



# Petition for Conservatorship (Step 2)

Review the Handbook for Conservators before completing these forms. You can review the Handbook for Conservators at the Public Law Library or on the web at [http://www.courts.ca.gov/documents/conservatorship\\_handbook.pdf](http://www.courts.ca.gov/documents/conservatorship_handbook.pdf)

## **ASSISTANCE**

Conservatorship is a complex legal procedure. If you need help finding an attorney, contact the State Bar ([www.calbar.ca.gov](http://www.calbar.ca.gov)) or the Sacramento County Bar ([www.sacbar.org](http://www.sacbar.org)) before attempting to complete this packet yourself.

## **COMPLETE THE ATTACHED FORMS (as appropriate)**

**GC-348** – Duties of Conservator

**PR/E-LP-020** – Verification That Video of Conservator's Duties Has Been Viewed

**GC-341** – Notice of Conservatee's Rights

**GC-341(MA)** – Attachment to Notice of Conservatee's Rights

**DE-160/GC-040** – Inventory and Appraisal

**GC-020** – Notice of Hearing—Guardianship or Conservatorship

**GC-020 (MA)** – Attachment to Notice of Hearing Proof of Service by Mail

**GC-020 (P)** – Proof of Personal Service of Notice of Hearing – Guardianship or Conservatorship

**PR/E-LP-010** – Declaration of Diligent Search (use if you could not serve everyone who should have received notice of the proceedings.)



**COPIES**

Present an original and two copies of the completed forms to the Probate filing counter. The Court will file and keep the original and one copy and return one endorsed copy to you. Bring an endorsed copy to all Court hearings.



|   |                           |
|---|---------------------------|
| CONSERVATORSHIP OF (Name):<br><br>_____ | CASE NUMBER:<br><br>_____ |
| 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):<br><br>_____ | CASE NUMBER:<br><br>_____ |
| 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):<br><br>_____ | CASE NUMBER:<br><br>_____ |
| 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):<br><br>_____ | CASE NUMBER:<br><br>_____ |
| 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):<br><br>_____ | CASE NUMBER:<br><br>_____ |
| CONSERVATEE                             |                           |

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

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

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

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

#### VI. LIMITED CONSERVATOR (for the developmentally disabled only)

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

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

##### B. DUTY TO HELP LIMITED CONSERVATEE DEVELOP SELF-RELIANCE

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

##### C. DETERMINATION OF LEVEL OF CARE FOR CERTAIN LIMITED CONSERVATEES

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

#### VII. TEMPORARY CONSERVATOR

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

**Sign the *Acknowledgment of Receipt* on page 7.**

|   |                           |
|---|---------------------------|
| CONSERVATORSHIP OF (Name):<br><br>_____ | CASE NUMBER:<br><br>_____ |
| 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](http://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.**

|   |   |
|---|---|
| Party without Attorney or Attorney<br>(Name and Address):<br><br><br>Sacramento Superior Court<br>3341 Power Inn Rd.<br>Sacramento, Ca 95826<br><br>Conservatorship of the <input type="checkbox"/> Person <input type="checkbox"/> Estate of:<br><br><br>Proposed Conservatee. | Telephone No:<br><br><br><br><br><br><br><br><br><br> |
| <b>VERIFICATION THAT VIDEO OF CONSERVATOR'S<br/> DUTIES HAS BEEN VIEWED</b>   | <b>Case No.</b>                                       |

I, \_\_\_\_\_, have petitioned the court to be appointed the conservator of the person  
and/or estate of: \_\_\_\_\_.

I, \_\_\_\_\_, pursuant to Local Rule 4.40 viewed the court's videotape presentation  
on the duties and responsibilities of the conservator on \_\_\_\_\_.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Signature of Declarant)

**You are required to view a conservatorship video, which is available for review at online at**  
<http://www.saclaw.org/pages/conservatorship-video.aspx>

- The handbook referred to in this video: "Handbook for Conservators", is available for review at  
the Sacramento County Public Law Library and at the Judicial Council's web site:  
[http://www.courts.ca.gov/documents/conservatorship\\_handbook.pdf](http://www.courts.ca.gov/documents/conservatorship_handbook.pdf)

