

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)

For **FREE HELP** completing the conservatorship forms call (925) 370-2540

Para obtener **AYUDA GRATIS** para llenar los formularios para llame al (925) 370-2540

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 of 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's 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)

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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

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

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

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

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 <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY CONSERVATORSHIP OF _____ OF _____ <i>(Name)</i> : _____ CONSERVATEE	
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: _____
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.	

1. Applicant *(name)*: _____ is

- a. A petitioner for appointment of a temporary conservator of the person estate of the proposed conservatee.
- b. 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. 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): CONSERVATEE	CASE NUMBER:
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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)*:
- a. 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)*:
- b. 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)*:
- c. The person or persons, and his, her, or their relationship to the proposed conservatee are as follows *(specify)*:

NameRelationship to proposed conservatee

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)*:

NameRelationship to proposed conservatee

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)*:

NameRelationship to proposed conservatee

Additional person(s) and relationship(s) are listed on attachment 5.

TEMPORARY CONSERVATORSHIP OF (Name): CONSERVATEE	CASE NUMBER:
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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): CONSERVATEE	CASE NUMBER:
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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:

1. (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.
2. I am an expert witness. My qualifications are stated below.
3. (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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY CONSERVATORSHIP OF (<i>Name</i>): _____ <div style="text-align: right;">CONSERVATEE</div>	
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.

TEMPORARY CONSERVATORSHIP OF (Name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
----------------------------------------------------------------------------------------------------------------------	--------------------

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 <i>(Name, State Bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(Name):</i> <div style="text-align: right;"> <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	
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 same as noted above 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 OF (Name): _____ <div style="text-align: center;"> <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	CASE NUMBER: _____
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

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*):
 - a. not a registered California process server.
 - b. a California sheriff or marshal.
 - c. a registered California process server.
 - d. an employee or independent contractor of a registered California process server.
 - e. 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.

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

Date: _____

Date: _____

▶ _____

▶ _____

(SIGNATURE)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
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 <i>(Name):</i> _____ 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): _____ <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER: _____
--------------------------------------------------------------------------------------------------------	---------------------------

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): _____ (Telephone): _____
 (Address): _____

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

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

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
OF (name): MINOR CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
 Person Estate

FOR COURT USE ONLY

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

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 <input type="checkbox"/>	CASE NUMBER:
OF (name):	
<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 <i>(if necessary)</i>	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 <i>(if needed)</i>	GC-210(A-PF)/ GC-310(A-PF)
5.	Attachment Requesting Special Order re Dementia <i>(if needed)</i>	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 <i>(if needed)</i>	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.cccbba.org/community/calendar/index.php

Superior Court of California, County of Contra Costa

- | | | | | | |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> MARTINEZ
Wakefield Taylor Courthouse
725 Court Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
Spinetta Family Law Bldg
751 Pine Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
A.F. Bray Building
1020 Ward Street
Martinez, CA 94553 | <input type="checkbox"/> PITTSBURG
1000 Center Drive
Pittsburg, CA 94565 | <input type="checkbox"/> RICHMOND
100 37 th Street
Richmond, CA 94805 | <input type="checkbox"/> WALNUT CREEK
640 Ygnacio Valley Road
Walnut Creek, CA 94596 |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|

Interpreter Request

If you need an interpreter, please complete the form below and submit it to the Filing Window Clerk in the Martinez, Pittsburg, Richmond, or Walnut Creek courthouse.

Case Number: _____

Case Type:

- | | |
|-------------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Juvenile |
| <input type="checkbox"/> Traffic | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Civil Harassment | <input type="checkbox"/> Unlawful Detainer |
| <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Proceedings to terminate parental rights | <input type="checkbox"/> Elder Abuse |
| <input type="checkbox"/> Dependent Adult Abuse | |

Party Requesting Interpreter: _____

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

- | | | | | | |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> MARTINEZ
Wakefield Taylor Courthouse
725 Court Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
Spinetta Family Law Bldg
751 Pine Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
A.F. Bray Building
1020 Ward Street
Martinez, CA 94553 | <input type="checkbox"/> PITTSBURG
1000 Center Drive
Pittsburg, CA 94565 | <input type="checkbox"/> RICHMOND
100 37 th Street
Richmond, CA 94805 | <input type="checkbox"/> WALNUT CREEK
640 Ygnacio Valley Road
Walnut Creek, CA 94596 |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|

Formulario Para Pedir un Intérprete

Si necesita un intérprete, favor de rellenar el formulario siguiente y presentarlo en la ventanilla para archivar documentos en la corte de Martinez, Pittsburg, Richmond o Walnut Creek.

