation for Conservatorship	GC-320
9.	Capacity Declaration-Conservatorship	GC-335
10.	Dementia Attachment to Capacity Declaration (if needed)	GC-335A
11.	Notice of Hearing-Guardianship or Conservatorship	GC-020
12.	Order Appointing Probate Conservator	GC-340
13.	Letters of Conservatorship	GC-350
14.	Duties of Conservator	GC-348

Contact the Contra Costa County Bar Association at (925) 370-2540

for more information about the once a month Free Legal Workshop on the Conservatorship process.

You can also visit their community calendar to RSVP and get more information at

www.cccba.org/community/calendar/index.php

Superior Court of California, County of Contra Costa

Interpreter Request

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom.

Case Number: _____

Case Type:

<input type="checkbox"/> Criminal	<input type="checkbox"/> Small Claims – (\$12,500 or less)
<input type="checkbox"/> Traffic	<input type="checkbox"/> Civil - <input type="checkbox"/> \$25,000 <input type="checkbox"/> over \$25,000
<input type="checkbox"/> Civil Harassment	<input type="checkbox"/> Civil – Other _____
<input type="checkbox"/> Conservatorship	<input type="checkbox"/> Family Law
<input type="checkbox"/> Proceedings to terminate parental rights	<input type="checkbox"/> Unlawful Detainer
<input type="checkbox"/> Dependent Adult Abuse	<input type="checkbox"/> Guardianship
<input type="checkbox"/> Juvenile	<input type="checkbox"/> Elder Abuse

Party Requesting Interpreter: _____

Is interpreter for a witness? Yes No

Phone Number(s) where party can be reached: _____

Date of Hearing: _____ Time of Hearing: _____

Department: _____ Location: Martinez Pittsburg Richmond Walnut Creek

Language Needed: Spanish Mandarin Cantonese Vietnamese

Other: _____

To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website:
www.cc-courts.org/interpreter

Superior Court of California, County of Contra Costa

Solicitud Para Intérprete

Si necesita un intérprete, favor completar este formulario y presentarlo en cualquier ventanilla para archivar documentos o con la secretaría del tribunal.

Número de Caso: _____

Tipo de Caso:

<input type="checkbox"/> Criminal	<input type="checkbox"/> Demanda Civil – (\$12,500 o menos)
<input type="checkbox"/> Tráfico	<input type="checkbox"/> Demanda Civil -
<input type="checkbox"/> Acoso Civil	<input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000
<input type="checkbox"/> Conservador	<input type="checkbox"/> Civil – otro tipo _____
<input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre	<input type="checkbox"/> Casos de Familia
<input type="checkbox"/> Abuso de Adultos Incapacitados	<input type="checkbox"/> Juicio de Desalojo
<input type="checkbox"/> Tribunal de Menores	<input type="checkbox"/> Tutela
	<input type="checkbox"/> Abuso de Personas Mayores

Persona que Necesita Intérprete: _____

Marque aquí si esta persona es un testigo

Número Telefónico: _____

Fecha de la Audiencia Judicial: _____ Hora: _____

Departamento: _____ Ciudad: Martinez Pittsburg Richmond Walnut Creek

Idioma Solicitado: Español Mandarín Cantonés Vietnamita

Otro Idioma: _____

Para evitar la posibilidad que su audiencia sea aplazada, favor de presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada acerca de este servicio se encuentra en nuestra página web:
www.cc-courts.org/interpreter

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CONSERVATORSHIP OF (name):		(PROPOSED) CONSERVATEE
PETITION FOR APPOINTMENT OF <input type="checkbox"/> SUCCESSOR PROBATE CONSERVATOR OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship		CASE NUMBER: HEARING DATE AND TIME: DEPT.:

1. **Petitioner (name):** **requests that**

a. (Name): (Telephone):
(Address):

be appointed **successor** **conservator** **limited conservator** of the PERSON of the (proposed) conservatee and Letters issue upon qualification.

b. (Name): (Telephone):
(Address):

be appointed **successor** **conservator** **limited conservator** of the ESTATE of the (proposed) conservatee and Letters issue upon qualification.

c. (1) bond not be required because the proposed successor conservator is a corporate fiduciary or an exempt government agency. for the reasons stated in Attachment 1c.
(2) bond be fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Probate Code section 2320.)
(3) \$ in deposits in a blocked account be allowed. Receipts will be filed.

(Specify institution and location):

d. orders authorizing independent exercise of powers under Probate Code section 2590 be granted. Granting the proposed successor conservator of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the conservatorship estate. (Specify orders, powers, and reasons in Attachment 1d.)
e. orders relating to the capacity of the (proposed) conservatee under Probate Code section 1873 or 1901 be granted. (Specify orders, facts, and reasons in Attachment 1e.)
f. orders relating to the powers and duties of the proposed successor conservator of the person under Probate Code sections 2351–2358 be granted. (Specify orders, facts, and reasons in Attachment 1f.)
g. the (proposed) conservatee be adjudged to lack the capacity to give informed consent for medical treatment or healing by prayer and that the proposed successor conservator of the person be granted the powers specified in Probate Code section 2355. (Complete item 9 on page 6.)

Do NOT use this form for a temporary conservatorship.

Page 1 of 8

CONSERVATORSHIP OF (name):	CASE NUMBER: (PROPOSED) CONSERVATEE
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1. h. (for limited conservatorship only) orders relating to the powers and duties of the proposed limited conservator of the person under Probate Code section 2351.5 be granted. (Specify orders, powers, and duties in Attachment 1h and complete item 1j.) successor*

i. (for limited conservatorship only) orders relating to the powers and duties of the proposed limited conservator of the estate under Probate Code section 1830(b) be granted. (Specify orders, powers, and duties in Attachment 1i and complete item 1j.) successor*

j. (for limited conservatorship only) orders limiting the civil and legal rights of the (proposed) limited conservatee be granted. (Specify limitations in Attachment 1j.)

k. orders authorizing placement or treatment for a major neurocognitive disorder (such as dementia) as specified in the *Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder* (form GC-313) under Probate Code section 2356.5 be granted. A *Capacity Declaration—Conservatorship* (form GC-335) and *Major Neurocognitive Disorder Attachment to Capacity Declaration—Conservatorship* (form GC-335A), executed by a licensed physician or by a licensed psychologist acting within the scope of his or her license with at least two years experience diagnosing major neurocognitive disorders (including dementia), are filed herewith. will be filed before the hearing.

 (appointment of successor conservator only) will not be filed because an order relating to placement or treatment for a major neurocognitive disorder (such as dementia) was filed on (date): . That order has neither expired by its terms nor been revoked.

l. other orders be granted. (Specify in Attachment 1l.)

2. (Proposed) conservatee is (name): (Telephone):
(Current address):

3. a. **Jurisdictional facts** (initial appointment only) The proposed conservatee has no conservator in California and is a
 (1) resident of California and
 (a) a resident of this county.
 (b) not a resident of this county, but commencement of the conservatorship in this county is in the best interests of the proposed conservatee for the reasons specified in Attachment 3a.
 (2) nonresident of California but
 (a) is temporarily living in this county, or
 (b) has property in this county, or
 (c) commencement of the conservatorship in this county is in the best interest of the proposed conservatee for the reasons specified in Attachment 3a.

b. **Petitioner** (answer items (1) and (2) and check all other items that apply)
 (1) is is not a **creditor** or an agent of a creditor of the (proposed) conservatee.
 (2) is is not a **debtor** or an agent of a debtor of the (proposed) conservatee.
 (3) is the proposed successor conservator.
 (4) is the (proposed) conservatee. (If this item is not checked, you must also complete item 3f.)
 (5) is the spouse of the (proposed) conservatee. (You must also complete item 6.)
 (6) is the domestic partner or former domestic partner of the (proposed) conservatee. (You must also complete item 7.)
 (7) is a relative of the (proposed) conservatee as (specify relationship):
 (8) is an interested person or friend of the (proposed) conservatee.
 (9) is a state or local public entity, officer, or employee.
 (10) is the guardian of the proposed conservatee.
 (11) is a bank is another entity authorized to conduct the business of a trust company.
 (12) is a professional fiduciary within the meaning of Business and Professions Code section 6501(f) who is licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. Petitioner's license number is provided in item 1 on page 1 of the attached Professional Fiduciary Attachment. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment. You must also complete item 2 on page 2 of that form and item 3d below.)

* See item 5b on page 4.

CONSERVATORSHIP OF (name):	CASE NUMBER: (PROPOSED) CONSERVATEE
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3. c. **Proposed** **successor** **conservator** is (check all that apply)

- (1) a nominee. (Affix nomination as Attachment 3c(1).)
- (2) the spouse of the (proposed) conservatee. (You must also complete item 6.)
- (3) the domestic partner or former domestic partner of the (proposed) conservatee. (You must also complete item 7.)
- (4) a relative of the (proposed) conservatee as (specify relationship):
- (5) a bank. another entity authorized to conduct the business of a trust company.
- (6) a nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
- (7) a professional fiduciary, as defined in Business and Professions Code section 6501(f). His or her statement concerning licensure or exemption is provided in item 1 on page 1 of the attached *Professional Fiduciary Attachment*. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
- (8) other (specify):

d. Engagement and prior relationship with petitioning professional fiduciary (complete this item if petitioner is licensed by the Professional Fiduciaries Bureau.)

- (1) Statements of who engaged petitioner, or how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) conservatee or his or her family or friends, are provided in item 2 on page 2 of the attached *Professional Fiduciary Attachment*. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
- (2) A petition for appointment of a temporary conservator is filed with this petition. That petition contains statements of who engaged petitioner, how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) conservatee or his or her family and friends.

e. **Character and estimated value of the property of the estate** (complete items (1) or (2) and (3), (4), and (5)):

- (1) (For appointment of successor conservator only, if complete *Inventory and Appraisal* filed by predecessor):
Personal property: \$ _____, per *Inventory and Appraisal* filed in this proceeding on (specify dates of filing of all inventories and appraisals):

- (2) Estimated value of personal property: \$ _____

- (3) Annual gross income from

- (a) real property: \$ _____
- (b) personal property: \$ _____
- (c) pensions: \$ _____
- (d) wages: \$ _____
- (e) public assistance benefits: \$ _____
- (f) other: \$ _____

- (4) **Total** of (1) or (2) and (3): \$ _____

- (5) Real property: \$ _____

- (a) per *Inventory and Appraisal* identified in item (1).
- (b) estimated value.

f. Due diligence (complete this item if the (proposed) conservatee is not a petitioner):

- (1) Efforts to find the (proposed) conservatee's relatives or reasons why it is not feasible to contact any of them are described on Attachment 3f(1).
- (2) Statements of the (proposed) conservatee's preferences concerning the appointment of any (successor) conservator and the appointment of the proposed (successor) conservator or reasons why it is not feasible to ascertain those preferences are contained on Attachment 3f(2).

CONSERVATORSHIP OF (name):	CASE NUMBER: (PROPOSED) CONSERVATEE
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3. g. So far as known to petitioner, a conservatorship or equivalent proceeding concerning the proposed conservatee
 has not has been filed in another jurisdiction, including a court of a federally-recognized Indian tribe with jurisdiction (see Prob. Code, § 2031(b)).

(If you answered "has," identify the jurisdiction and state the date the case was filed):

4. (Proposed) conservatee

a. is is not a patient in or on leave of absence from a state institution under the jurisdiction of the California Department of State Hospitals or the California Department of Developmental Services (specify state institution):

b. is receiving or entitled to receive is neither receiving nor entitled to receive benefits from the U.S. Department of Veterans Affairs (estimate amount of monthly benefit payable):

c. is is not, so far as is known to petitioner, a member of a federally recognized Indian tribe.

(If you answered "is," complete items (1)–(4)):

(1) Name of tribe:

(2) Location of tribe (if the tribe is located in more than one state, the state that is the tribe's principal location):

(3) The proposed conservatee does does not reside on tribal land.*

(4) So far as known to petitioner, the proposed conservatee owns does not own property on tribal land.

5. a. Proposed conservatee (initial appointment of conservator only)

(1) is an adult.

(2) will be an adult on the effective date of the order (date):

(3) is a married minor.

(4) is a minor whose marriage has been dissolved.

b. Vacancy in office of conservator (appointment of successor conservator only. A petition for appointment of a limited conservator after the death of a predecessor is a petition for initial appointment. (Prob. Code, § 1860.5(a)(1).)

There is a vacancy in the office of conservator of the person estate for the reasons specified in Attachment 5b. specified below.

* "Tribal land" is land that is, with respect to a specific Indian tribe and the members of that tribe, "Indian country," as defined in 18 U.S.C. § 1151.

CONSERVATORSHIP OF (name):	CASE NUMBER: (PROPOSED) CONSERVATEE
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5. c. **(Proposed) conservatee** requires a conservator and is

(1) unable to properly provide for his or her personal needs for physical health, food, clothing, or shelter.
Supporting facts are specified in Attachment 5c(1) as follows:

(2) substantially unable to manage his or her financial resources or to resist fraud or undue influence.
Supporting facts are specified in Attachment 5c(2) as follows:

CONSERVATORSHIP OF (name):	CASE NUMBER: (PROPOSED) CONSERVATEE
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5. d. (Proposed) conservatee voluntarily requests the appointment of a successor conservator. (Specify facts showing good cause in Attachment 5(d).)

e. Confidential Supplemental Information (form GC-312) is filed with this petition. (Initial appointment of conservator only. All petitioners must file this form except banks and other entities authorized to do business as a trust company.)

f. (Proposed) conservatee does does not have a developmental disability as defined in Probate Code section 1420. Petitioner is aware of the requirements of Probate Code section 1827.5. (Specify the nature and degree of the alleged disability in Attachment 5f.)

6. Petitioner or proposed successor conservator is the spouse of the (proposed) conservatee. (If this statement is true, you must answer a or b.)

a. The (proposed) conservatee's spouse is not a party to any action or proceeding against the (proposed) conservatee for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.

b. Although the (proposed) conservatee's spouse is a party to an action or proceeding against the (proposed) conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage, or has obtained a judgment in one of these proceedings, it is in the best interest of the (proposed) conservatee that:

(1) a successor conservator be appointed.

