

Limited
Conservatorship
Information

Who is this manual for?

This manual is not for everyone. It is for adults who do not have a lawyer and want to petition the court to appoint a limited conservator for an adult with a developmental disability.

Additional conditions include:

- The adult with the developmental disability must live in San Diego County now.
- The adult with the developmental disability must have little or no money, no estate, and no inheritance.

This manual is not for you if you also need to be a conservator of the estate of an adult with developmental disabilities.

This manual has information on:

- How to fill out the forms you need to become a limited conservator; and

- Your rights and responsibilities as a limited conservator.

The Legal Aid Society of San Diego, Inc. Pro Bono Program's Conservatorship Clinic also provides free conservatorship assistance. The Clinic provides information and options, but not legal advice or representation. Clinic aides can help you with your forms and guide you through the conservatorship process. The Clinic is open to anyone without an attorney, regardless of income level, on a first-come, first-served basis. Check the court website or call 1-877-534-2524 for current Clinic hours.

If you wish to hire an attorney, call the San Diego County Bar Association Lawyer Referral & Information Service at 619-231-8585 for an attorney referral.

Court Address

Probate Business Office, 3rd floor
Madge Bradley Building
San Diego Probate Court
1409 Fourth Avenue,
San Diego, CA 92101

Website:

<http://www.sdcourt.ca.gov>

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Overview of Forms and Instructions to Become a Limited Conservator of the Person

Here's what you need to do:

Read the attached manual, *Self-Help Manual for Limited Conservatorship of the Person* for more detail on each of the steps below.

1) Fill out the forms listed below. They are all included in this packet.

- GC-310 – *Petition for Appointment of Probate Conservator*
- GC-312 – *Confidential Supplemental Information*
- GC-314 – *Confidential Conservator Screening Form(s)*
- SDSC PR-020 – *Referral Information and List of Relatives*
- GC-348 – *Duties of Conservator*
- GC-335 – *Capacity Declaration* (completed by the proposed conservatee's doctor or psychologist)
- GC-320 – *Citation for Conservatorship*

If the proposed conservatee qualifies for a fee waiver, fill-out these forms, which are found in the fee waiver packet:

- FW-001-GC – *Request to Waive Court Fees (Ward or Conservatee)*
- FW-003-GC – *Order on Court Fees (Superior Court) (Ward or Conservatee)*

2) Make two (2) sets of copies and file the forms at the Probate Business Office. Pay the filing fee, unless you are granted a fee waiver.

3) Arrange for notice and citation. You will need the following forms from this packet for this step:

- GC-020 – *Notice of Hearing*
- GC-320 – *Citation for Conservatorship*
- GC-310 – *Petition for Appointment of Probate Conservator*

Someone over 18 (but 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 all of the proposed conservatee's relatives within the second degree and the Regional Center. Also arrange to have someone over 18 (but not you) hand deliver a copy of the *Citation for Conservatorship* (GC-320) and a copy of the *Petition for Appointment of Probate Conservator* (GC-310) to the proposed conservatee. Then copy and file the *Notice of Hearing* (GC-020) and *Citation for Conservatorship* (GC-320) with the proof of service section of each form completed by the person who served each document. (See page 7 for more information.)

5) Be prepared to schedule meetings with the court appointed attorney and the Regional Center.

6) Complete and file the proposed order and letters. (See page 9 for more information.) You will need the following forms for this step:

- SDSC PR-162 – *Submitted Order Form*
- GC-340 – *Order Appointing Conservator*
- GC-350 – *Letters of Conservatorship*

7) Check the Probate Examiner Notes on the court website a few days before the hearing. (See page 9 for more information.)

8) Attend the court hearing and bring the proposed conservatee to the court hearing unless his/her doctor states on the *Capacity Declaration* (GC-335) that the proposed conservatee does not have to attend the hearing.

9) If the judge appoints you as the conservator, you will receive the signed *Order Appointing Conservator* (GC-340) and *Letters of Conservatorship* (GC-350) in the mail a few weeks after the hearing.