Número de Caso: _____

Tipo de Caso:

- | | |
|------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Juvenil |
| <input type="checkbox"/> Tráfico | <input type="checkbox"/> Casos de Familia |
| <input type="checkbox"/> Acoso Civil | <input type="checkbox"/> Juicio de Desalojo |
| <input type="checkbox"/> Conservador | <input type="checkbox"/> Tutela |
| <input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre | <input type="checkbox"/> Abuso de Personas Mayores |
| <input type="checkbox"/> Abuso de Adultos Incapacitados | |

Persona que Necesita Intérprete: _____

Número Telefónico: _____

Fecha de la Audiencia Judicial: _____ Hora de Comienza: _____

Departamento: _____ Ciudad: Martinez Pittsburg Richmond Walnut Creek

Idioma Solicitado: Español Mandarín Cantonés Vietnamita

Otro Idioma: _____

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

Información actual acerca de este servicio se encuentra en nuestra página web:

www.cc-courts.org/interpreter

CONSERVATORSHIP OF (name):	CASE NUMBER:
(PROPOSED) CONSERVATEE	

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 related to dementia placement or treatment as specified in the Attachment Requesting Special Orders Regarding Dementia (form GC-313) under Probate Code section 2356.5 be granted. A Capacity Declaration—Conservatorship (form GC-335) and Dementia 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 licensure with at least two years experience diagnosing dementia, are filed herewith. will be filed before the hearing.
- (appointment of successor conservator only) will not be filed because an order relating to dementia placement or treatment 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):
(Present 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 other 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 <i>(name):</i>	CASE NUMBER:
(PROPOSED) CONSERVATEE	

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. other 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 <i>(name):</i> (PROPOSED) CONSERVATEE	CASE NUMBER:
--------------------------------------------------------------------	--------------

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 concerning the proposed conservatee, including a court of an 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): (PROPOSED) CONSERVATEE	CASE NUMBER:
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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** is is not developmentally disabled 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 <i>(name):</i>	CASE NUMBER:
(PROPOSED) CONSERVATEE	

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.

	<u>Name and relationship to conservatee</u>	<u>Residence address</u>
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
(13)		
(14)		
(15)		
(16)		

Continued on Attachment 11.

CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
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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)	<i>FOR COURT USE ONLY</i>
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.

GUARDIANSHIP OR CONSERVATORSHIP OF <i>(Name)</i> : _____	CASE NUMBER: _____
MINOR OR CONSERVATEE	

**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)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<p style="text-align: center;">FOR COURT USE ONLY</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF <i>(Name):</i> _____ PROPOSED CONSERVATEE	
<p style="text-align: center;">CONFIDENTIAL SUPPLEMENTAL INFORMATION (Probate Conservatorship)</p> Conservatorship of <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Limited Conservatorship	CASE NUMBER:
1. a. Proposed conservatee (name): b. Date of birth: c. Social security No.:	HEARING DATE:
	DEPT.: _____ TIME: _____

2. UNABLE TO PROVIDE FOR PERSONAL NEEDS* The following facts support petitioner's allegation that the proposed conservatee is unable to provide properly for his or her needs for physical health, food, clothing, and shelter *(specify in detail, enlarging upon the reasons stated in the petition; provide specific examples from the proposed conservatee's daily life showing significant behavior patterns)*: Specified in Attachment 2.

* If this item is not applicable, complete item 8.

(Continued on reverse)

CONFIDENTIAL

CONSERVATORSHIP OF (Name):	CASE NUMBER:
PROPOSED CONSERVATEE	

3. UNABLE TO MANAGE FINANCIAL RESOURCES* The following facts support petitioner's allegation that the proposed conservatee is substantially unable to manage his or her financial resources or to resist fraud or undue influence (specify in detail, enlarging upon the reasons stated in the petition; provide specific examples from the proposed conservatee's daily life showing significant behavior patterns): Specified in Attachment 3.

