# JUDICIAL COUNCIL OF CALIFORNIA

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# INVITATION TO COMMENT SPR15-29

### Title

Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act

**Proposed Rules**, **Forms**, **Standards**, **or Statutes** Revise form GC-310; adopt forms GC-360,

#### **Action Requested**

Review and submit comments by June 17, 2015

#### **Proposed Effective Date** January 1, 2016

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# Proposed by

GC-361, and GC-362

Probate and Mental Health Advisory Committee Hon. John H. Sugiyama, Chair

# **Executive Summary and Origin**

Legislation enacted in 2014 added the California Conservatorship Jurisdiction Act (CCJA) to the Probate Code, effective January 1, 2016.<sup>1</sup> This legislation requires the Judicial Council to develop forms to implement the act. To comply with this legislative requirement, the committee is proposing the revision of an existing form and the adoption of three new forms.

# Background

The CCJA is a California version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, a uniform law now enacted in 39 states; Washington, DC; and Puerto Rico. This law addresses, among many other things, jurisdictional disputes between states and between states and tribal courts of federally recognized Indian tribes, concerning what in California are conservatorship proceedings under the Probate Code. The law contains provisions that authorize a conservator appointed in one jurisdiction to register with courts of other jurisdictions and thereafter to act in those jurisdictions without court appointment or reappointment there.

New Probate Code Section 2023,<sup>2</sup> part of the CCJA, requires the Judicial Council, effective January 1, 2016, to "develop court rules and forms as necessary for the

<sup>1</sup> The CCJA was enacted by Senate Bill 940 (Stats. 2014, ch. 553) and signed by the Governor on September 25, 2014. It is located in a new chapter 8 of part 3 of division 4 of the Probate Code, commencing with section 1980.

<sup>2</sup> All code references are to the Probate Code unless otherwise specified.

implementation of this chapter." This section also specifies that the materials developed pursuant to this section must include:

(1) A cover sheet for registration of a conservatorship under Section 2011 (conservatorship of the person), 2012(conservatorship of the estate), or 2013 (conservatorship of the person and estate).

(2) A form for an attestation to prove registration of a foreign conservatorship which gives the foreign conservator eligibility to act in this state. The statute also permits the Judicial Council to include this attestation in the registration cover sheet.

(3) A form for providing advance notice of intent to register a conservatorship; and

(4) A form for a conservator to acknowledge receipt of the *Handbook for Conservators*.

# The Proposal

This proposal consists of four forms: a revised *Petition for Appointment of Conservator* (form GC-310) and three new forms, *Conservatorship Registration Cover Sheet and Attestation of Conservatee's Nonresidence in California* (form GC-360), *Notice of Intent to Register Conservatorship* (form GC-361), and *Conservatorship Registrant's Acknowledgment of Receipt of* Handbook For Conservators (form GC-362).

# Form GC-310

The CCJA contains directions to the Judicial Council to revise the *Petition for Appointment of Conservator* (form GC-310) to inquire about a proposed conservatee's possible connection with a federally recognized Indian tribe.<sup>3</sup> To comply with this direction, this proposal would revise form GC-310 to add new item 4d on page 4 of the form, as follows:

d. [The proposed conservatee] [ ] is [] is not so far as is known to petitioner, a member of a federally recognized Indian tribe.

(If you answered "is," complete the following item):

- (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.\*

<sup>&</sup>lt;sup>3</sup> Probate Code section 1821(k), added by section 6 of the CCJA.

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

The asterisk at the end of paragraph (d)(3) draws attention to the statutory definition of tribal land for purposes of the CCJA at the bottom of the page:

\* "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. (See § 2031(c).)

# Form GC-360

The proposed new *Conservatorship Registration Cover Sheet and Attestation of Conservatee's Nonresidence in California* (form GC-360) is the basic registration document required by the CCJA for foreign conservators to file with California courts to register their conservatorships in this state under new Probate Code sections 2011 (conservatorship of the person), 2012 (conservatorship of the estate), or 2013 (conservatorship of the person and estate). The proposed form includes all of the specific elements that the CCJA requires be included in this form.<sup>4</sup> As permitted by section 2023(b)(2), the form also includes the registration attestation form required by section 2017(a)(3). The attestation is on the lower portion of page 2 of the form.