10) Serve notice of rights. You will need the following forms for this step:

- GC-341 – *Notice of Conservatee's Rights*
- GC-340 – *Order Appointing Conservator*

Complete the *Notice of Conservatee's Rights* (GC-341) and mail it with a copy of the *Order Appointing Conservator* (GC-340) to the conservatee, the conservatee's attorney, Regional Center, and the conservatee's relatives within the second degree. Then copy and file the *Notice of Conservatee's Rights* (GC-341) with the proof of service section completed.

11) Complete the GC-355 *Determination of Conservatee's Appropriate Level of Care*, copy it, and file it with the court. You will need the following form for this step:

- GC-355 – *Determination of Conservatee's Appropriate Level of Care*

12) You have completed the steps in establishing a conservatorship. However, you have many ongoing duties as a conservator. Be sure you are aware of your responsibilities by reviewing the *Handbook for Conservators*. Seek assistance from an attorney or the Conservatorship Clinic if you need further guidance.

What is a Limited Conservatorship?

There are several types of conservatorships. One type is called a **limited conservatorship**. A limited conservatorship is established when a judge appoints a responsible person (called a **conservator**) to assist an adult with a developmental disability (called a **conservatee**) who is unable to provide for her/his personal and/or financial needs.

There are two kinds of limited conservatorships:

1. A **limited conservatorship of the person** is a court arrangement where a conservator cares for and protects a developmentally disabled conservatee and provides for the conservatee's needs associated with daily life.
2. A **limited conservatorship of the estate** is a court arrangement where a conservator handles a developmentally disabled conservatee's financial matters such as paying bills and collecting income from financial assets.

How will I know if I also need to be a limited conservator of the estate?

You do not need a conservatorship of the estate if:

- the developmentally disabled adult you care for receives public assistance such as Supplemental Security Income (SSI) or Social Security (SSA), but has no other assets; or
- If the developmentally disabled adult earns a wage.

But, you need a conservatorship of the estate if the developmentally disabled adult has other assets, such as an inheritance or a settlement from a lawsuit that is not in a special needs trust.

Note: This manual addresses conservatorship of the person only.

When is a bond required?

A bond is required in most conservatorships of the estate to guarantee proper performance of the duties of the conservator of the estate. If you are appointed

only as conservator of the person you need not file a bond, unless required by the court.

Who decides if the adult is developmentally disabled?

An adult with a developmental disability is someone who has a chronic disability that originates before age 18 and constitutes a substantial handicap for the individual.

The local **Regional Center** will evaluate the proposed conservatee to determine if she/he is developmentally disabled. If the Regional Center accepted the person as a consumer before age eighteen (18), then she/he automatically qualifies as a person with a developmental disability. If the person has never been evaluated or accepted as a Regional Center consumer, she/he must be assessed.

If the Regional Center feels that an individual does not qualify as developmentally disabled and you disagree, you can appeal to the Area Board in your region. (Area Boards were created by the State Legislature to advocate for the rights of individuals with developmental disabilities.)

When should I apply for limited conservatorship?

If you are trying to establish a limited conservatorship for someone who will soon be 18 years old, it is a good idea to start the process approximately three to four months before the developmentally disabled person's 18th birthday. However, you can establish a limited conservatorship at any time after the person with the developmental disability has reached age 18.

Who can be appointed as limited conservator?

Any adult can file for conservatorship. Conservators are usually parents or siblings, but any responsible adult can act as conservator. There can be more than one limited conservator serving together. They are called co-conservators and share authority equally.

What All Limited Conservators Need to Know!

What kind of decisions can a limited conservator make?

A limited conservator's duty is to help the limited conservatee *develop maximum self-reliance and independence*. Because developmentally disabled adults can usually do many things on their own, the judge will only give the limited conservator power to do things the conservatee cannot do without help.

After the hearing, the limited conservator's *Letters of Conservatorship* (GC-350) and *Order Appointing Probate Conservator* GC-340) will list the exact areas (powers) in which the limited conservator is authorized to act.

What powers can a limited conservator ask for?

A limited conservator may ask the court for the following seven powers:

1. Decide where the conservatee resides.
2. Access to the conservatee's confidential records or papers.
3. Consent or withhold consent to marriage or entrance into a domestic partnership on behalf of the conservatee.
4. Enter into contracts on behalf of the conservatee.
5. Give or withhold medical consent on behalf of the conservatee.
6. Control the conservatee's social and sexual contacts and relationships.
7. Make decisions regarding the education of the conservatee.