4. RESIDENCE ("Residence" means the place usually described as "home"; for example, owned real property or long-term rental.)

a. The proposed conservatee is **located** at (street address, city, state):

b. The proposed conservatee's **residence** is* the address in item 4a other (street address, city, state):

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

(1) **living** in his or her residence and

(a) will continue to live there unless circumstances change.

(b) will need to be moved after a conservator is appointed (specify supporting facts below in item 4c(3)).

(c) other (specify and give supporting facts below in item 4c(3)).

* If this item is not applicable, complete item 8.

(Continued on page three)

CONSERVATORSHIP OF (Name): _____ CONSERVATEE	CASE NUMBER:
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ATTACHMENT REQUESTING SPECIAL ORDERS REGARDING DEMENTIA
(Petition for Exclusive Authority to Give Consent for Medical Treatment (form GC-380))
(Petition for Appointment of Probate Conservator (form GC-310))

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 and which has a care plan that meets the requirements of California Code of Regulations, title 22, section 87724.
 - b. to authorize the administration of medications appropriate for the care and treatment of dementia.

2. The conservatee or proposed conservatee has 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 licensure with at least two years experience in diagnosing 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. *Dementia medications*. The conservatee needs or would benefit from medications appropriate to the care and treatment of dementia. The conservatee lacks capacity to give informed consent to the administration of those medications.

CONFIDENTIAL

CONSERVATORSHIP OF (Name): _____ <div style="text-align: right; padding-right: 20px;">PROPOSED CONSERVATEE</div>	CASE NUMBER: _____
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6. a. (continued)

(3) **estate management assistance** was provided was not provided to the proposed conservatee (explain):
 Explained in Attachment 6a(3).

b. Petitioner has **no knowledge** of what social services health services estate management assistance was provided to the proposed conservatee during the year before this petition was filed. Petitioner has no reasonable means of determining what services were provided.

7. SUPPORTING FACTS (AFFIDAVITS) The information provided above is stated

- a. Item 1: on petitioner's own knowledge in an affidavit (declaration) by another person attached as Attachment 1a.
- b. Item 2: on petitioner's own knowledge in an affidavit (declaration) by another person attached as Attachment 2a.
- c. Item 3: on petitioner's own knowledge in an affidavit (declaration) by another person attached as Attachment 3a.
- d. Item 4: on petitioner's own knowledge in an affidavit (declaration) by another person attached as Attachment 4a.
- e. Item 5: on petitioner's own knowledge in an affidavit (declaration) by another person attached as Attachment 5a.
- f. Item 6: on petitioner's own knowledge in an affidavit (declaration) by another person attached as Attachment 6a.

8. ITEMS NOT APPLICABLE The following items on this form were not applicable to the proposed conservatee:

2 3 4b 4c 5 6 (specify reasons each item is not applicable):
 Reasons specified in Attachment 8.

9. 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 OF PETITIONER)

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: _____			
CONSERVATORSHIP OF _____ (Name):		CASE NUMBER: _____	
PROPOSED CONSERVATEE			
CONFIDENTIAL CONSERVATOR SCREENING FORM		HEARING DATE AND TIME: _____	DEPT.: _____
Conservatorship of <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Limited Conservatorship			

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.

1. a. **Proposed conservator (name):**
 b. Date of birth: _____
 c. Social security number: _____ d. Driver's license number: _____ State: _____
 e. Telephone numbers: Home: _____ Work: _____ Other: _____
2. a. I am related to the proposed conservatee as (specify relationship): _____
 b. I have personally known the proposed conservatee for: _____ years, _____ months.
3. I was _____ I was not _____ nominated as conservator of the _____ person _____ estate of the proposed conservatee, by _____ the proposed conservatee. _____ the spouse or registered domestic partner of the proposed conservatee. _____ a parent of the proposed conservatee. (If you checked "I was," provide documentation in Attachment 3.)
4. a. I am the spouse of the proposed conservatee. I have _____ I have not _____ filed for legal separation, dissolution of marriage, annulment, or adjudication of nullity of the marriage. (If you checked "I have," explain in Attachment 4.)
 b. I am not the spouse of the proposed conservatee.
5. a. I am the registered domestic partner of the proposed conservatee. I do not I do intend to terminate my domestic partnership with the proposed conservatee. (If you checked "I do," explain in Attachment 5.)
 b. I am a former domestic partner of the proposed conservatee. My domestic partnership with the proposed conservatee was terminated on (date): _____ . (Explain circumstances in Attachment 5.)
 c. I am neither a current nor former domestic partner of the proposed conservatee.
6. a. I do I do not owe money or have a financial obligation to the proposed conservatee. (If you checked "I do," explain in Attachment 6.)
 b. The proposed conservatee does does not owe money or have a financial obligation to me. (If you checked "does," explain in Attachment 6.)
 c. I am I am not an agent for a creditor of the proposed conservatee. (If you checked "I am," explain in Attachment 6.)