(2) the spouse be appointed as the successor conservator.

(If you checked item 6b(1) or (2) or both, specify the facts and reasons in Attachment 6b.)

7. Petitioner or proposed successor conservator is the domestic partner or former domestic partner of the (proposed) conservatee. (If this statement is true, you must answer a or b.)

a. The domestic partner of the (proposed) conservatee has not terminated and does not intend to terminate the domestic partnership.

b. Although the domestic partner or former domestic partner of the (proposed) conservatee intends to terminate or has terminated the domestic partnership, it is in the best interest of the (proposed) conservatee that

(1) a successor conservator be appointed.

(2) the domestic partner or former domestic partner be appointed as the successor conservator.

(If you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)

8. (Proposed) conservatee (check all that apply)

a. will attend the hearing AND is the petitioner is not the petitioner AND has has not nominated the proposed successor conservator.

b. (initial appointment of conservator only) is able but unwilling to attend the hearing AND does does not wish to contest the establishment of a conservatorship, does does not object to the proposed conservator, AND does does not prefer that another person act as conservator.

c. (initial appointment of conservator only): is unable to attend the hearing because of medical inability. A Capacity Declaration—Conservatorship (form GC-335), executed by a licensed medical practitioner or an accredited religious practitioner is filed with this petition. will be filed before the hearing.

d. (initial appointment of conservator only) is not the petitioner, is out of state, and will not attend the hearing.

e. (appointment of successor conservator only) will not attend the hearing.

9. Medical treatment of (proposed) conservatee

a. There is no form of medical treatment for which the (proposed) conservatee has the capacity to give an informed consent.

b. A Capacity Declaration—Conservatorship (form GC-335) executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure, stating that the (proposed) conservatee lacks the capacity to give informed consent for any form of medical treatment and giving reasons and the factual basis for this conclusion, is filed with this petition. will be filed before the hearing. will not be filed for the reason stated in c.

c. (appointment of successor conservator only) The conservatee's incapacity to consent to any form of medical treatment was determined by order filed in this matter on (date):
That order has neither expired by its terms nor been revoked.

d. (Proposed) conservatee is is not an adherent of a religion that relies on prayer alone for healing, as defined in Probate Code section 2355(b).

CONSERVATORSHIP OF (name):	CASE NUMBER: (PROPOSED) CONSERVATEE
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10. **Temporary conservatorship**

Filed with this petition is a *Petition for Appointment of Temporary Conservator* (form GC-111).

11. **(Proposed) conservatee's relatives**

The names, residence addresses, and relationships of the spouse or registered domestic partner and the second-degree relatives of the (proposed) conservatee (his or her parents, grandparents, children, grandchildren, and brothers and sisters), so far as known to petitioner, are

- a. listed below.
- b. not known, or no longer living, so the (proposed) conservatee's deemed relatives under Probate Code section 1821(b) (1)–(4) are listed below.

Name and relationship to conservatee

Residence address

(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

(11)

(12)

(13)

(14)

(15)

(16)

Continued on Attachment 11.

CONSERVATORSHIP OF (name):	CASE NUMBER: (PROPOSED) CONSERVATEE
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12. **Confidential conservator screening form**

Submitted with this petition is a *Confidential Conservator Screening Form* (form GC-314) completed and signed by the proposed successor conservator. (Required for all proposed conservators except banks and trust companies.)

13. **Court investigator**

Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

14. Number of pages attached:

Date:



(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

(All petitioners must also sign (Prob. Code, § 1020; 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 OF PETITIONER)

(SIGNATURE OF PETITIONER)



(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar No., Address)	FOR COURT USE ONLY
TELEPHONE NO.	FAX NO. (Optional):
E-MAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA	
COURT ADDRESS: 725 Court Street	
CITY AND ZIPCODE: Martinez, California 94553	
PHONE NUMBER: (925) 608-2033	
FAX NUMBER: (925) 608-2110	
BRANCH NAME: Court Investigator's Unit	
CONSERVATORSHIP OF THE	
<input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF:	
CONTACT INFORMATION PURSUANT TO PROBATE CODE §2250.6(a)(1)(A)(B)(C), §1826(a)(1)(2), §1851(a)	
- CONFIDENTIAL -	
CASE NUMBER:	
HEARING DATE:	

Initial Petition for Appointment Review Petition for Successor Conservator

General Directions

This form must be filed with petitions for the appointment of a conservator, for appointment of a successor conservator, and with subsequent accountings. Add pages if necessary to give complete information.

1. (Proposed) Conservatee Conservatee

Name	Home Number
Address	Day Program (if appropriate)
City, State and Zip	
SPECIAL PROBLEMS RELATED TO INVESTIGATION (i.e. language, personal safety, communication)	

NOTE: The Court must be notified immediately of address changes of Conservatees and Conservators.

2. Petitioner (if different from Proposed Conservator)

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

3. Conservator Proposed Conservator Proposed Successor Conservator

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

4. (Proposed) Conservatee's Spouse or Registered Domestic Partner

Spouse Registered Domestic Partner

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number

5. (Proposed) Conservatee's Relatives within the First Degree (Adult Children, Parents)

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

6. (Proposed) Conservatee's Relatives within the Second Degree (Grandparents, Adult Grandchildren, Sisters and Brothers)

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

7. (Proposed) Conservatee's Other Relatives

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

Name	Home Number
Address	Work Number
City, State and Zip	Cell Number
Relationship to (Proposed Conservatee):	

8. (Proposed) Conservatee's Neighbors

Name	Phone Number
Name	Phone Number
Name	Phone Number

9. (Proposed) Conservatee's Close Friends

Name	Phone Number
Name	Phone Number
Name	Phone Number

GUARDIANSHIP OR CONSERVATORSHIP OF (Name):	CASE NUMBER:
MINOR OR CONSERVATEE	

**PROFESSIONAL FIDUCIARY ATTACHMENT TO
PETITION FOR APPOINTMENT OF GUARDIAN OR CONSERVATOR**

(A professional fiduciary petitioning for appointment or proposed for appointment on the petition of another must complete page 1 of this form, and the form must be attached to (1) a Petition for Appointment of Guardian of Minor (form GC-210) if the professional is proposed for appointment as guardian of a minor (see paragraph 4d of form GC-210); or (2) a Petition for Appointment of Probate Conservator (form GC-310) if the professional is proposed for appointment as conservator (see paragraph 3c(7) of form GC-310). If the professional fiduciary is licensed and is petitioning for appointment as conservator, he or she must also complete page 2 of this form (see paragraph 3d of form GC-310). The professional fiduciary must date and sign this form on page 2 in all cases.)

(Name of professional fiduciary):

Attachment to form (GC-210 or GC-310): _____

1. I am a proposed guardian conservator in this matter. I am a professional fiduciary, as defined in Business and Professions Code section 6501(f). I am:
 - a. Licensed by the Professional Fiduciaries Bureau, license no. (specify): _____, issued or last renewed on (specify later date of issuance or last renewal): _____
 - b. Exempt from the license requirements of the Professional Fiduciaries Act as an attorney licensed under the State Bar Act, State Bar number (specify): _____
 - c. Exempt from the license requirements of the Professional Fiduciaries Act while acting within the scope of practice of my profession as:
 - (1) A Certified Public Accountant licensed by the California State Board of Accountancy, license no. (specify): _____ current expiration date (specify): _____
 - (2) An enrolled agent authorized to practice before the Internal Revenue Service under federal regulations (31 C.F.R. § 10), expiration date of current enrollment period (specify): _____
 - (3) My actions as guardian or conservator would be within the scope of practice of my profession by reason of the following facts (explain): _____

The explanation cannot be completed in this space. It is contained in _____ attached pages.

Page 1 of 2

**PROFESSIONAL FIDUCIARY ATTACHMENT TO
PETITION FOR APPOINTMENT OF GUARDIAN OR CONSERVATOR**

Attachment to form GC-310

2. I am a petitioner for the appointment of a conservator in this matter. (Select a. or b.):

a. I was engaged to petition for this appointment by (name):

b. The circumstances and manner of my engagement to file the petition for appointment of a conservator are (specify):

c. Before my engagement in this matter, I had no prior relationship the prior relationship described below with the proposed conservatee, his or her family, or his or her friends (describe):

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

Date:

(NAME OF PROFESSIONAL FIDUCIARY)

(SIGNATURE OF PROFESSIONAL FIDUCIARY)

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	
ATTACHMENT REQUESTING SPECIAL ORDERS REGARDING A MAJOR NEUROCOGNITIVE DISORDER	
<input type="checkbox"/> Petition for Appointment of Probate Conservator (form GC-310) <input type="checkbox"/> Petition for Exclusive Authority to Give Consent for Medical Treatment (form GC-380)	

1. Petitioner **requests** that the conservator of the person be authorized
 - a. to place the conservatee in a secured-perimeter residential care facility for the elderly operated under Health and Safety Code section 1569.698 that has a care plan that meets the requirements of California Code of Regulations, title 22, section 87705.
 - b. to authorize the administration of medications appropriate for the care and treatment of major neurocognitive disorders (including dementia).
2. The conservatee or proposed conservatee has a major neurocognitive disorder (such as dementia) as defined in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders*.
3. A medical declaration executed by a licensed physician or a licensed psychologist acting within the scope of his or her license with at least two years' experience in diagnosing and treating major neurocognitive disorders (including dementia):
 - a. has been filed.
 - b. will be filed before the hearing.
4. *Restricted placement.* The conservatee needs or would benefit from placement as requested in item 1a. The conservatee lacks capacity to give informed consent to this placement. The placement requested is the least restrictive placement appropriate to the needs of the conservatee.
5. *Medications.* The conservatee needs or would benefit from administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The conservatee lacks capacity to give informed consent to the administration of those medications.

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-312

* If any part of item 3 does not apply to the proposed conservatorship, skip it, check box 3 in item 10, and explain why it does not apply.

CONFIDENTIAL

GC-312

CONSERVATORSHIP OF (name):	CASE NUMBER:
PROPOSED CONSERVATEE	

4. **ABILITY TO MANAGE OWN FINANCIAL RESOURCES*** The following facts and circumstances supplement and support the petition's assertions that the proposed conservatee is substantially unable to manage that person's own financial resources or to resist fraud or undue influence (*specify in detail, expanding on the reasons in the petition; give specific examples from the proposed conservatee's daily life showing significant, ongoing behavior patterns*):

a. Financial resources (*give examples of the proposed conservatee's substantial inability to manage money or property*):

Continued in Attachment 4a.

b. Fraud or undue influence (*give examples of the proposed conservatee's substantial inability to resist fraud or undue influence*):

Continued in Attachment 4b.

* If any part of item 4 does not apply to the proposed conservatorship, skip it, check box 4 in item 10, and explain why it does not apply.

5. **RESIDENCE** (*A "residence" is the place a person would tend to describe as "home," for example, an owned or rented single-family house or an apartment in a multiunit building, or an assisted-living, board-and-care, skilled-nursing, or other long-term care facility.*)

a. The proposed conservatee's **residence** is a (*nature of residence; see above for examples*):

b. The proposed conservatee's **residence** is located at (*street address, city, state*):

c. The proposed conservatee is **currently located** at the residence in item 5b other (*street address, city, state*):

d. The proposed conservatee's **current location** is a (*nature of current location; see above for examples*):

e. **Ability to live in residence** The proposed conservatee is

(1) **living** in the residence, and

- (a) is able to continue living there unless circumstances change.
- (b) will need to be moved after a conservator is appointed (*give specific reasons in item 5f*).
- (c) other (*specify and give reasons in item 5f*).

(2) **not living** in the residence, and

- (a) will be able to return home by (date): *(explain in item 5f)*.
- (b) will not return to live there (*give specific reasons in item 5f*).
- (c) other (*specify and give reasons in item 5f*).

f. Specific reasons supporting the determination in item 5e about the proposed conservatee's ability to live in the residence:

Continued in Attachment 5f.

CONFIDENTIAL

GC-312

CONSERVATORSHIP OF
(name):

CASE NUMBER:

PROPOSED CONSERVATEE

6. ALTERNATIVES TO CONSERVATORSHIP I have considered the following alternatives to conservatorship. For each alternative below, either (1) I have attempted that alternative for the length of time and in the manner described and have determined for the reasons explained below that it is unsuitable or does not meet the proposed conservatee's needs; or (2) I have not attempted that alternative and have determined for the reasons explained below that it is unsuitable or does not meet the proposed conservatee's needs and therefore should not be attempted.

a. A supported decisionmaking agreement, as defined in Welfare and Institutions Code section 21001

Continued in Attachment 6a.

b. Designation of a health care surrogate under Probate Code section 4711

Continued in Attachment 6b.

c. An advance health care directive under Probate Code section 4600 et seq.

Continued in Attachment 6c.

d. A power of attorney (general or limited, durable or nondurable) under Probate Code section 4000 et seq.

Continued in Attachment 6d.

e. A trust, as defined in Probate Code section 82

Continued in Attachment 6e.

f. Other alternatives considered or attempted

Continued in Attachment 6f.

CONFIDENTIAL

GC-312

CONSERVATORSHIP OF (name):	CASE NUMBER:
PROPOSED CONSERVATEE	

7. HEALTH OR SOCIAL SERVICES PROVIDED (complete all that apply):

a. In the year immediately before the petition was filed, the proposed conservatee received the following **health services**, for example, doctor's visits, medical testing, hospitalizations, surgeries, administration of medication, wound care, or therapy. (describe the services and the circumstances in which they were provided; if none were provided, state "none"):

Continued in Attachment 7a.

b. In the year immediately before the petition was filed, the proposed conservatee received the following **social services**, for example, companionship, assistance with personal hygiene, housekeeping, shopping, cooking, or assistance managing finances. (describe the services and the circumstances in which they were provided; if none were provided, state "none"):

Continued in Attachment 7b.

c. I do not know, and cannot reasonably find out, what, if any, health services social services were provided to the proposed conservatee in the year immediately before the petition was filed.