This proposed form calls for the identification of the registrant's California attorney, if any, at the top of the form. It also calls for necessary information about the foreign conservatorship, including the title of the court, the department where the matter is assigned, the title of the proceeding, and the case number in the other jurisdiction. The proposed form also states the basic requirements for registration of foreign conservatorships under the CCJA, including that the conservatee cannot be a resident of California unless his or her conservatorship order was made by a court of a California Indian tribe, an exception required by section 2019(a).

The form includes space for recording information. The CCJA (§ 2018(a)) authorizes recordation of a file-stamped copy of the registration documents in the office of any county recorder in California.

<sup>&</sup>lt;sup>4</sup> Section 2023 states in part as follows:

The cover sheet shall explain that a proceeding may not be registered under Section 2011, 2012, or 2013 if the proceeding relates to a minor. The cover sheet shall further explain that a proceeding in which a person is subjected to involuntary mental health care may not be registered under Section 2011, 2012, or 2013. The cover sheet shall require the conservator to initial each of these explanations. The cover sheet shall also prominently state that when a conservator acts pursuant to registration, the conservator is subject to the law of this state governing the action, including, but not limited to, all applicable procedures, and is not authorized to take any action prohibited by the law of this state. Except as provided in subdivision (c), the cover sheet shall also prominently state that the registration is effective only while the conservatee resides in another jurisdiction and does not authorize the conservator to take any action while the conservatee is residing in this state. Directly beneath these statements, the cover sheet shall include a signature box in which the conservator attests to these matters.

# Form GC-361

Proposed new *Notice of Intent to Register Conservatorship* (form GC-361) is the required form for giving advance notice of registration. The proposed form includes all of the specific elements that the CCJA requires to be included in this form.<sup>5</sup>

This form is not filed with the court, except perhaps as an exhibit. Therefore, it does not contain the usual spaces at the top of the first page for a court filing stamp and California case number.

#### Form GC-362

Proposed new *Conservatorship Registrant's Acknowledgment of Receipt of* Handbook for Conservators (form GC-362) is a form that the CCJA requires to be filed by registrants. That requirement mimics regular conservatorship practice for new conservators and the form in turn mimics the Acknowledgment of Receipt section of the current *Duties of Conservator and Acknowledgment of Receipt of Handbook for Conservators (Probate—Guardianships and Conservatorships)* (form GC-348).

# **Alternatives Considered**

No alternatives to the revised and proposed new forms were considered because their revision or adoption is specifically required by statute.

# Implementation Requirements, Costs, and Operational Impacts

The entire new registration process authorized by the CCJA for foreign conservatorships will likely impose considerable implementation requirements, costs, and impacts. These are

(2) The notice shall explain that if a conservatorship is registered pursuant to this article, and the conservator later proposes to take a specific action pursuant to this article, which, under the law of this state, requires court approval or other action in court, the conservator will be required to notify the recipient of the request for court approval or other court action, and the recipient will have an opportunity to object or otherwise participate at that time, in the same manner as other persons are entitled to object or otherwise participate under the law of this state.

(3) The notice shall advise the recipient that information about a conservator's rights, duties, limitations, and responsibilities under the law of this state is available, free of charge, on an Internet Web site maintained by the Judicial Council. The notice shall explain specifically how to locate that information on the Judicial Council's Internet Web site.

(c) Except as provided in subdivision (c) of Section 2023, each notice provided pursuant to subdivision (a) shall also prominently state that the registration is effective only while the conservatee resides in another jurisdiction and does not authorize the conservator to take any action while the conservatee is residing in this state.

<sup>&</sup>lt;sup>5</sup> Sections 2014(b)(1)–(3) and (c) establish the following requirements for this form:

<sup>(1)</sup> The notice shall prominently state that when a conservator acts pursuant to this article, the conservator is subject to the law of this state governing the action, including, but not limited to, all applicable procedures, and is not authorized to take any action prohibited by the law of this state.

attributable to the registration process itself, not to the forms proposed here. The entire CCJA, including its registration provisions, will require significant judicial officer, court staff, and probate bar training and education.

To offset at least some of these costs the CCJA established a fee of \$30 for registration.<sup>6</sup> Any additional filings that are required by the CCJA to seek court approval of proposed actions under California law would require the payment of the same filing fees as are charged for those matters in domestic conservatorships.

# **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

• Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the forms proposal, as opposed to the entire foreign conservatorship registration process required by the CCJA, provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- How well would this proposal work in courts of different sizes?