What are the responsibilities of a limited conservator?

As a limited conservator of the person, you must take care of the conservatee's:

- Food;
- Clothing;
- Shelter; and
- Well-being.

For more information refer to the *Handbook for Conservators* published by the Judicial Council of California and available at the Probate Business Office for a fee. The handbook is also available for free download in the self-help section of the California Courts website:

www.courts.ca.gov/documents/handbook.pdf

How do I Establish a Limited Conservatorship?

– A Step-by-Step Guide –

Establishing a limited conservatorship takes time, at least two to three months. You need to fill-out paperwork and file it with the Probate Business Office. Then you must arrange to give notice to certain relatives of the proposed conservatee and the Regional Center, as well as arrange to have the citation served on the proposed conservatee. Next you must attend the hearing and, if your petition is granted, file more paperwork with the Probate Business Office.

(If you have an emergency situation that requires you to obtain a conservatorship more quickly, you can file for a temporary conservatorship in addition to a limited conservatorship. This guide does not cover temporary conservatorships. For assistance in emergency cases, you should seek help from the Conservatorship Clinic or an attorney.)

What to do:

Step 1: Make sure you have these court forms.

As part of this packet you should have the forms listed below.

The name of the form and the form number are always in the same place. The **form number** is located in the upper right hand corner and also in the lower left hand corner. The **form name** is located in the center at the bottom of the page and also in the “caption” box on top of the first page.

- *Petition for Appointment of Probate Conservator* (GC-310)
- *Confidential Supplemental Information* (GC-312)
- *Confidential Conservator Screening Form* (GC-314)
- *Referral Information and List of Relatives* (SDSC PR-020)
- *Duties of Conservator* (GC-348)
- *Capacity Declaration-Conservatorship* (GC-335)

- *Citation for Conservatorship* (GC-320)
- *Notice of Hearing* (GC-020)
- *Attachment to Notice of Hearing* (GC-020 (MA))
- *Order Appointing Conservator* (GC-340)
- *Letters of Conservatorship* (GC-350)
- *Notice of Conservatee’s Rights* (GC-341)
- *Attachment to Notice of Conservatee’s Rights* (GC-341(MA))
- *Determination of Conservatee’s Appropriate Level of Care* (GC-355)

You will need to create **attachments** (as described in the forms). You can obtain them from the Conservatorship Clinic or create them using the following form:

- *Attachment to Judicial Council Form* (MC-025)

If you are applying for a fee waiver, you will also need the fee waiver forms, which are not included in this packet. Fees are based on the income of the proposed conservatee. The fee waiver packet can be obtained from the Probate Business Office or on the court website. You will need the following forms from that packet:

- *Request to Waive Court Fees (Ward or Conservatee)* (FW-001-GC)
- *Order on Court Fees (Superior Court) (Ward or Conservatee)* (FW-003-GC)

Finally, when you get to **Step 9** you will need the following form that must be printed on blue paper. You can obtain this form at the Probate Business Office or at the Conservatorship Clinic.

- *Submitted Order Form* (SDSC PR-162) – on blue paper only!

Step 2: Fill out the initial forms.

The person who requests the conservatorship (and usually fills out the forms when representing him/herself) is called the **petitioner**. The petitioner

can be the proposed conservator or another person. A petitioner without an attorney is called a **petitioner in pro per** or self-represented litigant. This manual is written for the petitioner in pro per. Below are the forms you must initially file. Fill-out the following forms completely:

- *Petition for Appointment of Probate Conservator* (GC-310)
- *Confidential Supplemental Information* (GC-312)
- *Confidential Conservator Screening Form* (GC-314) for each co-conservator if you have more than one.
- *Referral Information and List of Relatives* (SDSC PR-020)
- *Duties of Conservator* (GC-348)
- *Citation for Conservatorship* (GC-320)

Note: At the Conservatorship Clinic, you can obtain sample forms, which show you how to fill-out your blank set of forms.