8. KNOWLEDGE AND PREFERENCES The proposed conservatee (check all that apply)

a. knows about does not know about the proposed conservatorship. I don't know.
b. agrees with does not agree with the proposed conservatorship. I don't know. Not applicable.

9. SOURCE OF INFORMATION The facts, circumstances, and conclusions stated on this form are based, (check all that apply)

a. in item 3, on my own personal knowledge an affidavit (declaration) by another person, attached as Attachment 3.
b. in item 4, on my own personal knowledge an affidavit (declaration) by another person, attached as Attachment 4.
c. in item 5, on my own personal knowledge an affidavit (declaration) by another person, attached as Attachment 5.
d. in item 6, on my own personal knowledge an affidavit (declaration) by another person, attached as Attachment 6.
e. in item 7, on my own personal knowledge an affidavit (declaration) by another person, attached as Attachment 7.
f. in item 8, on my own personal knowledge an affidavit (declaration) by another person, attached as Attachment 8.

10. ITEMS THAT DO NOT APPLY The following items on this form, or parts of those items, do not apply to the proposed conservatorship. (for each item checked, explain why that item or part of an item does not apply): 3 4

Continued on Attachment 10.

11. Number of pages attached: _____

DECLARATION

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)

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-314

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
<p>TELEPHONE NO.: <input type="text"/> FAX NO. (Optional): <input type="text"/></p> <p>E-MAIL ADDRESS (Optional): <input type="text"/></p> <p>ATTORNEY FOR (Name): <input type="text"/></p>		
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: <input type="text"/></p> <p>MAILING ADDRESS: <input type="text"/></p> <p>CITY AND ZIP CODE: <input type="text"/></p> <p>BRANCH NAME: <input type="text"/></p>		
<p>CONSERVATORSHIP OF (Name): <input type="text"/></p>		CASE NUMBER: <input type="text"/>
PROPOSED CONSERVATEE		
<p>CONFIDENTIAL CONSERVATOR SCREENING FORM</p> <p>Conservatorship of <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Limited Conservatorship</p>		HEARING DATE AND TIME: <input type="text"/>
		DEPT.: <input type="text"/>

The proposed conservator must complete and sign this form. The person requesting appointment of a conservator must submit the completed and signed form to the court with the conservatorship petition.

This form must remain confidential.

How This Form Will Be Used

This form is **confidential** and will not be a part of the public file in this case. Each proposed conservator must complete and sign a separate copy of this form under rule 7.1050 of the California Rules of Court. The information provided in this form will be used by the court and by the persons and agencies designated by the court to assist the court in determining whether to appoint the proposed conservator as conservator. The proposed conservator **must** respond to each item.

CONFIDENTIAL

GC-314

CONSERVATORSHIP OF (Name):	CASE NUMBER:
PROPOSED CONSERVATEE	

7. I have I have not filed for bankruptcy protection within the last 10 years. (If you checked "I have," explain in Attachment 7.)

8. I have I have not been convicted of a felony or had a felony expunged from my record. (If you checked "I have," explain in Attachment 8.)

9. I have I have not been charged with, arrested for, or convicted of embezzlement, theft, or any other crime involving the taking of property. (If you checked "I have," explain in Attachment 9.)

10. I have I have not been charged with, arrested for, or convicted of a crime involving fraud, conspiracy, or misrepresentation of information. (If you checked "I have," explain in Attachment 10.)

11. I have I have not been charged with, arrested for, or convicted of any form of elder abuse or neglect. (If you checked "I have," explain in Attachment 11.)

12. I have I have not had a restraining order or protective order filed against me in the last 10 years. (If you checked "I have," explain in Attachment 12.)

13. I am I am not required to register as a sex offender under California Penal Code section 290. (If you checked "I am," explain in Attachment 13.)

14. I have I have not previously been appointed conservator, executor, or fiduciary in another proceeding. (If you checked "I have," explain in Attachment 14.)

15. I have I have not been removed or resigned as a conservator, guardian, executor, or fiduciary in any other case. (If you checked "I have," explain in Attachment 15.)

16. I have or may have I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of conservator. (If you checked "I have or may have," explain in Attachment 16.)

17. I am I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f). (If you checked "I am," respond to item 18. If you checked "I am not," go to item 19.)

18. I am I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license status and information is stated in item 1 on page 1 of the Professional Fiduciary Attachment signed by me and attached to the petition that proposes my appointment as conservator in this matter. (Complete and sign the Professional Fiduciary Attachment and attach it to the petition, or deliver it to the petitioner for attachment, before the petition is filed. See item 3c(7) of the petition. Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)

19. I am I am not a responsible corporate officer authorized to act for (name of corporation):

a California nonprofit charitable corporation that meets the requirements for appointment as conservator of the proposed conservatee under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as conservator. (If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed conservatee in Attachment 19.)

20. Do you, or does any other person living in your home, have a social worker or parole or probation officer assigned to him or her?
 Yes No (If you checked "Yes," explain in Attachment 20 and provide the name, address, and telephone number of each social worker, parole officer, or probation officer.)

DECLARATION

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 PROPOSED CONSERVATOR)

(SIGNATURE OF PROPOSED CONSERVATOR)*

*Each proposed conservator must fill out and file a separate screening form.

ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NO.:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE NO.:	FAX NO.:	
E-MAIL ADDRESS:		
ATTORNEY FOR (name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
CONSERVATORSHIP OF THE	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE
of (name):	PROPOSED CONSERVATEE	
CITATION FOR CONSERVATORSHIP		CASE NUMBER:
<input type="checkbox"/> Limited Conservatorship		

THE PEOPLE OF THE STATE OF CALIFORNIA,

To (name):

1. You are hereby cited and required to appear at a hearing in this court on

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
b. Address of court:	<input type="checkbox"/> same as noted above	<input type="checkbox"/> other (specify):	

and to give any legal reason why, according to the verified petition filed with this court, you should not be found to be
 unable to provide for your personal needs unable to manage your financial resources and by reason thereof,
 why the following person should not be appointed conservator limited conservator of your person
 estate (name):

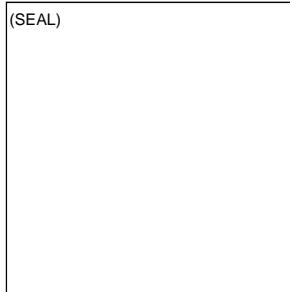
2. A conservatorship of the person may be created for a person who is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter. A conservatorship of the property (estate) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage his or her own financial resources. "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.
3. At the hearing a conservator may be appointed for your person estate.
 The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry.
4. You may be disqualified from voting if you are found to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process. You will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration:
 - a. Sign the affidavit of voter registration with a mark or a cross, pursuant to Section 2150(b) of the Elections Code;
 - b. Sign the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code;
 - c. Complete the affidavit of voter registration with the assistance of another person pursuant to Section 2150(d) of the Elections Code; or
 - d. Complete the affidavit of voter registration with reasonable accommodations.
5. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.

CONTINUED ON PAGE 2. THE CLERK'S SEAL IS ALSO ON THAT PAGE.

CONSERVATORSHIP OF THE of (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER:
PROPOSED CONSERVATEE			

6. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.
7. (For limited conservatorship only) In addition to the rights stated in item 6 above, you have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

Date: Clerk, by _____, Deputy



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



CONSERVATORSHIP OF THE of (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER: PROPOSED CONSERVATEE
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PROOF OF SERVICE

- At the time of service I was at least 18 years of age and not a party to this proceeding. I **served copies** of the *Citation for Conservatorship* and the *Petition for Appointment of Probate Conservator* (form GC-310) as follows:
- a. Person cited (name):

b. Person served: (1) person in item 2a
(2) other (specify name and title or relationship to the person named in item 2a);

c. Address (specify):

3. I served the person named in item 2
 - by personally delivering the copies (1) on (date): (2) at (time):
 - by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
 - on (date): (2) from (city):
 - with two copies of the *Notice and Acknowledgment of Receipt—Civil* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt—Civil (form POS-015).)
 - to an address outside California with return receipt requested. (Attach completed return receipt.)
 - other (specify other manner of service, and the authorizing code section and order of the court):
- a. Person serving (name, address, and telephone number):

b. Fee for service: \$
c. Not a registered California process server.
d. Exempt from registration under Business and Professions Code section 22350(b).
e. Registered California process server.
 - Employee or independent contractor.
 - Registration no. (specify):
 - County (specify):
 - Expiration (date):
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:



(SIGNATURE OF PERSON SERVING)

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ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY FILE IN CONFIDENTIAL FOLDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> OF <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
CONFIDENTIAL CAPACITY ASSESSMENT AND DECLARATION—PROBATE CONSERVATORSHIP		HEARING DATE: TIME: DEPT. or ROOM:

This form is intended to record the results of a capacity assessment of the person named in item 2, to describe the assessing clinician's conclusions about the person's mental functioning and capacity, and to submit the results and conclusions under oath to the court. The petitioner completes items 1 and 2 to give instructions to the clinician. The clinician completes the remainder of the form.

PETITIONER'S INSTRUCTIONS TO CLINICIAN

- Assessments requested.** In addition to completing Parts I and II (pages 2–4), please complete the following items in Part III (pages 5–6) to assess the person's ability to perform the action or capacity to make the decision indicated (check all that apply):
 - Item 20: Give or withhold informed consent to medical treatment specified in the petition. (Prob. Code §§ 811, 813, 2357.)
 - Item 21: Give or withhold informed consent to medical treatment generally. (*Id.*, §§ 811, 1880–1891, 2355.)
 - Item 22: Give or withhold informed consent to placement in a secured-perimeter (locked) residential care facility for the elderly. (*Id.*, §§ 811, 2356.5.)
 - Item 23: Give or withhold informed consent to administration of medication appropriate for care and treatment of major neurocognitive disorders (e.g., dementia). (*Id.*, §§ 811, 813, 2356.5.)

Note to petitioner: Provide a copy of the petition to the clinician who will be assessing the person named in item 2 for the clinician's reference. Do **not** attach *Confidential Supplemental Information* (form GC-312).

2. Person to be assessed

Name:
Address:
Telephone number: Email address:
Date of birth:
Highest level of education completed (grade or degree):
Marital or partnership status: single married/partnered dissolved widowed
Preferred language: speaks reads writes

TO THE CLINICIAN: Provide your contact and license information below.

- a. Name:
b. Office address:
Telephone number: Email address:
- a. I am a California-licensed physician. License no:
b. I am a California-licensed psychologist practicing within the scope of my license. License no:
 I have at least two years' experience diagnosing major neurocognitive disorders (including dementia).
- c. I have been practicing as a licensed physician or psychologist for years.

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CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

Information about the assessment

5. a. The person named in item 2 is is **not** a patient under my continuing care and treatment.
b. I have known this person for (*specify length of time in months or years*):

6. a. Date of the examination on which this assessment is based or, if based on multiple examinations, the date I most recently examined the person:
b. Time spent in most recent examination:

7. My responses to the questions and prompts on this form are based on (*check all that apply*):
 - a. My examination of this person for the purpose of assessing the person's abilities and capacities.
 - b. Multiple examinations of this person for purposes of general health care and medical treatment.
 - c. Administration of standardized examinations or tools that measure the person's mental functioning. All tests administered and dates of administration are listed below in Attachment 7c.

- d. My review of the person's medical records.
- e. Discussions with other practitioners responsible for providing health care to the person. These discussions are described below in Attachment 7e.

- f. Discussions with team members or other professionals who participated in the person's assessment. These discussions are described below in Attachment 7f.

- g. Discussions with the person's family or friends; names and relationships are given below in Attachment 7g.

- h. Other sources of information, which are described below in Attachment 7h.

REPORT OF ASSESSMENT

If a question or prompt does not apply to an ability or capacity checked in item 1 or your assessment does not address a question or prompt, please check the appropriate box in that item or, if there is no box, leave the item blank. Secure or destroy your copy of the petition. Do not send it to the court.

PART I. GENERAL PHYSICAL AND MENTAL HEALTH This part describes the general state of the physical and mental health of the person named in item 2. Information focused on the effect of the person's health on their mental function is given in items 16–18.

8. Physical health

- a. Overall physical health is: Excellent Good Fair Poor I don't know
- b. Overall physical health is likely to: Improve Remain stable Deteriorate I don't know
 The person should be reevaluated in weeks.
- c. Chronic conditions that require ongoing care and treatment are listed below in Attachment 8c.

9. Mental health

- a. Overall mental health is: Excellent Good Fair Poor I don't know
- b. Overall mental health is likely to: Improve Remain stable Deteriorate I don't know
 The person should be reevaluated in weeks.
- c. All known diagnosed mental health disorders (current *Diagnostic and Statistical Manual of Mental Disorders*) are listed below in Attachment 9c.

CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

PART II. MENTAL FUNCTIONING This part documents the existence and extent of any deficits found by my assessment of the mental functioning of the person described in item 2. Deficits are indicated in items 10–14 as follows:

a = no deficit; **b** = mild deficit; **c** = moderate deficit; **d** = major deficit or no function; **e** = not applicable or not assessed

10. Alertness and attention (ability to recognize and react to a stimulus)

a. Level of arousal or consciousness (deficit may be shown by lethargy, lack of response without constant stimulation, or stupor)

a b c d e

b. Orientation to:

(1) Time (When? Year, month, day, hour)	<input type="checkbox"/> a	<input type="checkbox"/> b	<input type="checkbox"/> c	<input type="checkbox"/> d	<input type="checkbox"/> e
(2) Place (Where? State, city, address)	<input type="checkbox"/> a	<input type="checkbox"/> b	<input type="checkbox"/> c	<input type="checkbox"/> d	<input type="checkbox"/> e
(3) Person (Who? Name, relationship)	<input type="checkbox"/> a	<input type="checkbox"/> b	<input type="checkbox"/> c	<input type="checkbox"/> d	<input type="checkbox"/> e
(4) Situation (What? How? Why?)	<input type="checkbox"/> a	<input type="checkbox"/> b	<input type="checkbox"/> c	<input type="checkbox"/> d	<input type="checkbox"/> e

c. Ability to attend to and concentrate on tasks (ability to attend to a stimulus; concentrate on a stimulus over brief time periods)

a b c d e

Notes:

11. Information processing

a. Memory

(1) Immediate recall	<input type="checkbox"/> a	<input type="checkbox"/> b	<input type="checkbox"/> c	<input type="checkbox"/> d	<input type="checkbox"/> e
(2) Short-term memory and learning (the ability to encode, store, and retrieve information)	<input type="checkbox"/> a	<input type="checkbox"/> b	<input type="checkbox"/> c	<input type="checkbox"/> d	<input type="checkbox"/> e
(3) Long-term memory (ability to remember information from the past)	<input type="checkbox"/> a	<input type="checkbox"/> b	<input type="checkbox"/> c	<input type="checkbox"/> d	<input type="checkbox"/> e

b. Understanding (the ability to receive and accurately process information given in written, spoken, visual, or other media)

a b c d e

c. Communication (the ability to express oneself and indicate preferences in speech, writing, signs, pictures, etc.)

a b c d e

d. Visual-spatial reasoning (recognition of familiar objects; spatial perception, problem solving, and design)

a b c d e

e. Quantitative reasoning (the ability to understand basic quantities and make simple calculations)

a b c d e

f. Verbal reasoning (the ability to compare options, to reason using abstract concepts, and to reason logically about outcomes)

a b c d e

g. Executive functioning (the ability to plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest)

a b c d e

Notes:

12. Thought processes

a. Organization of thinking (deficit may be demonstrated by severely disorganized, nonsensical, or incoherent thinking)

a b c d e

b. Correspondence of thoughts to reality (deficit may be demonstrated by hallucinations or delusions)

a b c d e

c. Control of thoughts (deficit may be demonstrated by uncontrollable, repetitive, or intrusive thoughts)

a b c d e

Notes:

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CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

a = no deficit; **b** = mild deficit; **c** = moderate deficit; **d** = major deficit or no function; **e** = not applicable or not assessed

13. **Ability to modulate mood and affect** (deficit may be demonstrated by pervasive and persistent or recurrent mood or affect inappropriate in kind or degree to the circumstances) a b c d e

Notes:

14. **Ability to accept and cooperate with appropriate care or assistance** (deficit may be demonstrated by inability to acknowledge illness or disorder, acting without regard for consequences, or inability or refusal to accept appropriate care)

a b c d e

Notes:

15. **Variation** (some or all of the deficits noted above vary in frequency, severity, or duration):

Yes No I don't know Variation of deficits is described below in Attachment 15.

Possible Temporary or Reversible Causes of Mental Function Deficits

16. Medications

a. Is the person currently taking any medication—prescription or nonprescription—that may impair the person's mental functioning?

Yes No I don't know Not applicable

If yes, each of those medications, with dosage and treatment indications, is listed below in Attachment 16a.

Name

Dosage/Schedule

Indications

b. Each medication listed in item 16a can impair a person's mental functioning as explained

below in Attachment 16b.

17. **Reversible causes** Have temporary or reversible causes of mental impairment been considered, assessed, diagnosed, or treated?

Yes No I don't know All causes considered are discussed below in Attachment 17.

18. **Physical or emotional factors** Are there physical or emotional factors (e.g., hearing, vision, or speech impairment; bereavement; or others) present that could diminish the person's capabilities and that could improve with time, treatment, or assistive devices?

Yes No I don't know

Applicable physical or emotional factors are described

below in Attachment 18.

Effect on Ability to Perform Everyday Activities

19. In my professional opinion, the mental function deficits, if any, identified in items 10–14 will will not significantly impair the person's ability to perform some or all activities of daily living (e.g., eating, cooking, toileting, bathing, dressing) or instrumental activities of daily living (e.g., shopping, scheduling appointments, paying bills, using a credit card or checks, taking medication). More details about specific activities and reasons for my opinion are given (*check all that apply*):

below in Attachment 19 in the attached *Everyday Activities Attachment* (form GC-335A).

I do not have enough information to form an opinion on this issue.

CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

PART III. CAPACITY TO GIVE OR WITHHOLD INFORMED CONSENT This part documents my professional conclusions about each issue checked in item 1. The conclusions are based on my assessment of the level of the person's mental functions described in Part II.

20. **Capacity to give or withhold informed consent to medical treatment specified in the petition** (Probate Code, § 2357.)

The following medical treatment has been recommended for the person (describe):

Based on my assessment of the person's applicable mental functions and abilities, it is my professional opinion that:

a. The person **has** the capacity to give or withhold informed consent to the recommended medical treatment because the person can do **all** of the following: (1) respond knowingly and intelligently to questions about the treatment; (2) participate in the treatment decision by means of a rational thought process; and (3) understand (A) the nature and seriousness of the diagnosed disorder, (B) the nature of the recommended treatment, (C) the probable degree and duration of and benefits and risks of the recommended treatment, (D) the consequences of lack of treatment, and (E) the nature, risks, and benefits of any reasonable alternatives to the recommended treatment.

b. The person **lacks** the capacity to give or withhold informed consent to the recommended medical treatment because the person **cannot do at least one** of the following: (1) respond knowingly and intelligently to questions about the treatment, (2) participate in the treatment decision by means of a rational thought process, or (3) understand at least one of the following: (A) the nature and seriousness of the diagnosed disorder, (B) the nature of the recommended treatment, (C) the probable degree and duration of and benefits and risks of the recommended treatment, (D) the consequences of lack of treatment, or (E) the nature, risks, and benefits of any reasonable alternatives to the recommended treatment.

These conclusions are further explained below in Attachment 20b.

c. I do not have enough information to form an opinion on this issue.

21. **Capacity to give or withhold informed consent to medical treatment generally** (Probate Code, §§ 811, 1881.)

Based on my assessment of the person's applicable mental functions and abilities, it is my professional opinion that:

a. The person **has** the capacity to give or withhold informed consent to medical treatment because the person can do **all** of the following: (1) respond knowingly and intelligently to questions about at least some forms of medical treatment; (2) participate in at least some treatment decisions by means of a rational thought process; and (3) understand (A) the nature and seriousness of some diagnosed disorders, (B) the nature of some recommended treatments, (C) the probable degree and duration of and benefits and risks of at least some forms of treatment, (D) the consequences of lack of at least some forms of treatment, and (E) the nature, risks, and benefits of any reasonable alternatives to at least some forms of treatment.

b. The person **lacks** the capacity to give or withhold informed consent to any form of medical treatment because **either** (1) the person is unable to respond knowingly and intelligently to questions about their medical treatment **or** (2) the person is unable to participate in treatment decisions by means of a rational thought process, which means the person cannot understand at least one of the following: (A) the nature and seriousness of any illness, disorder, or defect that they have or may develop; (B) the nature of any medical treatment that is or may be recommended by their health-care providers; (C) the probable degree and duration of any benefits and risks of any medical intervention that is or may be recommended by the person's health-care providers and the consequences of lack of treatment; or (D) the nature, risks, and benefits of any reasonable alternatives.

The person's lack of capacity to give or withhold informed consent is linked to one or more mental function deficits described in Part II.

These conclusions are further explained below in Attachment 21b.

c. I do not have enough information to form an opinion on this issue.

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CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

22. **Capacity to give or withhold informed consent to placement in a secured-perimeter residential facility for persons with major neurocognitive disorders** (Probate Code, § 2356.5.)

- The person has a major neurocognitive disorder (such as dementia) as defined in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders*. See Part I of this form for more information.
- The person needs or would benefit from placement in a restricted and secure environment for the reasons (for example, wandering, violence, or rejecting care) explained below in Attachment 22b.
- Based on my assessment of the person's relevant mental functions and abilities, it is my professional opinion that:
 - The person **has** the capacity to give or withhold informed consent to this placement.
 - The person **lacks** the capacity to give or withhold informed consent to this placement. The mental function deficit or deficits described in Part II significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to placement in a restricted, secured-perimeter residential facility.
 These conclusions are further explained below in Attachment 22c.
- The proposed placement in a locked or secured-perimeter facility is is **not** the least restrictive environment appropriate to the person's needs.
- I do not have enough information to form an opinion on this issue.

23. **Capacity to give or withhold informed consent to administration of medication for treatment of major neurocognitive disorders** (Probate Code, § 2356.5.)

- The person has a major neurocognitive disorder (such as dementia) as defined in the current edition of the *Diagnostic and Statistical Manual of Mental Disorders*. See Part I of this form for more information.
- The person needs or would benefit from appropriate medications for the care and treatment of major neurocognitive disorders (including dementia). Any medications and the need or potential benefit of each are described below in Attachment 23b.
- Based on my assessment of the person's relevant mental functions and abilities, it is my professional opinion that:
 - The person **has** the capacity to give or withhold informed consent to the administration of medications appropriate for the care and treatment of major neurocognitive disorders (including dementia).
 - The person **lacks** the capacity to give or withhold informed consent to the administration of medications appropriate to the care and treatment of major neurocognitive disorders (including dementia). The mental function deficit or deficits described in Part III significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of giving consent to the administration of medications for the care and treatment of major neurocognitive disorders (including dementia).
 These conclusions are further explained below in Attachment 23c.
- I do not have enough information to form an opinion on this issue.

24. Other information regarding my assessment of the person's mental functions, any deficits in those functions, and any resulting significant impairments to the person's ability to understand and appreciate the consequences of acts or decisions is given in Attachment 24.

25. Number of pages attached: _____

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 OF DECLARANT)

CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

**EVERYDAY ACTIVITIES ATTACHMENT TO CONFIDENTIAL CAPACITY ASSESSMENT
AND DECLARATION—PROBATE CONSERVATORSHIP (FORM GC-335)**

This form is for optional use in a probate conservatorship proceeding, in conjunction with *Confidential Clinical Assessment and Declaration—Probate Conservatorship* (form GC-335), to indicate the ability of the person described in item 1 to perform activities of daily living and instrumental activities of daily living.

The person whose abilities are described on this form

1. a. Name:
- b. Address:
Telephone number: Email address:
Date of birth:

The person who is completing this form

2. a. Name:
b. Office address:
Telephone number: Email address:
3. a. I am a California-licensed physician psychologist nurse practitioner physician assistant
 registered nurse clinical social worker occupational therapist
 other licensed professional (specify profession):
- b. My license number is:
4. Check the box or boxes that apply to you.
 - a. I am the clinician who conducted the assessment of the person named in item 1 documented on the *Confidential Clinical Assessment and Declaration—Probate Conservatorship* (form GC-335) to which this form is attached, and I completed that form. The conclusions and opinions given in this form are based on the same assessment.
 - b. I work or consult with the clinician who completed the *Confidential Clinical Assessment and Declaration—Probate Conservatorship* (form GC-335) to which this form is attached, and I participated in that clinician's assessment of the person named in item 1. The conclusions and opinions in this form are based on my participation in that assessment.
 - c. The conclusions and opinions given in this form are based on the application of my knowledge, experience, and training to my personal observations of the person named in item 1, as described below.

Items 5–11 describe my conclusions about the ability of the person named in item 1 to perform activities in each of the listed categories based on information gathered as described in item 4.

Activities of Daily Living (care of self and related activities)

5. **Maintain adequate hygiene** (for example, bathing, grooming, dressing, caring for teeth, going to the toilet)

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 5.

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CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

Activities of Daily Living (care of self and related activities)

6. Prepare meals and eat for adequate nutrition

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 6.

7. Identify abuse or neglect and protect self from harm

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 7.

Instrumental Activities of Daily Living

8. Financial (if appropriate, note dollar limits)

a. Protect and spend small amounts of cash

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 8a.

b. Manage and use checks; pay monthly bills

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 8b.

c. Enter into a contract (including, for example, to buy, sell, or lease real property or to obtain and use a credit card)

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 8c.

9. Resist fraud or undue influence (for example, has a history of being a victim of fraud or undue influence)

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 9.

10. Medical

a. Choose and direct caregivers

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 10a.

CONFIDENTIAL

GC-335A

CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

10. b. Admit self to health-care facility

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 10b.

c. Manage own medication (take proper dose as scheduled; refill or renew prescriptions as needed)

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 10c.

d. Contact help if ill or in an emergency

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 10d.

11. Home and community life

a. Maintain a reasonably safe and clean home or other living environment; arrange for home maintenance or repair

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 11a.

b. Recognize and avoid common hazards (for example, a hot stove or poisons)

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 11b.

c. Access transportation (for example, drive a car or use public transportation)

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 11c.

d. Initiate and follow a schedule of daily activities

Able; fully independent Able with advice and passive support Able only with active assistance Unable, even with assistance I don't know

Comments below in Attachment 11d.

CONFIDENTIAL**GC-335A**

CONSERVATORSHIP OF THE (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	OF	CASE NUMBER:
	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> PROPOSED CONSERVATEE		

12. Other information regarding my assessment of the person's ability to perform activities of daily living or instrumental activities of daily living, including any significant impairments to that ability, is given below in Attachment 12.

13. Number of pages attached: _____

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 OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
<p>TELEPHONE NO.:</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>		
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p> <p><input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):</p> <p><input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE</p>		
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP		CASE NUMBER:

This notice is required by law.
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (name):
(representative capacity, if any):
 has filed (specify):
2. You may refer to documents on file in this proceeding for more information. *(Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)*
3. The petition includes an application for the independent exercise of powers by a guardian or conservator under
 Probate Code section 2108 Probate Code section 2590.
 Powers requested are specified below specified in Attachment 3.
4. A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> is (specify):			

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



<input type="checkbox"/> GUARDIANSHIP	<input type="checkbox"/> CONSERVATORSHIP	OF THE	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER:
OF (Name):					
<input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE					

NOTE: *

A copy of this *Notice of Hearing—Guardianship or Conservatorship* ("Notice") must be "served" on—delivered to—each person who has the right under the law to be notified of the date, time, place, and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) **may not personally perform either service by mail or personal service**, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court.. You may use form GC-020(P) to show personal service of this Notice.

* (This Note replaces the clerk's certificate of posting on prior versions of this form. If notice by posting is desired, attach a copy of form GC-020(C), Clerk's Certificate of Posting Notice of Hearing—Guardianship or Conservatorship. (See Prob. Code, § 2543(c).)

PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):

3. I served the foregoing *Notice of Hearing—Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 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.

4. a. Date mailed: _____ b. Place mailed (city, state): _____
5. I served with the *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.

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)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name of person served

Address (number, street, city, state, and zip code)

1.	
2.	
3.	
4.	

Continued on an attachment. (You may use form DE-120(MA)/GC-020(MA) to show additional persons served.)

ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NO.:	FOR COURT USE ONLY
NAME:			
FIRM NAME:			
STREET ADDRESS:		STATE:	ZIP CODE:
CITY:		FAX NO.:	
TELEPHONE NO.:			
E-MAIL ADDRESS:			
ATTORNEY FOR (name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
CONSERVATORSHIP OF		CONSERVATEE	
(name):		CONSERVATEE	
ORDER APPOINTING <input type="checkbox"/> SUCCESSOR PROBATE CONSERVATOR OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship		CASE NUMBER:	

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. The petition for appointment of successor conservator came on for hearing as follows (check boxes c, d, e, and f or g to indicate personal presence):
 - a. Judicial officer (name):
 - b. Hearing date: Time: Dept.: Room:
 - c. Petitioner (name):
 - d. Attorney for petitioner (name):
 - e. Attorney for person cited the conservatee on petition to appoint successor conservator: (Name): (Telephone): (Address):
 - f. Person cited was present. unable to attend. able but unwilling to attend. out of state.
 - g. The conservatee on petition to appoint successor conservator was present. not present.

THE COURT FINDS

2. All notices required by law have been given.
3. Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
4. (Name):
 - a. is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
 - b. is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
 - c. has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
5. The conservatee
 - a. is an adult.
 - b. will be an adult on the effective date of this order.
 - c. is a married minor.
 - d. is a minor whose marriage has been dissolved.
6. There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.
 The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
7. Granting the successor conservator powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and in the best interest of the conservatorship estate.
8. The conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.

Do NOT use this form for a temporary conservatorship.

Page 1 of 3

CONSERVATORSHIP OF (name):	CASE NUMBER:
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9. The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 28.

10. Attorney (name): has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$
The conservatee has the ability to pay all none a portion of this sum (specify): \$

11. The conservatee need not attend the hearing.

12. The appointed court investigator is (name):
(Address and telephone):

13. (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.

14. The successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).

15. The successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.

License no.: Issuance or last renewal date: Expiration date:

16. (Either a, b, or c must be checked):

- The successor conservator is not the spouse of the conservatee.
- The successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.
- The successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.

It is in the best interest of the conservatee to appoint the spouse as successor conservator.

17. (Either a, b, or c must be checked):

- The successor conservator is not the domestic partner or former domestic partner of the conservatee.
- The successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.
- The successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as successor conservator.

THE COURT ORDERS

18. a. (Name): _____ (Telephone): _____
 (Address): _____

is appointed successor conservator limited conservator of the PERSON of (name): _____
 and Letters of Conservatorship shall issue upon qualification.

b. (Name): _____ (Telephone): _____
 (Address): _____

is appointed successor conservator limited conservator of the ESTATE of (name): _____
 and Letters of Conservatorship shall issue upon qualification.

19. The conservatee need not attend the hearing.

20. a. Bond is not required.

b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.

c. Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location): _____

and receipts shall be filed. No withdrawals shall be made without a court order.

Additional orders in attachment 20c.

CONSERVATORSHIP OF (name):	CASE NUMBER: CONSERVATEE
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20. (cont.)

d. The successor conservator is not authorized to take possession of money or any other property without a specific court order.

21. For legal services rendered, conservatee conservatee's estate shall pay the sum of: \$ to (name):

forthwith as follows

(specify terms, including any combination of payors):

Continued in attachment 21.

22. The conservatee is disqualified from voting.

23. The conservatee lacks the capacity to give informed consent for medical treatment and the successor conservator of the person is granted the powers specified in Probate Code section 2355.

The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).

24. The successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24 subject to the conditions provided.

25. Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.

26. Orders relating to the powers and duties of the successor conservator of the person under Probate Code sections 2351–2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)

27. Orders relating to the conditions imposed under Probate Code section 2402 on the successor conservator of the estate as specified in attachment 27 are granted.

28. a. The successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).

b. The successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).

29. Other orders as specified in attachment 29 are granted.

30. The probate referee appointed is (name and address):

31. (For limited conservatorship only) Orders relating to the powers and duties of the successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.

32. (For limited conservatorship only) Orders relating to the powers and duties of the successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.

33. (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.

34. This order is effective on the date signed date minor attains majority (specify):

35. Number of boxes checked in items 18–34:

36. Number of pages attached:

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):

After recording return to:

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

CONSERVATORSHIP OF (name):

CASE NUMBER:

CONSERVATEE

LETTERS OF CONSERVATORSHIP

 Person Estate Limited Conservatorship

FOR COURT USE ONLY

1. (Name): is the appointed conservator limited conservator of the person estate of (name):

2. (For conservatorship that was on December 31, 1980, a guardianship of an adult or of the person of a married minor) (Name): was appointed the guardian of the person estate by order dated (specify): and is now the conservator of the person estate of (name):

3. Other powers have been granted or conditions imposed as follows:

- Exclusive authority to give consent for and to require the conservatee to receive medical treatment that the conservator in good faith based on medical advice determines to be necessary even if the conservatee objects, subject to the limitations stated in Probate Code section 2356.
 - This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of the conservatorship.
 - (If court order limits duration) This medical authority terminates on (date):
- Authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
- Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
- Powers to be exercised independently under Probate Code section 2590 are specified in Attachment 3d (specify powers, restrictions, conditions, and limitations).
- Conditions relating to the care and custody of property under Probate Code section 2402 are specified in Attachment 3e.
- Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358 are specified in Attachment 3f.
- (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 are specified in Attachment 3g.
- (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) are specified in Attachment 3h.
- Other powers granted or conditions imposed are specified in Attachment 3i.

(SEAL)

4. The conservator is **not** authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by _____, Deputy

Page 1 of 2

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code § 1875.

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of conservator limited conservator.

Executed on (date): _____, at (place): _____

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
<p>TELEPHONE NO.:</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>		
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p>		
<p>CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):</p> <p>CONSERVATEE</p>		
<p>DUTIES OF CONSERVATOR and Acknowledgment of Receipt of <i>Handbook for Conservators</i></p>		

DUTIES OF CONSERVATOR

When you are appointed by the court as a conservator, you become responsible to the court and assume certain duties and obligations. All of your actions as conservator are subject to review by the court. You should clearly understand the information on this form. You will find additional information in the Judicial Council's *Handbook for Conservators*, receipt of which, in addition to a copy of this form, you are required by law to acknowledge.

I. THE CONSERVATEE'S RIGHTS

Conservatees do not lose all rights or all voice in important decisions affecting their lives. All conservatees have the right to be treated with understanding and respect, the right to have their wishes considered, and the right to be well cared for by their conservators. Conservatees generally keep the right to (1) control their own wages or salary from employment, (2) make or change a will, (3) marry, (4) receive personal mail, (5) be represented by a lawyer, (6) ask a judge to change conservators, (7) ask a judge to end the conservatorship, (8) vote, unless a judge decides they are not capable of exercising this right, (9) control personal spending money if a judge has authorized an allowance, and (10) make their own medical decisions, unless a judge has taken away that right and given it exclusively to their conservators.

II. CONSULT WITH YOUR ATTORNEY

Your attorney will advise you on your duties, the limits of your authority, the conservatee's rights, your dealings with the court, all other topics discussed in this form, and many other matters. He or she will tell you when you must ask for prior court approval to take an action, when you may do so (and why it might be a good idea), and when prior court approval is not required. All legal questions should be discussed with your attorney, not the court staff, which is not permitted to give legal advice.

Your attorney will also help prepare your inventories, accountings, petitions, and all other documents to be filed with the court; and will see that the persons entitled to be notified of your actions are given proper notice. He or she will also advise you about legal limits on estate investments, leases and sales of estate assets, loans, lawsuits against others involving the conservatee or his or her property, and many other matters, and can prepare or review documents needed in these matters. You should communicate frequently and cooperate fully with your attorney at all times. **When in doubt, contact your attorney.**

Other questions may be answered by calling on local community resources. (To find these resources, see the *Handbook for Conservators* and the local supplement distributed by the court.)

III. CONSERVATOR OF THE PERSON

If the court appoints you as conservator of the person, you are responsible for the conservatee's care and protection. You must decide, within certain limits, where the conservatee will live; and you must arrange for the conservatee's health care, meals, clothing, personal care, housekeeping, transportation, and recreation.

A. DETERMINE THE APPROPRIATE LEVEL OF CARE FOR THE CONSERVATEE

You must determine the conservatee's appropriate level of care. Your determination must be in writing, signed under penalty of perjury, must be filed with the court within 60 days of the date of the court's order appointing you as conservator, and must include:

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

III. A. 1. An evaluation of the level of care existing when the petition for your appointment as a conservator was filed and the measures that would be necessary to keep the conservatee in his or her **personal residence**.

*(Note: The conservatee's **personal residence** is the residence the conservatee understood or believed to be his or her permanent residence on (1) the date the petition for appointment of a conservator was filed in this matter, or (2) on the last earlier date the conservatee could form or communicate an understanding or belief about a permanent residence, whether or not he or she was living there when the appointment petition was filed. See Cal. Rules of Court, rule 7.1063(b).)*

2. A plan to return the conservatee to his or her **personal residence** or an explanation of the limitations or restrictions on a return of the conservatee to that residence in the foreseeable future if the conservatee was not living there when the petition for appointment of a conservator was filed.
3. A reevaluation after a material (important) change in circumstances affecting the conservatee's needs for placement and care after your initial determination.
4. If the conservatee is a limited conservatee who is developmentally disabled, special rules may apply to the determination of his or her level of care and residential placement. See item **VI** below.

B. DECIDE WHERE THE CONSERVATEE WILL LIVE

1. You must decide where the conservatee will live. You may choose a residence in California without prior approval of the court, but you must choose the least restrictive appropriate residence that is available and necessary to meet the conservatee's needs and that is in his or her best interests.
2. You must file a written notice of any change of the conservatee's residence with the court within 30 days of the move, and you must mail copies of the notice to the conservatee's attorney, the conservatee's spouse or registered domestic partner, and the conservatee's relatives who were mailed copies of the petition for your appointment as conservator, unless the court excuses you from the mailing to prevent harm to the conservatee. (There is a court form you must use for this notice and another form you may use to prove that you have mailed it. The forms are the *Post-Move Notice of Change of Residence of Conservatee or Ward* (form GC-080) and the *Attachment to Post-Move Notice, etc.* (form GC-080(MA)). These forms refer to a "post-move notice" because the notice may be filed and mailed after the date of the move.)
3. The law presumes that the conservatee's **personal residence** (see item **IIIA**) is the conservatee's least restrictive appropriate residence. There must be a reason supported by sufficient evidence to justify a change of residence from the conservatee's personal residence (including a move from a care facility or other temporary placement to a residence that is not the conservatee's personal residence).
4. If you want to move the conservatee from his or her **personal residence**, in addition to the post-move notice described in item 2, you must mail a notice of your intent to change the conservatee's residence to the conservatee, the conservatee's attorney, if any, and to each other person or entity entitled to notice of the hearing on the petition for your appointment as conservator; and then you must file with the court proof that the notice was mailed. Unless there is an emergency requiring a shorter period of notice, this notice must be mailed at least 15 days before the date of the proposed move. (There is a court form you must use for this notice and another form you may use to prove that you have mailed it. The forms are the *Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward* (form GC-079) and the *Attachment to Pre-Move Notice, etc.* (form GC-079(MA)). These forms refer to a "pre-move notice" because the notice must be mailed before the move.)
5. If you want to establish the conservatee's residence outside California, you must petition the court for permission before the move. Notice of the court hearing on this petition, together with a copy of the petition, must be mailed to the conservatee and the other persons and entities that were entitled to notice of the hearing on the petition for your appointment as conservator. There is a court form for this petition, the *Petition to Fix Residence Outside the State of California* (form GC-085). Notice of the hearing and proof of its mailing is given on another court form, the *Notice of Hearing—Guardianship or Conservatorship* (form GC-020).
6. You may not place the conservatee involuntarily in a mental health treatment facility unless he or she has been determined to be gravely disabled as the result of a mental disorder or impairment by chronic alcoholism, you have been appointed as conservator under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5350 et seq.), and then only if the court has authorized the placement. If the court has authorized you to place the conservatee in a secured-perimeter residential care facility or a locked and secured nursing facility because he or she suffers from dementia, you must be sure that the placement is the least restrictive placement appropriate to the conservatee's needs.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

III. C. PROVIDE MEDICAL CARE FOR THE CONSERVATEE

You are responsible for making sure that the conservatee's health care needs are met. But there are special rules you must follow to meet these needs. Two of the most important rules are as follows:

1. Unless the court has given you exclusive authority to consent to the conservatee's medical treatment because the court has determined that the conservatee has lost the capacity to make sound medical decisions, your consent or refusal to consent to such treatment is not sufficient if the conservatee disagrees (except in certain emergency situations). If you do have exclusive medical consent authority, you should be sure that all medical treatment and medications are appropriate.
2. If the conservatee has dementia and has lost the capacity to give an informed consent to the administration of medications for its treatment and care, you must be given specific authority by the court to consent to the administration of these medications. If you do have this authority, you should be sure that the medications are appropriate.

D. WORK WITH THE PERSON(S) RESPONSIBLE FOR MANAGING THE CONSERVATEE'S PROPERTY

If other persons are handling the conservatee's property, such as his or her estate conservator, the conservatee's spouse or registered domestic partner in possession of the couple's marital or partnership property, or the trustee of a trust created for the management of the conservatee's property and for his or her support, you must work together to be sure that the conservatee can afford the care you arrange. Purchases you make for the conservatee must be approved by the person(s) responsible for managing the conservatee's assets or you may not be reimbursed or your reimbursement may be delayed.