# Attachments and Links

- 1. Proposed new and revised forms GC-310, GC-360, GC-361, and GC-362, at pages 6-20
- 2. The California Conservatorship Jurisdiction Act, Senate Bill 940, at <a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201320140SB940&search\_keywords">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=201320140SB940&search\_keywords</a>=

<sup>&</sup>lt;sup>6</sup> See new Government Code section 70663.

	90-310
ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:	FOR COURT USE ONLY
NAME:	
FIRM NAME:	Draft
STREET ADDRESS:	
CITY: STATE: ZIP CODE:	Not Approved by the
TELEPHONE NO.: FAX NO.:	Judicial Council
E-MAIL ADDRESS:	
	-
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
CONSERVATORSHIP OF	1
(name):	
(PROPOSED) CONSERVATEE	
PETITION FOR APPOINTMENT OF SUCCESSOR	CASE NUMBER:
PROBATE CONSERVATOR OF THE PERSON ESTATE	
Limited Conservatorship	HEARING DATE AND TIME: DEPT.:
1. Petitioner (name):	requests that
a. (Name):	(Telephone):
(Address):	/
<b>be appointed</b> successor conservator limited conservator	
of the PERSON of the (proposed) conservatee and Letters issue upon qualification	
b. <i>(Name):</i>	(Telephone):
(Address):	
be appointed successor conservator limited conservator	
of the ESTATE of the (proposed) conservatee and Letters issue upon qualification.	
c. (1) bond not be required because the proposed success	
or an exempt government agency. for the reasons stated in A	
	surety company or as otherwise provided by
law. (Specify reasons in Attachment 1c if the amount is different from the	
section 2320.)	
(3) \$ in deposits in a blocked account be allowed. Rece	eipts will be filed.
(Specify institution and location):	
d orders authorizing independent exercise of powers under Probate Code sect	ion 2590 be granted.
Granting the proposed successor conservator of the estate power	
Probate Code section 2590 would be to the advantage and benefit and in the	ne best interest of the conservatorship
estate. (Specify orders, powers, and reasons in Attachment 1d.)	Code postion 1070 or 1001 be marked
e orders relating to the capacity of the (proposed) conservatee under Probate ( (Specify orders, facts, and reasons in Attachment 1e.)	Lode section 1873 or 1901 be granted.
f orders relating to the powers and duties of the proposed successor Code sections 2351–2358 be granted. (Specify orders, facts, and reasons in	conservator of the person under Probate Attachment 1f.)
g the (proposed) conservatee be adjudged to lack the capacity to give informed	
prayer and that the proposed successor conservator of the person Code section 2355. (Complete item 9 on page 6.)	be granted the powers specified in Probate
Do NOT use this form for a temporary conservatorship.	Page 1 of 8

Form Adopted for Mandatory Use Judicial Council of California GC-310 [Rev. January 1, 2016]

			GC-310
CONS	ERVAT	ORSHIP OF (name):	CASE NUMBER:
		CONSERVATEE	
1. h.	C	for <i>limited conservatorship only</i> ) orders relating to the powers and duties of onservator of the person under Probate Code section 2351.5 be granted. (Sind duties in Attachment 1h and complete item 1j.)	
i.	C	<i>for limited conservatorship only)</i> orders relating to the powers and duties of onservator of the estate under Probate Code section 1830(b) be granted. (Sind duties in Attachment 1i and complete item 1j.)	
j.		or limited conservatorship only) orders limiting the civil and legal rights of th ranted. (Specify limitations in Attachment 1j.)	ne (proposed) limited conservatee be
k.	D (f	rders related to dementia placement or treatment as specified in the <i>Attach</i> <i>dementia</i> (form GC-313) under Probate Code section 2356.5 be granted. A orm GC-335) and <i>Dementia Attachment to Capacity Declaration—Conserv</i> censed physician or by a licensed psychologist acting within the scope of hi xperience diagnosing dementia, are filed herewith will be	Capacity Declaration—Conservatorship atorship (form GC-335A), executed by a
,			an order relating to dementia placement or either expired by its terms nor been revoked.
<i>I.</i>		her orders be granted. (Specify in Attachment 11.)	
-	oposed) esent ad	conservatee is <i>(name):</i> /dress):	(Telephone):
3. a.	(1) (a) (b) (2) (a) (b) (c)	<ul> <li>urisdictional facts (initial appointment only) The proposed conservatee has</li> <li>resident of California and</li> <li>a resident of this county.</li> <li>not a resident of this county, but commencement of the conservate interests of the proposed conservatee for the reasons specified in</li> <li>nonresident of California but</li> <li>is temporarily living in this county, or</li> <li>has property in this county, or</li> <li>commencement of the conservatorship in this county is in the bes for the reasons specified in Attachment 3a.</li> </ul>	orship in this county is in the best Attachment 3a.
D.		her (answer items (1) and (2) and check all other items that apply) is is not a creditor or an agent of a creditor of the (proposition)	sed) conservatee.
	(2)	is is not a <b>debtor</b> or an agent of a debtor of the (proposed	
	(3)	is the proposed successor conservator.	
	(4) (5)	<ul> <li>is the (proposed) conservatee. (If this item is not checked, you must als</li> <li>is the spouse of the (proposed) conservatee. (You must also complete</li> </ul>	
	(6)	is the domestic partner or former domestic partner of the (proposed) constructed	-
	(7)	is a relative of the (proposed) conservatee as <i>(specify relationship):</i>	
	(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)	<ul> <li>is a bank is other entity authorized to conduct the business of a</li> <li>is a professional fiduciary within the meaning of Business and Professio</li> </ul>	
(	(12)	Is a professional fiduciarly within the meaning of Business and Profession the Professional Fiduciaries Bureau of the Department of Consumer Affa in item 1 on page 1 of the attached Professional Fiduciary Attachment. ( this attachment. You must also complete item 2 on page 2 of that form a	airs. Petitioner's license number is provided /Use form GC-210(A-PF)/GC-310(A-PF) for