A few tips:

- Sometimes the questions on the forms ask you for more information, like explanations, and you need to attach a separate sheet of paper with more detail. These sheets are called **attachments**. If you need to add an attachment to a form use a blank sheet of paper or the *Attachment to the Judicial Council Form* (MC-025) at the end of the forms in this packet. Be sure to include the following information at the top of the attachment and fasten it to the form:

- Conservatorship of _____ (insert name of proposed conservatee)
- Case number _____ (insert a space for the case number even if you do not have one yet)
- Name of the form which requires the attachment, e.g., "Petition for Appointment of Probate Conservator")
- Attachment # _____ (insert the item number that requires the attachment)

- On the *Petition for Appointment of Probate Conservator* (GC-310), you will need to list the name, relationship to the proposed conservatee, and address of all of the proposed conservatee's relatives to the second degree. They are the proposed conservatee's:

- ✓ Parents;
- ✓ Brothers and sisters;
- ✓ Spouse/domestic partner;
- ✓ Children;
- ✓ Grandparents; and
- ✓ Grandchildren.

List these relatives even if they are deceased, but put the word "deceased" in the address space instead of an address. Also include the age of anyone under 18. You will later need to arrange for notice to be mailed to the living relatives. If you do not know the address of one or more of these people, try to find it by:

- ✓ Asking all family members and friends;
- ✓ Looking in phone books and the internet;
- ✓ Calling telephone information; and
- ✓ Contacting the last known address, phone number, and employer of the missing relative(s).

If you still cannot find the relative(s), list all the efforts you took to obtain the address(es) in Attachment 3f(1) and request that notice to the relative(s) be waived in Attachment 11 to the *Petition for Appointment of Probate Conservator* (GC-310).

Step 3: Obtain the Capacity Declaration.

You need to get the *Capacity Declaration* (GC-335) filled out and signed by the proposed conservatee's doctor or psychologist. Make sure the doctor fills out the form completely, signs and dates on each page required, and also initials where indicated.

(If there is delay in obtaining the *Capacity Declaration* (GC-335), you may file the other forms without it. However, be sure to file the completed

Capacity Declaration (GC-335) as soon as possible and well before the hearing.)

Step 4: Make copies and organize the forms.

After you have completely filled-out the forms and obtained a completed *Capacity Declaration* (GC-335), you are ready to make your initial filing.

Make two (2) copies of each document with its respective attachments.

Staple together the pages of those forms that consist of more than one page (e.g., *Petition for Appointment of Probate Conservator* (GC-310) consists of pages 1 through 7 and also several attachments).

Organize the forms into an original set (original signature) and two copy sets (one of each form per set). Put the original set on top.

Step 5: File the forms

File your forms at the Probate Business Office.

Probate Business Office, 3rd floor
Madge Bradley Building
San Diego Probate Court
1409 Fourth Avenue
San Diego, CA 92101

The clerk will ask you to pay the filing fees if you are not granted a fee waiver. If you pay the fees, keep your receipt. You may need it later. To find out the current fee, visit the court's website at:

www.sdcourt.ca.gov

Step 6: Get a conformed copy.

The clerk will keep the original forms and one set of copies. The clerk will return a set of **conformed copies** to you. A conformed copy is a copy that has been stamped exactly as the original. Your conformed copies will be your proof that you filed each form. Keep your conformed copies in a safe place and bring them to court with you. You will need some of the copies for the next step.

The clerk will stamp your hearing date and time on the *Citation for Conservatorship* (GC-320). This is the date the judge will hear your case.

Step 7: Give notice and serve citation.

A) Giving Notice

The law says you must arrange to give notice to certain relatives of the proposed conservatee and to some agencies. This means someone over the age of 18 – **not you** – who lives or works in the County of San Diego 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 date. This person is called a **server**. Notice informs relevant people and agencies that you are asking to be the conservator of the adult with the developmental disability, as well as where and when the court proceedings will take place.

You must arrange for notice, even if you think the relatives or agencies don't care or may disagree with you. You do not have to notice deceased relatives and you may not have to notice certain minors. Consult with an attorney or the Conservatorship Clinic if you have questions about notice.

Complete the *Notice of Hearing* (GC-020), but not the "Proof of Service" section.