**THIS FORM MUST BE COMPLETED AND FILED PRIOR TO  
THE HEARING ON THE CONSERVATORSHIP PETITION**

|   |                           |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): _____ | <b>FOR COURT USE ONLY</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:   |                           |
| CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE<br>OF (Name): _____  | CONSERVATEE               |
| <b>NOTICE OF CONSERVATEE'S RIGHTS</b>   | 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<br>(Name): _____<br><div style="text-align: right;">CONSERVATEE</div> | CASE NUMBER: _____ |
|---|--------------------|

### 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<br>(Name): _____<br><div style="text-align: right;">CONSERVATEE</div> | CASE NUMBER: |
|---|--------------|

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

**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**

| <u>Name and relationship<br/>to conservatee</u>                 | <u>Address (number, street, city, state, and zip code)</u> |
|---|--|
| _____<br>Relationship: <input style="width: 80%;" type="text"/> |  |

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

|   |  |                      |
|---|--|----------------------|
| _____<br>(TYPE OR PRINT NAME; INCLUDE TITLE IF CORPORATE OFFICER) |  | _____<br>(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:

|                               |  |  |
|-------------------------------|--|--|
| _____<br>(TYPE OR PRINT NAME) |  | _____<br>(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY) |
|-------------------------------|--|--|

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

### 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:

|                               |   |                                 |
|-------------------------------|---|---------------------------------|
| _____<br>(TYPE OR PRINT NAME) |  | _____<br>(SIGNATURE OF REFEREE) |
|-------------------------------|---|---------------------------------|

### INSTRUCTIONS

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

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

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

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<br>OF (Name): _____<br><div style="text-align: right; margin-top: 10px;"> <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: _____<br>Time: _____        |
| 2. |             |   | Date: _____<br>Time: _____        |
| 3. |             |   | Date: _____<br>Time: _____        |
| 4. |             |   | Date: _____<br>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 <u>PARTY WITHOUT ATTORNEY</u> (Name and Address):<br><br>Telephone No.: _____<br><br>FAX No.: _____<br><br>ATTORNEY FOR (Name): _____  |  | FOR COURT USE ONLY  |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO<br>Street Address: 3341 Power Inn Road<br>Mailing Address: 3341 Power Inn Road<br>City and Zip Code: Sacramento, CA 95826<br>BRANCH NAME: WM RIDGEWAY FAMILY RELATIONS COURTHOUSE |  |                     |
| <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> ESTATE OF:<br><br>(NAME): _____  |  | Case Number: _____  |
| <b>DECLARATION OF DILIGENT SEARCH AND REQUEST TO DISPENSE WITH NOTICE</b>  |  | Hearing Date: _____ |

Name of the person I need to give notice to is: \_\_\_\_\_

The last known address for this person is: \_\_\_\_\_

The approximate date when the person named above was last known to reside there was: \_\_\_\_\_

Guardianship only: The relationship between this person and the child(ren) in this case is: \_\_\_\_\_

Conservatorship only: The relationship between this person and the conservatee is: \_\_\_\_\_

Estate only: The relationship between this person and the decedent is: \_\_\_\_\_

My attempts to locate include the following:

1. I contacted the following relatives of the person named above:

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Results of interview and additional information received:

2. I contacted the following friends and acquaintances of the person named above:

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Results of interview and additional information received:

3. I contacted the following employers of the person named above:

Name and Title    Business Name, Address and Telephone Number    Dates of Employment

\_\_\_\_\_

|            |              |
|------------|--------------|
| Case Name: | Case Number: |
|------------|--------------|

Results of interview and additional information received:

4. I reviewed the city telephone directories of \_\_\_\_\_ and contacted directory assistance on \_\_\_\_\_.
- City & State
- Date

Results/additional information received:

5. I searched the real and personal property indexes in the Recorder's and Assessor's Offices of \_\_\_\_\_ County on \_\_\_\_\_.
- County Name
- Date

Results/additional information received:

6. I conducted an Internet search on \_\_\_\_\_, on \_\_\_\_\_.
- Location
- Date

Results/additional information received:

7. I contacted the applicable criminal justice agency (such as California Department of Corrections Locator Service at (916) 445-6713), on \_\_\_\_\_.
- Date

Results/additional information received:

8. Other relevant information:

Despite my diligent efforts, I have not been able to find \_\_\_\_\_ and therefore ask the Court permission to dispense with notice to \_\_\_\_\_

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

Dated: \_\_\_\_\_

Signature

Print Name: \_\_\_\_\_