\* See item 5b on page 4.

GC-310 [Rev. January 1, 2016]

		GC-310
CONSERVATORSHIP OF (name):		CASE NUMBER:
	CONSERVATEE	
3. c. Proposed successor conservator is	(check all that apply)	
<ul> <li>(1) a nominee. (Affix nomination as Attacht</li> <li>(2) the spouse of the (proposed) conservate</li> <li>(3) the domestic partner or former domestic</li> <li>(4) a relative of the (proposed) conservate</li> </ul>	ment 3c(1).) see. (You must also complete iter c partner of the (proposed) conse e as (specify relationship): to conduct the business of a trust neets the requirements of Probat usiness and Professions Code s rovided in item 1 on page 1 of the	ervatee. (You must also complete item 7.) t company. e Code section 2104. ection 6501(f). His or her statement e attached <i>Professional Fiduciary</i>
<ul> <li>Professional Fiduciaries Bureau.)</li> <li>(1) Statements of who engaged petitiany prior relationship petitioner h</li> </ul>	tioner, or how petitioner was eng ad with the (proposed) conserva	nplete this item if petitioner is licensed by the aged to file this petition, and a description of tee or his or her family or friends, are <i>ry Attachment. (Use form GC-210(A-PF)/</i>
	mporary conservator is filed with ioner, how petitioner was engage	this petition. That petition contains ed to file this petition, and a description of any or his or her family and friends.
<ul> <li>e. Character and estimated value of the property</li> <li>(1) (For appointment of successor conserva Personal property: \$ (specify dates of filing of all inventories)</li> </ul>	ator only, if complete Inventory a , per Inventory and A	
<ul> <li>(2) Estimated value of personal property:</li> <li>(3) Annual gross income from <ul> <li>(a) real property:</li> <li>(b) personal property:</li> <li>(c) pensions:</li> <li>(d) wages:</li> <li>(e) public assistance benefits:</li> </ul> </li> </ul>	\$ \$ \$ \$ \$	
<ul><li>(f) other:</li><li>(4) Total of (1) or (2) and (3):</li></ul>	\$\$	_
(5) Real property:	\$	_
<ul> <li>(a) per Inventory and Appraisal identifi</li> <li>(b) setimated value.</li> </ul>	ed in item (1).	
f Due diligence (complete this item if the (prop	posed) conservatee is not a petit	ioner):
<ul> <li>(1) Efforts to find the (proposed) conservate described on Attachment 3f(1).</li> </ul>	ee's relatives or reasons why it is	s not feasible to contact any of them are
(2) Statements of the (proposed) conservation	successor) conservator or reason	appointment of any (successor) conservator s why it is not feasible to ascertain those
		Page 3 of 8

	ON	SERVATORSHIP OF (name):	CASE NUMBER:	
		CONSERVATEE		
4.	(P	roposed) conservatee		
	a.	is is not a patient in or on leave of absence from a state institution Department of Mental Health or the California Department of Developmental Service	-	
	b.	is receiving or entitled to receive is neither receiving nor entitled to receive benefits from the U.S. Department of Veterans Affairs <i>(estimate amount of monthly)</i>		
	C.	is not able to complete an affidavit of voter registration.		
	d. 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	e 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 doe	s 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 <i>(date)</i> :		
		(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 conservator after the death of a predecessor is a petition for initial appointm		

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

for the reasons

\*"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.