Then make enough copies of the *Notice of Hearing* (GC-020) and *Petition for Appointment of Probate Conservator* (GC-310) for each of the following **living** relatives of the proposed conservatee and agencies to receive a set. Have your server mail a set to each of the following relatives of the proposed conservatee/agencies:

- Parents;
- Brothers
- Sisters;
- Spouse;
- Children;
- Grandparents;
- Grandchildren;
- Regional Center;

- Veteran's Administration (if applicable);
- Director of Mental Health (if the conservatee is in or on a leave of absence from a mental health facility).

The relatives and other agencies (if applicable) must be sent notice at least 15 days prior to the hearing. The Regional Center must be sent notice at least 30 days prior to the hearing. The petitioner does not have to notice him/herself.

What if I don't know where some or all of the relatives are?

As noted earlier, you should have listed the addresses of the relatives in the *Petition for Appointment of Probate Conservator* (GC-310). If you could not obtain an address for a relative, you should have listed your efforts to find that person in Attachment 3f(1) and requested that notice to the person be waived in Attachment 11 to the *Petition for Appointment of Probate Conservator* (GC-310). If you did not do so, seek assistance from the Conservatorship Clinic or an attorney to supplement your petition.

What if a relative is out-of-state or in another country?

You must still arrange for a server – not you – to mail a copy of the *Notice of Hearing* (GC-020) and *Petition for Appointment of Probate Conservator* (GC-310) at least 15 days before the court hearing. If the individual lives out of the country, you must arrange for the notice to be sent “air mail” and indicate “air mail” next to the individual’s address on the *Notice of Hearing* (GC-020).

Can the server hand-deliver instead of mail the notice?

It is possible to hand-deliver the notice to each person who needs to be served. This method of service requires a different proof of service form in *Step 7c*. Seek the assistance of an attorney or the Conservatorship Clinic if you prefer to have the server hand-deliver notice.

(B) Serving the Citation

The law says you must arrange to have someone over the age of 18 who lives or works in the County of San Diego – not you – “serve a citation” on the proposed conservatee. “Serving a citation” means someone must personally give a copy of the *Citation for Conservatorship* (GC-320) and a copy of the *Petition for Appointment of Probate Conservator* (GC-310) to the developmentally disabled adult.

Make a copy of the *Citation for Conservatorship* (GC-320) and *Petition for Appointment of Probate Conservator* (GC-310). Arrange for your server to hand-deliver a copy of the documents to the proposed conservatee. This step must be completed regardless of whether the proposed conservatee understands the documents.

Who can mail the notice and serve the citation?

Ask a friend, neighbor, or family member (not on the list of relatives to serve) who is 18 years old or over, who lives or works in the County of San Diego to mail/deliver the notices for you. The same person can give notice and mail citation, but it can also be done by two different people. Alternatively, you can hire a professional process server. A process server is someone you pay to deliver court papers. Search the internet for “process serving” if you want to find a professional server.

(C) Filling out the Proof of Service

Both the *Notice of Hearing* (GC-020), and the *Citation for Conservatorship* (GC-320) have a “Proof of Service” on the back, which needs to be filled out by the server.

The person who performs the mailing of notice must fill-out the “**Proof of Service by Mail**” section of the *Notice of Hearing* (GC-020) after he/she has mailed out a copy of the *Notice of Hearing* (GC-020) and a copy of the *Petition for Appointment of Probate Conservator* (GC-310) to the relatives, any applicable agencies, and the Regional Center. The names and addresses of all the people/agencies to whom notice was mailed must be listed on the “Proof of Service By Mail.” If more

space is needed, create an attachment or use the *Attachment to Notice of Hearing* (GC-020 (MA)).

The server must complete the "Proof of Service By Mail" section and date, print his/her name, and sign under penalty of perjury "that the foregoing is true and correct."

The person who serves the citation must fill-out the "**Proof of Service**" section of the *Citation for Conservatorship* (GC-320) after he/she has served the copy of the *Citation for Conservatorship* (GC-320) and a copy of the *Petition for Appointment of Probate Conservator* (GC-310) on the proposed conservatee.

The server must complete the "Proof of Service" section and date, print his/her name, and sign under penalty of perjury "that the foregoing is true and correct."