IV. CONSERVATOR OF THE ESTATE

The conservatee's property or assets and income are known as the conservatee's "estate." If the court appoints you as conservator of the estate, you will manage the conservatee's finances, protect the conservatee's income and property or assets, make an inventory of the conservatee's property or assets, make sure the conservatee's bills are paid, invest the conservatee's money, see that the conservatee receives all the income and benefits to which he or she is entitled, ensure that the conservatee's tax returns are filed on time and all taxes paid, keep accurate financial records, and regularly report the conservatee's financial condition to the court. (*Note: Property or assets and income in a trust for the conservatee's support and maintenance are usually not considered as part of the conservatee's estate, particularly if the trust was created and funded before the appointment of a conservator. Unless the conservatee's spouse or registered domestic partner consents to its inclusion in the conservatee's estate, the community property of the conservatee and his or her spouse or registered domestic partner under the management and control of the spouse or partner is also not part of the conservatee's estate.*)

A. MANAGING THE ESTATE

1. Prudent management for the benefit of the conservatee; prudent investments

You must manage the estate's property or assets and income for the benefit of the conservatee and with the care of a prudent person dealing with someone else's property. You must not make unreasonably risky investments of money or property of the estate.

2. Prior court approval required for fees, borrowing, loans, and gifts

You must ask and receive the court's permission, after full disclosure of all relevant facts, before you may pay from the conservatee's estate fees to yourself for your services as conservator and to your attorney for his or her services to you; borrow money for or loan money from the conservatee's estate (to yourself or anyone else); or make gifts of estate assets or property.

3. Keep estate money and property separate from your or anyone else's money or property

You must keep the money and property of the conservatee's estate separate from your money or property or from the money or property of any other person. Never deposit estate funds in your personal bank account or otherwise mix them with your or anyone else's funds, even for brief periods. Title to individual stocks, bonds, or other securities; securities broker accounts; mutual funds; and accounts with banks and other financial institutions must show that these assets are property of the conservatorship estate and not your or anyone else's property.

4. Interest-bearing accounts and other investments

Except for a checking account intended for payment of ordinary expenses, estate bank accounts must earn interest. You may deposit estate funds in one or more insured accounts in financial institutions, but you should not put more than the FDIC insurance limit, currently \$250,000, in any single institution. You have authority to make some investments without court approval. Other investments may be made only after court approval has been obtained. Consult with an attorney before making any investments, even those you have authority to make without court approval.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

IV. A. 5. Claims against others on behalf of the conservatee

Pursue claims against others on behalf of the conservatee's estate when it is in the best interests of the conservatee or his or her estate to do so. The court may require you to be represented by a lawyer to proceed with litigation on behalf of the conservatee's estate. Consider requesting prior court authority to pursue or compromise large or complex claims, particularly those that might require litigation and the assistance of legal counsel and those that might result in an award of attorney fees for the other party against the conservatee's estate if you are unsuccessful. You may sign a contingent fee agreement with legal counsel on behalf of the conservatee's estate if such agreements are customary for the type of case involved, but the court must approve the agreement before it is enforceable. You may ask for court approval of a contingent fee agreement before signing it and before legal counsel performs any services under it.

6. Defend against claims against the conservatee's estate

Defend against actions or claims against the conservatee or his or her estate when it is in the best interest of the conservatee or the estate to do so. The court may require you to be represented by a lawyer for your defense of a lawsuit against the conservatee's estate. You may request court approval or instructions concerning the defense or compromise of such a lawsuit.

7. Public and insurance benefits

You must learn about and collect all public and insurance benefits for which the conservatee is eligible.

8. Evaluate the conservatee's ability to manage cash and other assets

You should evaluate the conservatee's ability to manage cash or other assets and take appropriate action, including asking for prior court approval when necessary or appropriate, to enable the conservatee to do so to the level of his or her ability.

9. Locate the conservatee's estate planning documents

You should undertake, as soon as possible after your appointment and qualification as conservator, to locate and take reasonable steps to ensure the safety of the conservatee's estate planning documents, including wills and codicils, living trusts, powers of attorney for health care and finances, life insurance policies, and pension records.

10. Preserve property mentioned in the conservatee's estate planning documents

Make reasonable efforts to identify, locate, and preserve property mentioned in the conservatee's estate planning documents.

11. Guard against inappropriate disclosure of the conservatee's financial information

Subject to your duty of full disclosure to the court and persons entitled under the law to receive it, you must closely guard against unnecessary or inappropriate disclosure of the conservatee's financial information.

12. Conservatee's tangible personal property

If you plan to dispose of any of the conservatee's tangible personal property, inform the conservatee's family members in advance and give them an opportunity to acquire the property, with approval or confirmation of the court.

13. Factors to consider when deciding whether to dispose of any of the conservatee's property

In deciding whether it is in the best interest of the conservatee to dispose of property of his or her estate, consider the following factors, among others, as appropriate in the circumstances:

- (A) The likely benefit or improvement of the conservatee's life that disposing of the property would bring;
- (B) The likelihood that the conservatee would need or benefit from the property in the future;
- (C) The previously expressed or current desires of the conservatee concerning the property, unless accommodating those desires would violate your fiduciary duty to the conservatee or impose an unreasonable expense on the estate;
- (D) The provisions of the conservatee's estate plan concerning the property;
- (E) The tax consequences of disposing of the property;
- (F) The impact of disposition on the conservatee's eligibility for public benefits;
- (G) The condition of the entire estate;
- (H) The likelihood that the property will deteriorate or be subject to waste if kept in the estate; and
- (I) The benefit versus the cost or liability of maintaining the property in the estate.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

IV. A. 14. Property, casualty, and liability insurance

Determine the appropriate kinds and adequate levels of property, casualty, and liability insurance covering the property, assets, risks, and potential liabilities of the conservatee and his or her estate. Maintain the insurance in force during the entire period of the administration (except for assets after they are sold).

15. Communicate with conservator of the person and trustee

You should communicate as necessary and appropriate with the conservator of the conservatee's person, if any, and with the trustee of any trust of which the conservatee is a beneficiary.

16. Other limitations or restrictions

There are many limitations or restrictions on your authority to deal with estate assets not mentioned here. If you do not obtain the court's permission when it is required before taking an action, you may be removed as conservator or you may be required to reimburse the estate from your own personal funds, or both.

B. INVENTORY OF ESTATE PROPERTY

1. Locate and take possession of the estate's property and prepare an inventory

You must identify, locate, take possession of, and protect all the conservatee's property, assets, and income that will be or become part of the conservatorship estate. You must change the record title or ownership of most property and assets of the estate to reflect the conservatorship. You must record a copy of your *Letters of Conservatorship* (form GC-350) with the county recorder in each county where the conservatee owns real property. You must then prepare an inventory, or a list, of all of the real and personal property of the estate. There are court forms that must be used for the inventory. These consist of a two-page cover sheet, *Inventory and Appraisal* (form DE-160/GC-040) and one or more pages to be attached to the cover sheet containing the list of property, *Inventory and Appraisal Attachment* (form DE-161/GC-041). The property is separated into two categories, cash and cash-equivalent items, listed on Attachment 1; and all other types of real and personal property, listed on Attachment 2.

2. Determine the value of the estate's property

You must arrange to have a **probate referee** appointed by the court appraise, or determine the fair market value of, the noncash property of the estate shown in Attachment 2 of your inventory unless the referee's appointment is waived by the court. You, rather than the referee, may appraise the value of the cash and cash-equivalent items of property listed in Attachment 1, such as bank accounts.

3. File and mail copies of the inventory and appraisal and notice of how to object

Within 90 days after your appointment as conservator, unless the court gives you more time, you must file with the court your inventory containing the appraisals of estate property, signed by you and, if the probate referee has appraised assets, by the referee. You must also mail copies of the completed inventory and appraisal to the conservatee, the conservatee's attorney, if any, and the conservatee's spouse or registered domestic partner, parents, and children, and must give them written notice of how to file an objection to the inventory and appraisal. There is a court form that must be used for this notice, the *Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* (form GC-042).

C. RECORD KEEPING AND ACCOUNTING

1. Keep records and prepare accountings

You must keep complete and accurate records of each financial transaction affecting the estate, including all receipts of income, changes in assets or property held in the estate, and expenditures. The checkbook for the conservatorship checking account is your indispensable tool for keeping records of income and expenditures. You should also save original bills or invoices paid, records of property sale transactions, receipts for money spent, and bank or other institutions' statements showing income received and money spent. You must prepare periodic accountings of all money and property you have received, what you have spent, the date of each transaction, and its purpose. Your accountings must describe in detail what you have left after you pay the estate's expenses. There are court forms you may, or in some situations must, use for your accountings. You will have to file original statements from banks and other institutions with your accountings.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

IV. C. 2. Court review of your accountings and records

You must file with the court a report with each of your accountings that shows the current circumstances of the conservatee and the estate, along with a petition requesting that the court review and approve the accounting. Your first accounting is due one year after your appointment, and later accountings must be filed at least every two years after that. The court may order you to file more frequent accountings. You must save your receipts and other original records because the court may ask to review them. If you do not file your accountings as required, the court will order you to do so. You may be removed as conservator if you fail to properly prepare and file your accountings or comply with the court's orders.

V. DUTY TO DISCLOSE CHANGES IN MARITAL OR DOMESTIC PARTNERSHIP STATUS

If you are the spouse of the conservatee, you must disclose to the court, and give notice to interested persons under the Probate Code, of the filing of any action or proceeding against the conservatee for (1) legal separation, (2) dissolution of marriage, or (3) adjudication of nullity of the marriage. If you are or were the registered domestic partner of the conservatee, you must disclose to the court any termination of the domestic partnership. The disclosure must be made within 10 days of the initial filing of the action or proceeding or termination of the partnership by filing a notice with the court. If you are not the spouse or registered domestic partner or former partner of the conservatee and one of these events occurs, the conservatee's spouse or former registered domestic partner must disclose the event to you within the same 10-day period.

VI. LIMITED CONSERVATOR (for the developmentally disabled only)

A. AUTHORITY SPECIFIED IN YOUR *LETTERS OF CONSERVATORSHIP AND APPOINTMENT ORDER*

If the court appoints you as limited conservator, you will have authority to take care of **only** those aspects of the conservatee's life and financial affairs specified in your *Letters of Conservatorship* and the court's order appointing you. The conservatee retains all other legal and civil rights. Although most of the information provided in this form also applies to limited conservatorships (especially the duties of the conservator of the person), you should clarify with your attorney exactly which information applies in your case.

B. DUTY TO HELP LIMITED CONSERVATEE DEVELOP SELF-RELIANCE

You must secure treatment, services, and opportunities that will assist the limited conservatee to develop maximum self-reliance and independence. This assistance may include training, education, medical and psychological services, social opportunities, vocational opportunities, and other appropriate help.

C. DETERMINATION OF LEVEL OF CARE FOR CERTAIN LIMITED CONSERVATEES

The level of care determination described in item **IIIA** does not apply to a limited conservatee who receives services from a regional center for the developmentally disabled and for whom the Director of Developmental Services or the regional center is acting as conservator. Determination of the services provided for and residential placement of these limited conservatees are to be identified, delivered, and evaluated consistent with the individual program plan process described in Welfare and Institutions Code sections 4640–4659. (*See Prob. Code, § 2352.5(e).*)

VII. TEMPORARY CONSERVATOR

If the court appoints you as temporary conservator, you will generally have the same duties and authority as general conservators, **except** the conservatorship will end on the date specified in your *Letters of Temporary Conservatorship*. Most of the information in this form also applies to temporary conservatorships, but you must consult your attorney about which duties you will **not** perform because of the short duration of the temporary conservatorship appointment. A temporary conservator should avoid making long-term decisions or changes that could safely wait until a general conservator is appointed. As temporary conservator, you may not move a conservatee from his or her home, unless there is an emergency, or sell or give away the conservatee's home or any other assets without prior court approval.

Sign the *Acknowledgment of Receipt* on page 7.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

VIII. JUDICIAL COUNCIL FORMS

This form identifies a number of Judicial Council forms used for court filings in conservatorship proceedings. This form, the petition for your appointment as conservator, and the order that appoints you as conservator are examples of Judicial Council forms. Judicial Council forms are either mandatory or optional. If a mandatory form applies to a situation or proposed action, it must be used. Optional forms may be used, at the option of the person preparing and filing the form or, in some situations, at the option of the court. Each form is identified on the bottom left side of its first page as optional or mandatory. Judicial Council forms are not available for every situation where a document may or must be filed with the court, but the forms address the most common and important matters that occur during a conservatorship. The *Handbook for Conservators* has additional information about Judicial Council conservatorship forms.

Your attorney will select and prepare the appropriate Judicial Council forms. However, if you do not have an attorney, you can prepare them yourself. All Judicial Council forms are posted on the California courts' public website, www.courts.ca.gov. Select "Forms" at the top of the site's home page, then select the form group in the drop-down menu in the middle of the page. All conservatorship forms are collected in the Probate—Guardianships and Conservatorships form group. They are designated with the prefix "GC," followed by a three-digit number. Forms shown in the drop-down list with an asterisk are mandatory forms.

The forms are posted on the website in both unfillable and fillable versions, as PDF files. The unfillable versions are designed to be completed by typewriter or, in some cases, by hand. Fillable forms may be filled out online, then printed out ready for signing and filing with the court, and they may also be saved to your computer and completed in more than one sitting. Go to the "Forms and Information" page at the Web site's Self-Help Center for more information on accessing the forms.

ACKNOWLEDGMENT OF RECEIPT of *Duties of Conservator* and *Handbook for Conservators* (Probate Code, § 1834)

I acknowledge that I have received this statement of the duties and liabilities of the office of conservator, the *Duties of Conservator* (form GC-348), and the *Handbook for Conservators* adopted by the Judicial Council.

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 OF (PROPOSED) CONSERVATOR)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF (PROPOSED) CONSERVATOR)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF (PROPOSED) CONSERVATOR)

NOTICE

This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a conservator is governed by the law itself and not by this summary or by the Judicial Council's *Handbook for Conservators*. When in doubt, consult your attorney.