		GC-310
CONSERVATORSHIP OF (name):		CASE NUMBER:
	CONSERVATEE	

#### 5.c. (Proposed) conservatee requires a conservator and is

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

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

CONSERVATORSHIP OF (name):         CONSERVATEE           S. d. (Proposed) conservate voluntarily requests the appointent 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 appointent of conservator only. All petitioners must file fils form except banks and other entities sufficient of a business as a furst company.)           f. (Proposed) conservate:         is in ort. developmentally disabled as defined in Probate Code section 1420.           Petitioner or proposed         successor conservator is the spouse of the (proposed) conservatee.           (If this statement is true, you must aniswer a orb.)         a			GC-310
5. d. (Proposed) conservatee voluntarily requests the appointment of a successor	CON	ISERVATORSHIP OF (name):	CASE NUMBER:
<ul> <li>[cspeidy ficts showing good cause in Attachment \$(d).]</li> <li>e. Conditional Support and the intervent of the attachment \$(d).]</li> <li>f. (Proposed) conservate is is in the developmental information (from (C-32) 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.)</li> <li>f. (Proposed) conservate is a were of the requirements of Probate Code section 122.5. (Specify the nature and degree of the allegad disability in Attachment 5).</li> <li>f. Petitioner or proposed is successor conservator is the spouse of the (proposed) conservatee. (if this statemant is true, you must answer a or b.)</li> <li>a. The (proposed) conservate's spouse is not a party to any action or proceeding against the (proposed) conservatee for legal separation, dissolution, amange, annulment, or adjudication of nullity of their mariage.</li> <li>b. Although the (proposed) conservates spouse is a party to an action or proceeding against the (proposed) conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their mariage.</li> <li>c) The spouse be appointed as the issue conservator be appointed.</li> <li>(2) the spouse be appointed as the issue successor conservator is the domestic partner of former domestic partner of the (proposed) conservatee. (if this statement is true, you must answer a or b.)</li> <li>a. The domestic partner of the (proposed) conservate has not terminated and does not intend to terminate the domestic partner of the (proposed) conservatee. (if the appointed as the issuecessor conservator is the domestic partner of the (proposed) conservate. (if you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)</li> <li>f. Petitioner or proposed issuecessor conservator bappointed as the issuecessor conservator. (if you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)</li> <li>g. (Proposed) conse</li></ul>		CONSERVATEE	
<ul> <li>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.)</li> <li>f. (Proposed) conservate is is in the except banks and other entities authorized to do business as a trust company.)</li> <li>f. (Proposed) conservate is aware of the requirements of Probate Code section 1827.5. (Specify the nature and degree of the alleged disability in Attachment 50.</li> <li>c. (If this statement is true, you must answer a or b.)</li> <li>a. The (proposed) conservate's spouse is not a party to any action or proceeding against the (proposed) conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.</li> <li>b. (Dathough the (proposed) conservate'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.</li> <li>b. (Dathough the (proposed) conservate'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:</li> <li>(1) a guita successor conservator be appointed.</li> <li>(2) the spouse be appointed as the guita spointed.</li> <li>(3) The domestic partner of the (proposed) conservate is the domestic partner or former domestic partner or former domestic partner or former domestic partner or the (proposed) conservatee.</li> <li>(11) a guita successor conservator be appointed.</li> <li>(2) the domestic partner or former domestic partner of the (proposed) conservatee that</li> <li>(11) a guita successor conservator be appointed.</li> <li>(2) the domestic partner or former domestic partner of the (proposed) conservatee that</li> <li>(11) a guita successor</li></ul>	5. d		cessor conservator.
Petitioner is sware of the requirements of Probate Code section 1827.5. (Specify the nature and degree of the alleged disability in Attachment 5). 6. Petitioner or proposed	е	Confidential Supplemental Information (form GC-312) is filed with this petition	