Then you must make a copy of these completed forms (all pages) and file them with the Probate Business Office. The clerk will conform your copy (stamp it) and return it to you for your records. Try to get these forms filed at least three weeks before your hearing.

Step 8: Expect visits and reports from the court-appointed attorney and Regional Center.

The court will appoint an attorney for the proposed conservatee. The attorney will meet with the proposed conservatee and may contact other relatives/friends to find out if a conservatorship is appropriate. He/she will also file a report with the court. The attorney represents the conservatee (not you) and will advocate for his/her wishes and/or best interests. You should receive a copy of the court-appointed attorney's report before the hearing.

Regional Center is also triggered to prepare a report on the proposed conservatee and submit it to the court based on the notice you served on the agency. They may visit the proposed conservatee and other relatives as part of their investigation. You should receive a copy of the Regional Center's report before the hearing.

Step 9: Submit the proposed order and letters.

You should submit your proposed orders and letters about three weeks before the hearing, so that the judge has them to sign and process on the day of the hearing.

Fill-out the following forms based on what you requested in your *Petition for Appointment of Probate Conservator* (GC-310).

- *Submitted Order Form* (SDSC PR-162)
- *Order Appointing Conservator* (GC-340)
- *Letters of Conservatorship* (GC-350)

Note: The Submitted Order Form (SDSC PR-162) must be printed on blue paper. It can be obtained at the Probate Business Office or at the Conservatorship Clinic.

Make two (2) copies of the completed *Order Appointing Probate Conservator* (GC-340) and *Letters of Conservatorship* (GC-350). Place the documents in the following order:

- *Submitted Order Form* (SDSC PR-162)
- Self-addressed stamped envelope
- Original *Order Appointing Probate Conservator* (GC-340)
- Original *Letters of Conservatorship* (GC-350)
- One (1) copy of the order
- One (1) copy of the letters

Staple or clip all these forms and the envelope together. File drop the packet in the tray at the end of the service windows in the Probate Business Office.

The extra set of copies is for your records because the clerk will not conform (stamp) the *Order Appointing Probate Conservator* (GC-340) and *Letters of Conservatorship* (GC-340) when you file drop them. You should keep the extra set of copies and bring it to the hearing.

The clerk will use the self-addressed stamped envelope you provided to return the signed *Order Appointing Probate Conservator* (GC-340) and

Letters of Conservatorship (GC-340) to you after your hearing.

Step 10: Check the Probate Examiner Notes.

Check the Probate Examiner Notes starting two weeks before the hearing date. Check each day until the notes are posted at the following website:

<http://www.sdcourt.ca.gov>

You will need your case number to find out if there are any **defects** (problems) with your case.

If defects are noted, the judge may not be able to decide on your case and your petition may be delayed. To correct any defects you should consult the Conservatorship Clinic, an attorney, or contact the probate examiner as described on the court website.

Step 11: Attend the hearing.

As the petitioner, you must attend the hearing. Any co-conservator should attend as well. You should bring all your forms, including all conformed copies to the hearing. The proposed conservatee must attend the hearing, unless his/her doctor states in writing (in the *Capacity Declaration* (GC-335)) that he/she is unable to attend. Everyone who received a *Notice of the Hearing* (GC-020) may, but is not required to attend the hearing.

At the hearing, the judge may (1) grant the petition for conservatorship, (2) continue the hearing if there are defects that have not been corrected (see *Step 10*), or (3) deny the petition.

If the proposed conservatee or any attendees object to the petition, the judge may continue the hearing to allow the objector to file objections. If there are objections, the case may go to trial so that everyone's position regarding the conservatorship can be heard.

Step 12: Serve the Notice of Conservatee's Rights.

If you are granted the conservatorship, the signed *Order Appointing Probate Conservator* (GC-340) and *Letters of Conservatorship* (GC-340) will be returned to you via the self-addressed stamped envelope you provided. When you receive them in the mail, you are ready for the next step.

Within 30 days of the date the *Order Appointing Probate Conservator* (GC-340) was signed by the judge, the conservator(s) (not a server) must serve the *Notice of Conservatee's Rights* (GC-341) and a copy of the signed *Order Appointing Probate Conservator* (GC-340) to the required parties.