ADDITIONAL CONSERVATORSHIP FORMS

The following are forms that may have to be filed at a later date after the filing of the petition for general/temporary conservatorship has been filed.

#	FORM NAME	FORM #
1.	Notice of Conservatee's Rights	GC-341
2.	Attachment to Notice of Conservatee's Rights	GC-341(MA)
3.	Notice of Filing Inventory and Appraisal and How to Object to the Inventory of the Appraised Value of Property	GC-042
4.	Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or Appraised Value of Property	GC-042(MA)
5.	Objections to Inventory and Appraisal of Conservator or Guardian	GC-045
6.	Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward	GC-079
7.	Attachment to Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward	GC-079(MA)
8.	Post-Move Notice of change of Residence of Conservatee or Ward	GC-080
9.	Attachment to Post-Move Notice of Change of residence of Conservatee or Ward	GC-080(MA)
10.	Inventory and Appraisal	DE-160/GC-040

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE:	ZIP CODE:
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR (name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
CONSERVATORSHIP OF THE	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE
OF (name):	<input type="checkbox"/> LIMITED CONSERVATEE	
NOTICE OF CONSERVATEE'S RIGHTS—PROBATE		CASE NUMBER:

When a court appoints a conservator, it grants the conservator powers to make decisions and manage the personal care, finances, or both of a person, called the *conservatee*, who cannot do those things for themselves. The conservator has legal duties to take proper care of the conservatee and the conservatee's finances and to act in the conservatee's best interest. But the conservatee does not automatically lose the right to make all decisions about their personal care or finances.

A conservatee has the right to be treated with compassion and respect, to have the conservator ask about their wishes and follow those wishes unless doing so would violate the conservator's duties, and to have the conservator inform them regularly of decisions about their affairs. All conservatees keep their basic human rights.

A conservatee has the right to ask the conservator questions about the conservator's actions and decisions. If the conservatee is not satisfied with the conservator's answers, they may contact their lawyer or, if they no longer have a lawyer, the court investigator with their concerns and complaints. The investigator's name and contact information are printed on the order of appointment that this form is attached to.

If a conservatee cannot resolve a disagreement with the conservator after working with their lawyer or the investigator, the conservatee may ask the court to review the conservator's decision or action and tell the conservator what to do. If the conservatee no longer has a lawyer and does not plan to hire one, the court will appoint one. The conservatee may also ask the court to remove the conservator or to terminate (end) the conservatorship.

Even if the conservatee never contacts the court, the court investigator will periodically visit the conservatee, check on their welfare, ask about their wishes, and remind them of their rights.

A CONSERVATEE'S RIGHTS

1. After appointment of a conservator, every conservatee has the right to:

- Receive, from the conservator, a copy of the order of appointment and pages 1 and 2 of this form;
- Be represented by a lawyer and have the court appoint a lawyer for them;
- Ask a judge to change the conservator;
- Ask a judge to end the conservatorship;
- Make or change their will; and
- Enter into transactions, to the extent reasonable, to provide for their basic needs and those of their spouse and minor children or for the basic living expenses of their registered domestic partner.

(Conservatee's rights continued on next page)

CONSERVATORSHIP OF THE OF (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER: CONSERVATEE
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A CONSERVATEE'S RIGHTS (continued)

2. Unless the court has limited or taken away the right, a conservatee also keeps the right to:
 - Give or withhold informed consent to medical treatment, including treatment with medication;
 - Give or withhold informed consent to medication for treatment of a major neurocognitive disorder;
 - Withhold consent to placement in a residential facility with a secured perimeter;
 - Receive visits from family and friends;
 - Receive personal mail, email, and phone calls;
 - Control whom to have social and sexual relationships with;
 - Get married or enter into a registered domestic partnership;
 - Register to vote and cast a vote in local, state, and national elections; and
 - Directly receive and control their own wages or salary.
3. A conservatee may engage in certain activities only if the court has made an order expressly allowing them. These activities may include:
 - Deciding where to live;
 - Making their own educational decisions;
 - Receiving and controlling an allowance for personal expenses; and
 - Entering into specific transactions or types of transactions as appropriate in the circumstances and subject to limits and conditions in the court order.
4. If the court has appointed a *limited conservator*, the limited conservatee keeps the right to take an action or make a decision **unless** the court has expressly given the limited conservator the power to take that action or make that decision **and** has also taken the right away from the conservatee. In particular, a limited conservatee keeps the following rights that a conservatee loses by default:
 - Making decisions about where to live;
 - Making their own educational decisions; and
 - Entering into contracts or transactions that obligate their estate.

TO THE CONSERVATEE

Within 30 days of their appointment, your *conservator* will send you a copy of the appointment order and pages 1–2 of this form. In addition, the *court* will give you information about your conservatorship on *Personalized Information for Conservatee—Probate* (form GC-342) or a similar local form. That form will describe your conservatorship; give the name and contact information of your conservator; give the role, duties, name, and contact information of the court investigator; and list the specific rights you keep in the conservatorship and the rights the court has ordered taken away from you. The form will also list any activities the court specifically ordered the conservator to allow you to engage in. The court will give you updated personalized information once a year as long as your conservatorship lasts.

(Proof of mailing on page 3 and instructions for mailing on page 4)

CONSERVATORSHIP OF THE OF (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER: CONSERVATEE
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PROOF OF DELIVERY BY MAIL

1. I am 18 years of age or older. I am the appointed conservator of the conservatee named above, the conservator's attorney, or an employee of the conservator's attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):

3. I mailed this *Notice of Conservatee's Rights—Probate* to each person named below, attached to a conformed copy of the order appointing a conservator (form GC-340) or a limited conservator (form GC-339) filed on (date): _____ and showing the filing date and the judicial officer's signature, by enclosing it in an envelope addressed as shown below **and (check one):**
 - a. **depositing** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 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.

4. a. Date mailed: _____
- b. Place mailed (city, state): _____

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)

NAME AND ADDRESS OF EACH PERSON TO WHOM THE NOTICE AND ORDER WERE MAILED

Name and relationship
to conservatee

Address (number, street, city, state, and zip code)

1. _____	Conservatee	_____
2. _____	Attorney for conservatee	_____
3. _____	Spouse or registered domestic partner	_____
4. _____	Relationship: _____	_____
5. _____	Relationship: _____	_____
6. _____	Relationship: _____	_____
7. _____	Relationship: _____	_____

Continued on an attachment. (You may use form GC-341(MA) to show additional names and addresses.)



CONSERVATORSHIP OF THE OF (name):	<input type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER: CONSERVATEE
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**INSTRUCTIONS FOR MAILING COPIES OF NOTICE OF CONSERVATEE'S RIGHTS—PROBATE
WITH THE ORDER APPOINTING A CONSERVATOR OR A LIMITED CONSERVATOR**

1. **What to mail:** The conservator, the conservator's attorney of record, or the attorney's employee must mail a copy of this *Notice of Conservatee's Rights—Probate*, **attached to a copy of the court order** appointing a conservator or a limited conservator **showing the judicial officer's signature and the filing date**, to each person described in item 2 below.
2. **Who must receive the mailing:** The following persons must receive copies of this *Notice of Conservatee's Rights—Probate* with the appointment order.
 - a. The conservatee;
 - b. The conservatee's attorney;
 - c. The conservatee's spouse or registered domestic partner and the following relatives within the second degree:
 - (1) Parents;
 - (2) Children 12 years of age or older (see item e below if there are children under the age of 12);
 - (3) Grandparents;
 - (4) Grandchildren 12 years of age or older (see item e below if there are grandchildren under the age of 12); and
 - (5) Siblings, including half-siblings.
 - d. If the conservator does not know of any spouse or registered domestic partner or second-degree relative of the conservatee, copies of this *Notice* and the appointment order must be mailed to any of the following persons known to the conservator:
 - (1) The spouse or registered domestic partner of a predeceased parent of the conservatee;
 - (2) Children of a predeceased spouse or predeceased registered domestic partner of the conservatee 12 years of age or older (see item e below if there are children under the age of 12);
 - (3) Siblings of the conservatee's parents (that is, the conservatee's aunts and uncles), if any, or, if none, to their natural and adoptive children 12 years of age or older (see item e below if there are children under the age of 12); and
 - (4) The natural and adoptive children of the conservatee's siblings 12 years of age or older (see item e below if there are children under the age of 12).
 - e. If a person described above is under the age of 12, copies of this *Notice* and the appointment order must be mailed to a parent, guardian, or other person having legal custody of the person entitled to notice with whom the person entitled to notice resides.
3. **When the mailing must be completed:** The mailing described in item 1 must be completed on or before the 30th day following the filing date of the order appointing a conservator or a limited conservator.
4. **Fill out Proof of Delivery by Mail:** The conservator or the attorney of record must fill out the Proof of Delivery by Mail on page 3, including the correct addresses of the persons to receive the mailing, described in item 2, above, *before* making the copies to be mailed. If the Proof of Delivery by Mail does not have enough space for the names and addresses of all persons who will receive the mailing, the names and addresses not shown on the Proof of Delivery by Mail must be shown on one or more additional pages attached to this form. (*Attachment to Notice of Conservatee's Rights—Probate* (form GC-341(MA)) may be used for this purpose.) *After* the mailing described in item 5 below, the conservator or the attorney must date and sign the Proof of Delivery by Mail.
5. **How to mail:** The conservator, the conservator's attorney of record, or an employee of the attorney must do the following:
 - a. Place copies of this *Notice of Conservatee's Rights—Probate* and conformed copies of the order appointing a conservator or a limited conservator in sealed envelopes addressed to each person named on the Proof of Delivery by Mail or attached additional pages at the address shown for that person with postage fully prepaid.
 - b. Deposit (mail) the sealed envelopes with the United States Postal Service on the date and from the place (city and state) shown in item 4 of the Proof of Delivery by Mail on page 3.
6. **Filing this form:** The conservator or the attorney of record must file with the court the original *Notice of Conservatee's Rights—Probate* with a signed and dated Proof of Delivery by Mail and all attached additional address pages. **Do not attach a copy of the order appointing a conservator or a limited conservator when filing the original Notice of Conservatee's Rights—Probate.**

CONSERVATORSHIP OF THE PERSON ESTATE
OF (name):

CASE NUMBER:

CONSERVATEE

ATTACHMENT TO NOTICE OF CONSERVATEE'S RIGHTS—PROBATE*(This attachment is for use with form GC-341.)***NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**Name and relationship
to conservateeAddress (number, street, city, state, and zip code)

Relationship: _____	Address (number, street, city, state, and zip code) _____
Relationship: _____	Address (number, street, city, state, and zip code) _____
Relationship: _____	Address (number, street, city, state, and zip code) _____
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Relationship: _____	Address (number, street, city, state, and zip code) _____
Relationship: _____	Address (number, street, city, state, and zip code) _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: <input type="text"/> FAX NO. (Optional): <input type="text"/>		
E-MAIL ADDRESS (Optional): <input type="text"/>		
ATTORNEY FOR (Name): <input type="text"/>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS: <input type="text"/>		
MAILING ADDRESS: <input type="text"/>		
CITY AND ZIP CODE: <input type="text"/>		
BRANCH NAME: <input type="text"/>		
<input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF THE <input type="checkbox"/> PERSON AND ESTATE OF (Name): <input type="text"/> <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR		
NOTICE OF FILING INVENTORY AND APPRAISAL AND HOW TO OBJECT TO THE INVENTORY OR THE APPRAISED VALUE OF PROPERTY		
		CASE NUMBER: <input type="text"/>

1. **NOTICE is given that (name):**

Conservator Guardian of the estate of the above-named conservatee or ward, filed with the court a
 Partial No.: Final Supplemental Corrected Reappraisal for Sale

Inventory and Appraisal on (date filed): .

- If you object to the *Inventory and Appraisal* identified above or to the appraised value of any property listed in it, and you want the court to hear your objections, they must be in writing, signed by you under penalty of perjury, and filed with the court at the court's address stated above. **If you object to the appraised value of any property listed in the *Inventory and Appraisal*, you must file your objections with the clerk of the court no later than 30 days after the date specified in item 1 above.**
- If you object to a Final *Inventory and Appraisal* or to an *Inventory and Appraisal* filed on or after the later of (1) 90 days from the date of the order appointing the conservator or guardian or (2) the last day of any extension granted by the court for filing the *Inventory and Appraisal*, in addition to the objections described above you may also object to that *Inventory and Appraisal* and all others previously filed on the ground that they do not list property that should have been listed and valued as property of the estate.
- You may prepare your written objections on **form GC-045, Objections to Inventory and Appraisal of Conservator or Guardian**. When you file your objections, the court will set a date, time, and place for a hearing on them. Unless the court orders otherwise, you then must arrange for someone other than yourself to mail, at least 15 days before the hearing date, copies of your objections and copies of another form, **form GC-020, Notice of Hearing—Guardianship or Conservatorship**, showing the date, time, and place of the court hearing, to (1) the conservator or guardian of the estate; (2) the conservator's or guardian's attorney, if any, at the address shown at the top of this form; (3) the conservatee or the minor (if the minor is at least 12 years of age; if not, to the minor's parents, guardian, or other adult residing with the minor who has legal custody); (4) the spouse or registered domestic partner of the conservatee or the spouse of the minor; (5) any person who has filed **form DE-154/GC-035, Request for Special Notice**, in this case; and (6) any probate referee who made an appraisal of property to which you object. (You do not have to ask someone to mail copies to you if you are one of the persons listed above.) You must then arrange for the person who did the mailing to complete and sign the proof of service on page 2 of the original *Notice of Hearing* and file the *Notice* with the court before the date of the hearing.
- At the hearing the court will consider and determine the merits of your objections and may fix the true value of any property to the appraised value of which you have objected. The court may order an independent reappraisal by one or more additional appraisers at the expense of the conservatorship or guardianship estate, but if your objection to the appraisal of any property that the court orders to be reappraised is not upheld by the court, the cost of the reappraisal may be charged to you.

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least five days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civ. Code, § 54.8.)