CONSERVATORSHIP OF <i>(Name)</i> :	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.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
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 <input type="checkbox"/> Limited Conservatorship	CASE NUMBER:

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 <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ <div style="text-align: center; margin-top: 10px;">PROPOSED CONSERVATEE</div>	CASE NUMBER: _____
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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

(SEAL)

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 <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ <div style="text-align: center; margin-top: 10px;">PROPOSED CONSERVATEE</div>	CASE NUMBER: _____
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PROOF OF SERVICE

1. 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:

2. 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
 - a. **by personally delivering** the copies (1) on (date): _____ (2) at (time): _____
 - b. **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
 - (1) on (date): _____ (2) from (city): _____
 - (3) 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).)
 - (4) to an address outside California with return receipt requested. (Attach completed return receipt.)
 - c. **other** (specify other manner of service, and the authorizing code section and order of the court): _____

4. 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.
 - (1) Employee or independent contractor.
 - (2) Registration no. (specify): _____
 - (3) County (specify): _____
 - (4) Expiration (date): _____

5. **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
6. **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: _____



(SIGNATURE OF PERSON SERVING)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
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"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	
CAPACITY DECLARATION—CONSERVATORSHIP	CASE NUMBER

TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER

The purpose of this form is to enable the court to determine whether the (proposed) conservatee (check all that apply):

- A. is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for (date): . (Complete item 5, sign, and file page 1 of this form.)
- B. has the capacity to give informed consent to medical treatment. (Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.)
- C. has dementia and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from dementia medications. (Complete items 6 and 8 of this form and form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and form GC-335A.)

(If more than one item is checked above, sign the last applicable page of this form or form GC-335A if item C is checked. File page 1 through the last applicable page of this form; also file form GC-335A if item C is checked.)

COMPLETE ITEMS 1-4 OF THIS FORM IN ALL CASES.

GENERAL INFORMATION

1. (Name): _____
2. (Office address and telephone number): _____
3. I am
 - a. a California licensed physician psychologist acting within the scope of my licensure with at least two years' experience in diagnosing dementia.
 - b. an accredited practitioner of a religion whose tenets and practices call for reliance on prayer alone for healing, which religion is adhered to by the (proposed) conservatee. The (proposed) conservatee is under my treatment. (Religious practitioner may make the determination under item 5 ONLY.)
4. (Proposed) conservatee (name): _____
 - a. I last saw the (proposed) conservatee on (date): _____
 - b. The (proposed) conservatee is is NOT a patient under my continuing treatment.

ABILITY TO ATTEND COURT HEARING

5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. (Complete a or b.)
 - a. The proposed conservatee is able to attend the court hearing.
 - b. Because of medical inability, the proposed conservatee is NOT able to attend the court hearing (check all items below that apply)
 - (1) on the date set (see date in box in item A above).
 - (2) for the foreseeable future.
 - (3) until (date): _____
 - (4) **Supporting facts** (State facts in the space below or check this box and state the facts in Attachment 5):

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)
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CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
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6. EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS

Note to practitioner: This form is *not* a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

(Instructions for items 6A–6C): Check the appropriate designation as follows: **a** = no apparent impairment; **b** = moderate impairment; **c** = major impairment; **d** = so impaired as to be incapable of being assessed; **e** = I have no opinion.)