The conservator(s) must complete the *Notice of Conservatee's Rights* (GC-341) and make enough copies to serve it and the *Order Appointing Probate Conservator* (GC-340) to each of the following people by mail:

- The conservatee;
- The conservatee's attorney; and
- the conservatee's relatives to the second degree who were noticed previously.

You should also notice any agencies you previously noticed including the Regional Center.

Then the conservator(s) must fill-out the "**Proof of Mailing**" section of the *Notice of Conservatee's Rights* (GC-341) after he/she has mailed out the documents. The conservator(s) must complete the "proof of mailing" section and date, print their name(s), and sign under penalty of perjury that "the foregoing is true and correct." Also, the conservator(s) have to list the names and addresses of everybody to whom the notice was mailed.

Make a copy of the completed *Notice of Conservatee's Rights* (GC-341) (all pages) and file both the original and the copy with the Probate Business Office. The clerk will conform (stamp) the copy and return it to you for your records.

Step 13: File the care plan.

Within 60 days of the date the *Order Appointing Probate Conservator* (GC-340) was signed by the judge, file the *Determination of Conservatee's Appropriate Level of Care* (GC-355).

Fill-out the *Determination of Conservatee's Appropriate Level of Care* (GC-355). Make one copy of the form and file both the original and the copy in the Probate Business Office. The clerk will conform (stamp) the copy and return it to you for your records.

Step 14: Review Hearing.

If you do not file your *Notice of Conservatee's Rights* (GC-341) and *Determination of Conservatee's Appropriate Level of Care* (GC-355) on time, the court will send you a "Failure to Perform Duties" notice reminding you to file the documents. If you still fail to file the required documents, the court will set a review hearing. You will have to appear at the review hearing and explain to the court why you should not be removed as conservator. The judge could remove, sanction, or fine you.

Congratulations! You have navigated the conservatorship appointment process. Be sure all conservators are aware of the responsibilities of conservatorship.

What do I Need to Know as a Limited Conservator?

What are my responsibilities as a limited conservator?

You have duties as a limited conservator for which you can be held liable. Review your copy of the *Handbook for Conservators* published by the Judicial Council of California to learn more about your responsibilities as conservator. The handbook is available in the Probate Business Office for a fee or via free download from the Self-help section of the California Courts website:

<http://www.courts.ca.gov/documents/handbook.pdf>

Will the court check-in on the conservatee?

A court investigator will visit the conservatee periodically to report on the conservatorship. Investigators can visit unannounced. If the investigator has any concerns, he/she will report them to the judge and the court may schedule a review hearing.

How long will I be a conservator?

A limited conservatorship lasts for the lifetime of the conservatee or the lifetime of the conservator(s) (whichever is shorter), unless the court says otherwise. Also, if the court investigator's report or other information suggests that one or more conservators are not acting in the best interests of the conservatee, the judge will issue an **order to show cause**, an order to appear and explain your actions. If this happens, there will be a court hearing to decide if the conservator(s) should be removed and replaced. This is not a criminal hearing, but if a conservator is suspected of taking physical or financial advantage of a conservatee, the state can file criminal charges.

If one of multiple co-conservators dies or is removed, the Letters of Conservatorship will need to be amended. See an attorney or the Conservatorship Clinic for assistance. Additional conservators can also be added by petitioning the court.

What if the conservatee moves?

You must notify the court on the *Post-Move Notice of Change of Residence* (GC-080) and notice everyone entitled to notice within 30 days of the conservatee's move. (This form is not included in this packet, but can be obtained on the court website, in the Probate Business Office, or at the Conservatorship Clinic.) You must also declare that the move meets the "least restrictive standard." This means the placement allows the conservatee to live as independently as possible.

If a conservator's address changes, she/he should also notify the court in writing.

If the move involves removing the conservatee from his/her personal residence (e.g., the conservatee's own home to a group home) within California, you must give 15 days' advance notice to the court and the parties entitled to notice on *Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward* (GC-079). (This form is not included in this packet, but can be obtained on the court website, in the Probate Business Office, or at the Conservatorship Clinic.)

If you want to move the conservatee outside of California, you must petition the court. See an attorney or the Conservatorship Clinic for assistance.