(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, annument, 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, annument, 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 is appointed.         (2)       the spouse be appointed as the       successor       conservators is the domestic partner of former domestic partner of the (proposed) conservatee intends to terminate the domestic partner of the (proposed) conservatee is the, you must answer a or b.)         a.       The domestic partner of the (proposed) conservatee has not terminated and does not intend to terminate or has terminated the domestic partner of the (proposed) conservatee intends to terminate or has terminated the domestic partner or former domestic partner of the (proposed) conservatee that         (1)       a       successor       conservator be appointed.         (2)       the somestic partner or former domestic partner or the (proposed) conservatee intends to terminate or has terminated the domestic partner or former domestic partner or the (proposed) conservatee intends to terminate or has terminated the domestic partner or former domestic partner or.         (If you checked item Tb(1) or	f.	Petitioner is aware of the requirements of Probate Code section 1827.5. (Specify th	
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<ul> <li>(2) the spouse be appointed as the successor conservator. (If you checked item 86(1) or (2) or both, specify the facts and reasons in Attachment 6b.)</li> <li>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.)</li> <li>a. The domestic partner of the (proposed) conservatee has not terminated and does not intend to terminate the domestic partnership.</li> <li>b. Although the domestic partner or former domestic partner of the (proposed) conservatee intends to terminate or has terminated the domestic partner or former domestic partner of the (proposed) conservatee that <ul> <li>(1) a</li> <li>(2) the domestic partner or former domestic partner be appointed.</li> <li>(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.)</li> </ul> </li> <li>8. (Proposed) conservate (check all that apply) <ul> <li>a. will attend the hearing AND is the petitioner</li> <li>is not the petitioner AND does does not onbinated the proposed conservator, and on a successor conservator.</li> <li>b. (initial appointment of conservator, AND does does not prefer that another person act as conservator.</li> <li>c. (initial appointment of conservator only) is able but unwilling to attend the hearing AND does does not object to the proposed conservator only is unable to attend the hearing because of medical inability. A Capacity Declaration—Conservatorsing (form GC-335), executed by a licensed medical practitioner or an accredited religious practitioner is infled with this petition. will be filed before the hearing.</li> </ul> </li> <li>9. Medical treatment of which the (proposed) conservatee lasts the capacity to give an informed consent.</li> <li>b. A Capacity Declaration—Conservatorship (form GC-335) executed by a licensed physician or by a licensed psychologist acting within t</li></ul>	b	for legal separation, dissolution, annulment, or adjudication of nullity of their m of these proceedings, it is in the best interest of the (proposed) conservatee th	narriage, or has obtained a judgment in one
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<ul> <li>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 <ul> <li>(1)</li> <li>a</li> <li>successor</li> <li>conservator be appointed.</li> </ul> </li> <li>(2)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(1)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(1)</li> <li>(1)</li> <li>(1)</li> <li>(2)</li> <li>(1)</li> <li>(2)</li> <li>(2)</li> <li>(2)</li> <li>(2)</li> <li>(2)</li> <li>(2)</li> <li>(2)</li> <li>(2)</li> <li>(3)</li> <li>(4)</li> <li>(4)</li> <li>(4)</li> <li>(4)</li> <li>(5)</li> <li>(5)</li> <li>(5)</li> <li>(5)</li> <li>(6)</li> <li>(6)</li> <li>(6)</li> <li>(6)</li> <li>(6)</li> <li>(7)</li> <li>(7)</li></ul>	а	The domestic partner of the (proposed) conservatee has not terminated and c	
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<ul> <li>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,</li> <li>is filed with this petition.</li> <li>will be filed before the hearing.</li> <li>will not be filed for the reason stated in c.</li> <li>(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):</li> <li>That order has neither expired by its terms nor been revoked.</li> <li>(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).</li> </ul>			e capacity to give an informed consent.
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in Probate Code section 2355(b).		That order has neither expired by its terms nor been revoked.	
GC-310 [Rev. January 1, 2016] PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR Page 6 of 8	d		elies on prayer alone for healing, as defined
	GC-310	[Rev. January 1, 2016] <b>PETITION FOR APPOINTMENT OF PROBATE CON</b>	ISERVATOR Page 6 of 8