A. Alertness and attention

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)

a b c d e

(2) Orientation (types of orientation impaired)

a b c d e Person

a b c d e Time (day, date, month, season, year)

a b c d e Place (address, town, state)

a b c d e Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)

a b c d e

B. Information processing. Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)

i. Short-term memory a b c d e

ii. Long-term memory a b c d e

iii. Immediate recall a b c d e

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)

a b c d e

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)

a b c d e

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)

a b c d e

(5) Reason using abstract concepts. (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)

a b c d e

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)

a b c d e

(7) Reason logically.

a b c d e

C. Thought disorders

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)

a b c d e

(2) Hallucinations (auditory, visual, olfactory)

a b c d e

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)

a b c d e

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior).

a b c d e

(Continued on next page)

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

D. **Ability to modulate mood and affect.** The (proposed) conservatee has does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. (If so, complete remainder of item 6D.) I have no opinion.

(Instructions for item 6D: Check the degree of impairment of each inappropriate mood state (if any) as follows: a = mildly inappropriate; b = moderately inappropriate; c = severely inappropriate.)

Anger	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>	Euphoria	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>	Helplessness	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>
Anxiety	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>	Depression	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>	Apathy	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>
Fear	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>	Hopelessness	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>	Indifference	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>
Panic	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>	Despair	a	<input type="checkbox"/>	b	<input type="checkbox"/>	c	<input type="checkbox"/>							

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A–6D

- (1) do NOT vary substantially in frequency, severity, or duration.
- (2) do vary substantially in frequency, severity, or duration (*explain; continue on Attachment 6E if necessary*):

F. (Optional) Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is stated below stated in Attachment 6F.

ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee
- a. has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.
 - b. lacks the capacity to give informed consent to any form of medical treatment because he or she is **either** (1) unable to respond knowingly and intelligently regarding medical treatment **or** (2) unable to participate in a treatment decision by means of a rational thought process, **or both**. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

(Declarant must initial here if item 7b applies: _____.)

8. 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 <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):	CASE NUMBER:
<input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	

**ATTACHMENT TO FORM GC-335, CAPACITY DECLARATION—CONSERVATORSHIP,
ONLY FOR (PROPOSED) CONSERVATEE WITH DEMENTIA**

9. It is my opinion that the (proposed) conservatee HAS does NOT have dementia as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders*.
- a. **Placement of (proposed) conservatee.** (If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)–9a(5).)
- (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because (state reasons; continue on Attachment 9a(1) if necessary):

 - (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9a(2) if necessary):

 - (3) The (proposed) conservatee HAS capacity to give informed consent to this placement.
 - (4) The (proposed) conservatee does NOT have capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions with regard to giving informed consent to placement in a restricted and secure environment.
 - (5) A locked or secured-perimeter facility is is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.
- b. **Administration of dementia medications.** (If the (proposed) conservatee requires administration of psychotropic medications appropriate to the care of dementia, please complete items 9b(1)–9b(5).)
- (1) The (proposed) conservatee needs or would benefit from the following psychotropic medications appropriate to the care of dementia, for the reasons stated in item 9b(5) (list medications; continue on Attachment 9b(1) if necessary):

 - (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include (describe; continue on Attachment 9b(2) if necessary):

 - (3) The (proposed) conservatee HAS capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia.
 - (4) The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate his or her actions with regard to giving informed consent to the administration of psychotropic medications for the treatment of dementia.
 - (5) The (proposed) conservatee needs or would benefit from the administration of the psychotropic medications listed in item 9b(1) because (state reasons; continue on Attachment 9b(5) if necessary):

10. 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 <i>(Name, State Bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(Name):</i> <div style="text-align: right;"><input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE</div>	
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: _____
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b. Address of court same as noted above 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.)



CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
CONSERVATEE	

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):*
- a. The successor conservator is not the spouse of the conservatee.
- b. 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.
- c. 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):*
- a. The successor conservator is not the domestic partner or former domestic partner of the conservatee.
- b. The successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.
- c. 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 <i>(name):</i>	CASE NUMBER:
CONSERVATEE	

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

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: _____
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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.