Page 1 of 2

<input type="checkbox"/> CONSERVATORSHIP	<input type="checkbox"/> GUARDIANSHIP	OF THE	<input type="checkbox"/> PERSON AND	ESTATE	CASE NUMBER:
OF (Name):					
<input type="checkbox"/> CONSERVATEE					<input type="checkbox"/> MINOR

INSTRUCTIONS TO CONSERVATOR OR GUARDIAN

Each time you file an *Inventory and Appraisal* in this matter, you must complete this *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property*. You, your attorney, or an employee of your attorney must mail copies of the completed *Notice* and court file-stamped copies of the filed *Inventory and Appraisal* to the conservatee, the attorney for the conservatee or ward, the conservatee's spouse or registered domestic partner, and the conservatee's first-degree relatives (parents and children) or, if none, to the conservatee's nearest relative. The person who does the mailing must complete and sign the proof of mailing below. You then must file the original *Notice* with the court.

PROOF OF MAILING

1. I am over the age of 18. I am the appointed conservator or guardian, the conservator's or guardian's attorney, or an employee of the attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
3. I mailed the foregoing *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 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.
4. a. Date mailed: b. Place mailed (city, state):
5. I mailed with this *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* a copy of the *Inventory and Appraisal* identified in item 1 on page 1 of this *Notice*, showing the date it was filed with the court.

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)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name and relationship to conservatee or ward

Address (number, street, city, state, and zip code)

1.	<input type="text"/>	<input type="text"/>
	Conservatee	
2.	<input type="text"/>	<input type="text"/>
	Attorney for conservatee or ward	
3.	<input type="text"/>	<input type="text"/>
	Spouse or registered domestic partner of conservatee	

Continued on an attachment. (You may use form GC-042(MA) to show additional persons served.)

**ATTACHMENT TO NOTICE OF FILING OF INVENTORY AND APPRAISAL AND
HOW TO OBJECT TO THE INVENTORY OR THE APPRAISED VALUE OF PROPERTY**

(This attachment is for use with form GC-042.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name and relationship to conservatee or ward

Address (number, street, city, state, and zip code)

Objections to Inventory and Appraisal
of Conservator or Guardian

Clerk stamps date here when form is filed.

 Conservatorship Guardianship of the Estate of

(Name):

 Conservatee Minor**(You may use this form to object to an Inventory and Appraisal filed by the Conservator or Guardian of the Estate of the person named above.)****1 Your name** (include the names of all persons or organizations that are objecting to the Inventory and Appraisal of the conservator or guardian described in ⑤. All persons listed must sign this form.):

a. _____
 b. _____
 c. _____

2 Your address and telephone number (If more than one name is listed in ①, choose one address and phone number that will be acceptable for mail and phone calls by all persons or organizations listed):

Street: _____ Apt. or Suite: _____

Mailing address (if different): _____

City: _____

State: _____ Zip: _____ Phone: _____

Fill in court name and street address:

Superior Court of California,
County of _____

Fill in Case Number. When you file this form, the clerk will fill in the hearing date and time, and court department.

Case Number: _____

Hearing Date and Time: _____

Dept.: _____

3 Your lawyer (if you have one):

Name: _____ Bar No.: _____

Firm Name, if any: _____

Street: _____ Suite: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax (optional): _____ e-mail (optional): _____

4 Your relationship to conservatee or minor (check all that apply to the persons listed in ①): Conservatee or minor Spouse or registered domestic partner Conservator or guardian Relative (specify): _____ Creditor (explain on an attached page, titled "Attachment 4," with the name of this case and the case number at the top of the page. You may use form MC-025, Attachment, for this purpose. Your explanation should include the nature and amount of your claim, the date it became or will become due, whether it is contingent, and whether it is now a judgment or the subject of a pending action.) Interested person (explain your interest below or on an attached page prepared as described above):

Conservatorship Guardianship of the Estate of

(Name):

Case Number:

Conservatee Minor

5 I/We object to the Partial No.: Final Supplemental Corrected

Reappraisal for Sale **Inventory and Appraisal filed on (date):**

by the Conservator or Guardian.

a. I/We object to the entire *Inventory and Appraisal* because (check all that apply):

(1) The Final *Inventory and Appraisal* or other *Inventory and Appraisal* mentioned above and all prior inventories filed do not list or appraise all assets of the conservatee's or ward's estate. The reasons for this objection are stated in c or in the attachment mentioned there. *(This objection may be made only to the Final Inventory and Appraisal or to any Inventory and Appraisal filed on or after the later of (1) 90 days after the date of the order appointing a conservator or guardian or (2) the last day of any extension to file granted by the court. This objection and these Objections to Inventory and Appraisal of Conservator or Guardian are not a petition for an order of conveyance or transfer of property under Probate Code sections 850–859.)*

(2) The reasons for my objection to all appraisals contained in the *Inventory and Appraisal* mentioned above are stated in c or in the attachment mentioned there.

b. I/We object to one or more of the appraisals contained in the *Inventory and Appraisal* mentioned above for the reasons stated in c or in the attachment mentioned there.

c. The specific grounds, or reasons, for my/our objections to the entire *Inventory and Appraisal* or the appraisal of particular assets or properties listed in the *Inventory and Appraisal* are stated on an attached page, titled "Attachment 5." as follows:

All persons named in ① (objectors) and their attorney (if they have one) must read and sign below.

Date:

Objector's attorney types or prints name here

Objector's attorney signs here

I/We declare under penalty of perjury under the laws of the State of California that the information stated above is true and correct.

Date:

Object or prints name here

Objector signs here

Date:

Objector types or prints name here

Objector signs here

Date:

Objector types or prints name here

Objector signs here

NOTICE IS GIVEN as follows:

1. I plan to change the residence of the conservatee or ward named above on (date of proposed change):
2. The conservatee's or ward's residence address after the change will be (street address, including residence or facility name and room or apartment number, if any, and city, county, and zip code):
3. The new residence will be a (describe type of residence or facility, for example, single family home; apartment or condominium; board-and-care home; intermediate-care facility; or skilled-nursing facility):
4. I cannot give at least **20 days'** notice of the proposed change (conservatee) or at least **15 days'** notice of the proposed change (ward) because (explain why the conservatee or ward must change residences before the end of the notice period):

Continued on Attachment 4. (Give the case name and number and the title of this form at the top of the attached page.)

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 CONSERVATOR OR GUARDIAN)

(SIGNATURE OF CONSERVATOR OR GUARDIAN)

Page 1 of 2

<input type="checkbox"/> CONSERVATORSHIP	<input type="checkbox"/> GUARDIANSHIP	OF THE PERSON	<input type="checkbox"/> AND ESTATE	CASE NUMBER:
OF (name):				
<input type="checkbox"/> CONSERVATEE				<input type="checkbox"/> WARD

PROOF OF DELIVERY BY MAIL

1. I am over the age of 18. I am the appointed conservator or guardian of the conservatee or ward named above, the conservator's or guardian's attorney, or an employee of the attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
3. I mailed the foregoing *Notice Before Proposed Change of Residence of Conservatee or Ward* to each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 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.
4. a. Date mailed: _____ b. Place mailed (city, state): _____

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)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

<u>Name and relationship to conservatee or ward</u>	<u>Address (number, street, city, state, and zip code)</u>
1. <input type="text"/> Conservatee or, if 12 years of age or older, ward	<input type="text"/>
2. <input type="text"/> Attorney for conservatee or ward	<input type="text"/>
3. <input type="text"/> Spouse or domestic partner of conservatee	<input type="text"/>
4. <input type="text"/> Parent of ward	<input type="text"/>
5. <input type="text"/> Parent of ward	<input type="text"/>
6. <input type="text"/> Person with legal custody of ward at beginning of proceeding	<input type="text"/>
7. <input type="text"/> Guardian of the estate	<input type="text"/>

Continued on an attachment. (You may use form GC-079(1) to show additional persons to whom notice was mailed.)

CONSERVATORSHIP GUARDIANSHIP OF THE PERSON AND ESTATE
OF (name): CASE NUMBER:

**ATTACHMENT TO NOTICE BEFORE PROPOSED CHANGE
OF RESIDENCE OF CONSERVATEE OR WARD**

(This attachment is for use with form GC-079.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

NOTICE IS GIVEN as follows:

1. On *(date)*: _____, the conservatee or ward named above changed residences to the location in item 2.
2. New residence *(name (if facility), street address, city, county, and zip code)*:

Telephone number:

Other contact telephone number, if any (*if none, write "None"*):

Email address:

3. The new residence, identified in item 2, is the least restrictive appropriate residence that is available and necessary to meet the needs of the conservatee or ward and is in the conservatee's or ward's best interests.

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 CONSERVATOR OR GUARDIAN)

(SIGNATURE OF CONSERVATOR OR GUARDIAN)

CONSERVATORSHIP GUARDIANSHIP OF THE PERSON AND ESTATE
OF (name): CONSERVATEE WARD CASE NUMBER:

PROOF OF DELIVERY BY MAIL

1. I am over the age of 18. I am the appointed conservator or guardian of the conservatee or ward named above, the conservator's or guardian's attorney, or an employee of the attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
3. I mailed the foregoing *Notice After Change of Residence of Conservatee or Ward* to each person named below by enclosing a copy in an envelope addressed as shown below **and**
 - a. **depositing** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 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.
4. a. Date mailed: _____ b. Place mailed (city, state): _____

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)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name and relationship
to conservatee or ward

Address (number, street, city, state, and zip code)

1.	<input type="text"/>	Attorney for conservatee or ward
2.	<input type="text"/>	Spouse or domestic partner of conservatee
3.	<input type="text"/>	Parent of ward
4.	<input type="text"/>	Parent of ward
5.	<input type="text"/>	Person with legal custody of ward at beginning of proceeding
6.	<input type="text"/>	Guardian of the estate
7.	<input type="text"/>	Person nominated as guardian but not appointed

Continued on an attachment. (You may use form GC-080(MA) to show additional persons to whom notice was mailed.)

CONSERVATORSHIP GUARDIANSHIP OF THE PERSON AND ESTATE
OF (name): CASE NUMBER:

ATTACHMENT TO NOTICE AFTER CHANGE OF RESIDENCE OF CONSERVATEE OR WARD

(This attachment is for use with form GC-080.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY						
TELEPHONE NO.: FAX NO. (Optional):								
E-MAIL ADDRESS (Optional):								
ATTORNEY FOR (Name):								
SUPERIOR COURT OF CALIFORNIA, COUNTY OF								
STREET ADDRESS:								
MAILING ADDRESS:								
CITY AND ZIP CODE:								
BRANCH NAME:								
ESTATE OF (Name):								
<input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR								
INVENTORY AND APPRAISAL <table> <tr> <td><input type="checkbox"/> Partial No.:</td> <td><input type="checkbox"/> Corrected</td> </tr> <tr> <td><input type="checkbox"/> Final</td> <td><input type="checkbox"/> Reappraisal for Sale</td> </tr> <tr> <td><input type="checkbox"/> Supplemental</td> <td><input type="checkbox"/> Property Tax Certificate</td> </tr> </table>			<input type="checkbox"/> Partial No.:	<input type="checkbox"/> Corrected	<input type="checkbox"/> Final	<input type="checkbox"/> Reappraisal for Sale	<input type="checkbox"/> Supplemental	<input type="checkbox"/> Property Tax Certificate
<input type="checkbox"/> Partial No.:	<input type="checkbox"/> Corrected							
<input type="checkbox"/> Final	<input type="checkbox"/> Reappraisal for Sale							
<input type="checkbox"/> Supplemental	<input type="checkbox"/> Property Tax Certificate							
CASE NUMBER:								
Date of Death of Decedent or of Appointment of Guardian or Conservator:								

APPRAISALS

1. Total appraisal by representative, guardian, or conservator (Attachment 1): \$
2. Total appraisal by referee (Attachment 2): \$

TOTAL: \$

DECLARATION OF REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR SMALL ESTATE CLAIMANT

3. Attachments 1 and 2 together with all prior inventories filed contain a true statement of
 all a portion of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.
4. No probate referee is required by order of the court dated (specify):
5. **Property tax certificate.** I certify that the requirements of Revenue and Taxation Code section 480
 - a. are not applicable because the decedent owned no real property in California at the time of death.
 - b. have been satisfied by the filing of a change of ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death.

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; INCLUDE TITLE IF CORPORATE OFFICER)

(SIGNATURE)

STATEMENT ABOUT THE BOND

(Complete in all cases. Must be signed by attorney for fiduciary, or by fiduciary without an attorney.)

6. Bond is waived, or the sole fiduciary is a corporate fiduciary or an exempt government agency.
7. Bond filed in the amount of: \$ Sufficient Insufficient
8. Receipts for: \$ have been filed with the court for deposits in a blocked account at (specify institution and location):

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

Page 1 of 2

ESTATE OF (Name):	CASE NUMBER:		
	<input type="checkbox"/> DECEDENT	<input type="checkbox"/> CONSERVATEE	<input type="checkbox"/> MINOR

DECLARATION OF PROBATE REFEREE

9. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 2.
10. A true account of my commission and expenses actually and necessarily incurred pursuant to my appointment is:

Statutory commission: \$

Expenses (specify): \$

TOTAL: \$

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 OF REFEREE)

INSTRUCTIONS

(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)

1. See Probate Code section 8850 for items to be included in the inventory.
2. If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento. (Prob. Code, § 2611.)
3. The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or the date of appointment of the guardian or conservator, at fair market value, moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in Probate Code section 40), and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts to the estate, except items whose fair market value is, in the opinion of the representative, an amount different from the ostensible value or specified amount.
4. The representative, guardian, conservator, or small estate claimant shall list in Attachment 2 all other assets of the estate which shall be appraised by the referee.
5. If joint tenancy and other assets are listed for appraisal purposes only and not as part of the probate estate, they must be separately listed on additional attachments and their value excluded from the total valuation of Attachments 1 and 2.
6. Each attachment should conform to the format approved by the Judicial Council. (See *Inventory and Appraisal Attachment* (form DE-161/GC-041) and Cal. Rules of Court, rules 2.100—2.119.)