CONSERVATORSHIP OF (name):	CASE NUMBER:		
C	ONSERVATEE		
<ol> <li>Temporary conservatorship</li> <li>Filed with this petition is a <i>Petition for Appointment of Temporary</i></li> <li>(Proposed) conservatee's relatives</li> </ol>	<i>r Conservator</i> (form GC-111).		
The names, residence addresses, and relationships of the spouse or regorn of the (proposed) conservatee (his or her parents, grandparents, childre to petitioner, are			
	not known, or no longer living, so the (proposed) conservatee's deemed relatives under Probate Code section 1821(b)		
(1)–(4) are listed below. Name and relationship to conservatee	Residence address		
(1)	<u>Incalacitic address</u>		
(2)			
(3)			
(4)			
(5)			
(6)			
(7)			
(8)			
(9)			
(10)			
(11)			
(12)			
(13)			
(14)			
(15)			
(13)			
(16)			
Continued on Attachment 11.			

Page 7 of 8

	GC-310
CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	
12. Confidential conservator screening form Submitted with this petition is a <i>Confidential Conservator Screening Form</i> (for proposed successor conservator. ( <i>Required for all proposed con</i>	m GC-314) completed and signed by the servators except banks and trust companies.)
13. Court investigator Filed with this petition is a proposed <i>Order Appointing Court Investigator</i> (form	GC-330).
14. Number of pages attached:	
Date:	
(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)	IGNATURE 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 foregoin	ng is true and correct.
Date:	
(TYPE OR PRINT NAME OF PETITIONER)	(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME OF PETITIONER)	(SIGNATURE OF PETITIONER)

GC-360		
CALIFORNIA ATTORNEY OR REGISTRANT WITHOUT CALIFORNIA ATTORNEY (Name, address, and State Bar number):		
TEL NO.: FAX NO.: E-MAIL ADDRESS:		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		FOR RECORDER'S USE ONLY
PLAINTIFF:	I	CALIFORNIA REGISTRATION NUMBER
DEFENDANT:		
CONSERVATORSHIP OF THE PERSON (Name):	ESTATE OF	FOR COURT USE ONLY
	CONSERVATEE	
CONSERVATORSHIP REGISTRATION COVER	R SHEET AND	
ATTESTATION OF CONSERVATEE'S NONRESIDEN (California Conservatorship Jurisdiction		Draft
JURISDICTION WHERE CONSERVATORSHIP OR ADULT GUAR	DIANSHIP CASE FILED:	Not Approved by the
COURT: DEPT	.: CASE NUMBER:	Judicial Council
TITLE OF PROCEEDING:		

# INFORMATION AND INSTRUCTIONS FOR REGISTRANTS

The California Conservatorship Jurisdiction Act (Prob. Code. §§1980–2300) is California's modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Terms and phrases used in this Cover Sheet that are defined in California Probate Code sections 1982 or 2031 are in italics and have the meanings provided in those sections; all further statutory references are to that code. A *conservator of the person* in California is a fiduciary that is referred to in many other states or jurisdictions as the guardian of the person of an adult; a *conservator of the estate* in California is a person who is referred to in many other states or jurisdictions as the guardian of the estate of an adult or a person authorized by law to preserve and manage the property and finances of a protected person, who is a person for whom a court has issued a protective order; a *conservator of the person and estate* in California is a person who has the combined powers and authority of a *conservator of the person* and a *conservator of the estate* of an adult person, who is referred to in California as the *conservatee*. A *conservator of the person* and a *conservator of the estate* of an adult person and estate of an adult person and estate of a nadult person.

A conservator appointed by a court of a state other than California; or by a court of the District of Columbia, Puerto Rico, United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States; or by a court of an *Indian tribe with jurisdiction*, including a *California tribe*, may register the *conservatorship order* with a California superior court in accordance with sections 2011 (*conservatorship of the person*), 2012 (*conservatorship of the estate*), or 2013 (*conservatorship of the person and estate*). Registration is accomplished, after giving notice as required by section 2014, by **filing a signed and initialed copy of this Cover Sheet together with proof of notice** and **certified copies of (1) the appointing court's** *conservatorship order*, (2) Letters of Conservatorship or other letters of office, and (3) any surety bond with an appropriate California superior court identified in sections 2011, 2012, or 2013.

Upon registration and receipt of the written information concerning a *conservator*'s rights, duties, limitations, and responsibilities in California described in sections 1835 and 2015, and the filing of the *conservator*'s written acknowledgement of receipt of that information, the *conservator* may, while the *conservatee* resides outside of California or if the *conservatorship order* was made by the court of a *California tribe*, exercise in any county of this state all of the powers authorized in the *conservatorship order*, except as prohibited by the law of California, including maintaining actions and proceedings in this state (subject to any conditions imposed on nonresident parties if the *conservator* is not a resident of California). See section 2016.