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):

CONSERVATEE

CASE NUMBER:

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:
 - a. 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.
 - (1) 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.
 - (2) (If court order limits duration) This medical authority terminates on (date): _____
 - b. Authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
 - c. Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in
Probate Code section 2356.5(c).
 - d. Powers to be exercised independently under Probate Code section 2590 are specified in Attachment 3d (specify powers,
restrictions, conditions, and limitations).
 - e. Conditions relating to the care and custody of property under Probate Code section 2402 are specified in Attachment 3e.
 - f. Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358
are specified in Attachment 3f.
 - g. (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 are
specified in Attachment 3g.
 - h. (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) are
specified in Attachment 3h.
 - i. 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

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): CONSERVATEE	CASE NUMBER:
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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

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 (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
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): _____	CONSERVATEE
NOTICE OF CONSERVATEE'S RIGHTS	CASE NUMBER: _____

When a person becomes a conservatee, he or she does not necessarily lose the right to take part in important decisions affecting his or her property and way of life. Every conservatee has the right to be treated with understanding and respect and to have his or her wishes considered. Every conservatee has all basic human rights and the right to be well cared for by his or her conservator.

The conservatee has the right to ask questions and to express concerns and complaints about the conservatorship and the actions of his or her conservator. The conservatee may ask the court to review the conservator's management of the conservatorship if disputes cannot be worked out between them. Even if the conservatee does not take direct action, the court will periodically send a person, called a **court investigator**, to visit the conservatee, to inquire about his or her circumstances and desires, and to advise the conservatee of his or her rights. The court also may appoint a lawyer to represent the conservatee.

The conservatee will be allowed the greatest degree of freedom and privacy possible consistent with the underlying reasons for the conservatorship. The conservator should give as much regard to the wishes of the conservatee as possible under the circumstances so that the conservatee may function at the highest level his or her ability permits. The conservator must give due regard to the preferences of the conservatee and to encourage the conservatee's participation in decision-making.

THE CONSERVATEE'S RIGHTS

After appointment of a conservator, the conservatee keeps the right to:

- Be represented by a lawyer;
- Ask a judge to replace the conservator;
- Ask a judge to end the conservatorship;
- Make or change his or her will;
- Directly receive and control his or her salary; and
- Control an allowance (an allowance is personal spending money the court has authorized the conservator to pay directly to the conservatee).

(Conservatee's rights continued on next page)

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER: _____
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THE CONSERVATEE'S RIGHTS (continued)

Unless the court has limited or taken the right away, the conservatee also keeps the right to:

- Receive personal mail;
- Vote;
- Marry or enter into a registered domestic partnership;
- Receive visits from family and friends;
- Make his or her own medical decisions;
- Enter into transactions, to the extent reasonable to (1) provide the necessities of life to the conservatee and his or her minor children, and (2) provide the necessities of life to his or her spouse or basic living expenses to his or her registered domestic partner;
- Engage in other activities the court expressly allows him or her to do, at the time of the conservator's appointment, or a later time following a court hearing on a request for authority to engage in the activity; and
- If the conservatee is a **limited conservatee**, to engage in any activity that the court has not expressly reserved to his or her **limited conservator**.

(Proof of mailing on page 3)
(Instructions for mailing on page 4)

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:
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INSTRUCTIONS FOR MAILING COPIES OF NOTICE OF CONSERVATEE'S RIGHTS AND ORDER APPOINTING PROBATE CONSERVATOR

1. **What to mail:** The conservator, the conservator's attorney, or the attorney's employee must mail a copy of this *Notice of Conservatee's Rights*, with an attached copy of the *Order Appointing Probate Conservator* showing the judicial officer's signature and the date of filing, to each person identified in item 2 below.
2. **Who must receive the mailing:** The persons to whom copies of this *Notice of Conservatee's Rights* and the *Order Appointing Probate Conservator* must be mailed are:
 - a. The conservatee;
 - b. The conservatee's attorney, if any;
 - c. The following relatives of the conservatee named in Probate Code section 1821(b) (spouse or registered domestic partner and second-degree relatives required to be named in the *Petition for Appointment of Probate Conservator*):
 - (1) Spouse or registered domestic partner;
 - (2) Parents;
 - (3) Children at least 12 years old (see item e below if there are children under the age of 12);
 - (4) Grandparents;
 - (5) Grandchildren at least 12 years old (see item e below if there are grandchildren under the age of 12); and
 - (6) Brothers and sisters, including half-brothers and half-sisters.
 - d. If the conservator knows of no spouse or registered domestic partner or second-degree relative of the conservatee, copies of this *Notice of Conservatee's Rights* and the *Order Appointing Probate Conservator* must be mailed to the following persons:
 - (1) 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 at least 12 years old (see item e below if there are children under the age of 12);
 - (3) Brothers and sisters of the conservatee's parents (conservatee's aunts and uncles), if any, or, if none, to their natural and adoptive children at least 12 years old (see item e below if there are children under the age of 12); and
 - (4) The natural and adoptive children of the conservatee's brothers and sisters at least 12 years old (see item e below if there are children under the age of 12).
 - e. If a person named above is under the age of 12, 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 Probate Conservator*.
4. **Fill out Proof of Mailing:** The conservator or his or her attorney of record must fill out the Proof of Mailing on page 3 of this form, including the correct addresses of the persons to receive the mailing, identified in item 2 above, before making the copies to be mailed. If the Proof of Mailing 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 Mailing must be shown on one or more additional pages attached to this form. One or more copies of *Attachment to Notice of Conservatee's Rights* (form GC-341(MA)) may be used for this purpose. After the mailing described in item 5 below, the conservator or his or her attorney must date and sign the Proof of Mailing on page 3 of this form.
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*, with attached conformed copies of the *Order Appointing Probate Conservator* in sealed envelopes, addressed to each person at the address shown for that person on the Proof of Mailing on page 3 of this form, or on attached additional pages, with postage fully prepaid.
 - b. Deposit (mail) the sealed envelope(s) with the United States Postal Service on the date and from the place (city and state) shown in item 4 of the Proof of Mailing on page 3 of this form.
6. **Filing Notice of Conservatee's Rights:** The conservator, or his or her attorney of record, must file with the court the original *Notice of Conservatee's Rights*, with a signed and dated Proof of Mailing and all attached additional address pages. **Do not attach a copy of the *Order Appointing Probate Conservator* to the original *Notice of Conservatee's Rights* filed with the court.**

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
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ATTACHMENT TO NOTICE OF CONSERVATEE'S RIGHTS

(This attachment is for use with Form GC-341.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name and relationship to conservatee

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

_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	

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

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): _____ .

2. 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.**
3. 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.
4. 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.
5. 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.)



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

 Relationship:	
 Relationship:	
 Relationship:	
 Relationship:	
 Relationship:	
 Relationship:	
 Relationship:	
 Relationship:	
 Relationship:	

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

Case Number:

(Name): _____

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: _____
Objector types 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*

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

INFORMATION FOR CONSERVATOR OR GUARDIAN OF THE PERSON:

- (1) You must mail, **at least 15 days before the date of the proposed move** (unless you can show that an emergency requires a shorter time), a notice of your intention to change your conservatee's or ward's **personal residence** (his or her residence as defined in rules 7.1063(b) or 7.1013(b) of the Cal. Rules of Court) to the conservatee, the ward if 12 years of age or older, the conservatee's or ward's attorney; and **(a) in a conservatorship**, the conservatee's spouse or registered domestic partner; and the conservatee's relatives named in the petition for appointment of a conservator in your case (the conservatee's second-degree relatives, or if there are no spouse, registered domestic partner, and second-degree relatives, the persons named in Probate Code section 1821(b)(1)–(4) as the conservatee's "deemed relatives"); or **(b) in a guardianship**, the ward's parents; any person who had legal custody of the ward when the first petition for appointment of a guardian was filed in your case, the guardian of the ward's estate, and any person nominated as a guardian for the ward who was not appointed. **Use copies of this form for the notice described above. File the original of the notice form with the court and show proof of mailing. See page 2 of this form for proof of mailing. If there is more than one ward in your case, file and mail copies of a separate form for each ward moved.** (See rules 7.1013(a) and (b), or 7.1063(a) and (b) of the Cal. Rules of Court.)
- (2) You must also give notice to the court and others, **after the move**, of any change in the conservatee's or ward's residence within the State of California. **Do not use this form for that notice.** Use form GC-080, *Post-Move Notice of Change of Residence of Conservatee or Ward*, for that notice. (See rules 7.1013(c)–(e), and 7.1063(c)–(e) of the Cal. Rules of Court.)
- (3) You must obtain court permission **before** the conservatee or ward can move to a new residence outside California.

NOTICE IS GIVEN as follows:

1. I intend to change the above-named conservatee's or ward's personal residence on (*date*):
2. The conservatee's or ward's residence address after the move 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 residence; apartment or condominium; board and care, intermediate care, or skilled nursing*):
4. I cannot give at least 15 days' notice of this intended change because of the emergency described below (*specify*):

Continued on Attachment 4. (*State name of this case, case number, and title of this form on the top of attached page.*)

Date:

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

_____ (TYPE OR PRINT NAME OF CONSERVATOR OR GUARDIAN)	_____ (SIGNATURE OF CONSERVATOR OR GUARDIAN)
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<input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF THE PERSON <input type="checkbox"/> AND ESTATE OF (Name): _____ <div style="text-align: center;"> <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR </div>	CASE NUMBER: _____
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**ATTACHMENT TO PRE-MOVE NOTICE OF PROPOSED CHANGE OF
PERSONAL 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

<u>Name and relationship to conservatee or ward</u>	<u>Address (number, street, city, state, and zip code)</u>
_____ Relationship: _____	_____
_____ Relationship: _____	_____
_____ Relationship: _____	_____
_____ Relationship: _____	_____
_____ Relationship: _____	_____
_____ Relationship: _____	_____
_____ Relationship: _____	_____
_____ Relationship: _____	_____

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

INFORMATION FOR CONSERVATOR OR GUARDIAN OF THE PERSON:

- (1) Every time your conservatee or ward moves to a new residence in California, you must, **within 30 days of the date of the move**, give written notice of the change to the court and, unless the court excuses you for good cause to prevent harm to the conservatee or ward, mail a copy of the notice to the attorney for the conservatee or ward; and **(a) in a conservatorship**, mail copies of the notice to the conservatee's spouse or registered domestic partner and the conservatee's relatives named in the petition for appointment of a conservator in your case (the conservatee's second-degree relatives, or if there is no spouse, registered domestic partner, and second-degree relatives, the persons named in Probate Code section 1821(b)(1)–(4) as the conservatee's "deemed relatives"); or **(b) in a guardianship**, mail copies of the notice to the ward's parents, any person who had legal custody of the ward when the first petition for appointment of a guardian was filed in your case, the guardian of the ward's estate, and any person nominated as a guardian for the ward who was not appointed.
- (2) **Use this form for the notice described above.** Do not mail a copy to the conservatee or ward. To give notice to the court, file the original of this form after filling out the proof of mailing on the second page. (See rules 7.1013(c) and (d), or 7.1063(c) and (d) of the Cal. Rules of Court.) If there is more than one ward in your case, file and mail copies of a separate form for each ward moved.
- (3) You must also give notice, **before the move**, of an intent to move the conservatee or ward from his or her personal residence (as defined in rules 7.1063(b) and 7.1013(b) of the Cal. Rules of Court). **Do not use this form for that notice.** Use form GC-079, *Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward*, for that notice.
- (4) You must obtain court permission **before** the conservatee or ward can move to a new residence outside California.

NOTICE IS GIVEN as follows:

1. On (*date*): _____ the conservatee or ward named above moved to the residence described in item 2.
2. New address (*street address, city, county, and zip code*): _____

 Telephone number: _____ Other contact telephone number, if any (*if none, write "None"*): _____
3. (*Check this box if this case is a conservatorship.*) The conservatee's new residence identified in 2 is the least restrictive appropriate residence that is available to meet his or her needs and is in the conservatee's best interest.

Date: _____

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

(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 OF (Name): _____ <div style="text-align: center;"> <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR </div>	CASE NUMBER: _____
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ATTACHMENT TO POST-MOVE NOTICE OF 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

Name and relationship to conservatee or ward

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

_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF <i>(Name):</i> <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	
<div style="text-align: center;">INVENTORY AND APPRAISAL</div> <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)
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ESTATE OF (Name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	CASE NUMBER:
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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:

<hr style="border: none; border-top: 1px solid black;"/> (TYPE OR PRINT NAME)		<hr style="border: none; border-top: 1px solid black;"/> (SIGNATURE OF REFEREE)
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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.)