\* Court where registration is made (prepare separate cover sheet for each court where registration is to be made).

Form Adopted for Mandatory Use Judicial Council of California GC-360 [New January 1, 2016]

CONSERVATORSHIP REGISTRATION COVER SHEET AND ATTESTATION OF CONSERVATEE'S NONRESIDENCE IN CALIFORNIA (Probate—Guardianships and Conservatorships) Probate Code, §§ 2011—2013, 2017, 2023; www.courts.ca.gov

Page 1 of 2

CONSERVATORSHIP OF (name):

CALIFORNIA REGISTRATION NUMBER:

CONSERVATEE

Registration may be available if **all** of the following facts are true:

1. The conservatee is over the age of 18 years (place your initials here):

2. Under the law under which his or her *conservator* was appointed, the *conservatee* may not be involuntarily committed to a mental health facility or subjected to other involuntary mental health care that is similar to the California mental health proceedings listed in

section 1981(b) (place your initials here): ; and

3. There is no petition pending in a California state court for the appointment of a conservator for the conservatee.

#### EFFECT OF CALIFORNIA LAW AND CONSERVATEE'S RESIDENCE IN CALIFORNIA

A *conservator* acting under the authority of a registration under sections 2011, 2012, or 2013 is subject to the law of California governing the action, including all applicable court procedures, and is not authorized to take any action prohibited by that law. If a California law, including sections 2356.5, 2540, 2543, 2545, or 2591.5, or article 2 (commencing with section 1880) of chapter 4 of part 3 of division 4 of the code, mandates compliance with special requirements to exercise a particular power or take a particular step, a *conservator* registered under sections 2011, 2012, or 2013 may not exercise that power or take that step without first complying with those requirements. If the requirement is to obtain court approval or take other action in court, the *conservator* must seek that approval or otherwise proceed as needed in an appropriate California state court. California law also includes limitations on the authority of fiduciaries who are not authorized to practice law in California, including *conservators*, to appear in California state courts without attorneys so authorized.

Except in the case of the registration of a *conservatorship order* of a *California tribe*, registration is effective only while the *conservatee* resides outside California and does not authorize the *conservator* to take any action while the *conservatee* resides in California.

#### CONSERVATOR'S ATTESTATION OF CONSERVATEE'S NONRESIDENCE IN CALIFORNIA (Probate Code section 2017)

I am the registrant named below and the conservator of the conservatee named above.

The conservatee does not reside in the State of California as of the date shown below.

The conservatee resides in California as of the date shown below. My appointment as conservator was made by a court of a *California tribe*, which is an *Indian tribe with jurisdiction* under the California Conservatorship Jurisdiction Act (chapter 8 of part 3 of division 4 of the Probate Code, commencing with section 1980). (See section 1982.)

I promise to notify promptly any person to whom I have delivered a copy of this Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California if the conservatee becomes a resident of the State of California. This promise does not apply to a conservatee who resides in California if his or her conservator was appointed by a court of a *California tribe* that is an *Indian tribe with jurisdiction* under the California Conservatorship Jurisdiction Act.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF REGISTRANT)

GC-360 [New January 1, 2016]

CONSERVATORSHIP REGISTRATION COVER SHEET AND ATTESTATION OF CONSERVATEE'S NONRESIDENCE IN CALIFORNIA (Probate—Guardianships and Conservatorships) Page 2 of 2

CALIFORNIA ATTORNEY OR INTENDED F	REGISTRANT WITHOUT CALIFORNIA ATTORI	IEY (name, address, and State Bar numb	per):	
TELEPHONE NO .:	FAX NO. :			
E-MAIL ADDRESS:				
ATTORNEY FOR (Name):				
CONSERVATORSHIP OF THE	PERSON EST,	ATE OF		
(Name):				
				CONSERVATEE
	NOTICE OF INTENT TO	REGISTER CONSERVAT	<b>FORSHIP</b> *	
		rvatorship Jurisdiction Ac		
JUF	RISDICTION WHERE CONSERVATION	ORSHIP OR ADULT GUARDIA	NSHIP CASE FILED	):
	COURT:		DEPT.:	CASE NUMBER:
	TITLE	OF PROCEEDING:		

1. NOTICE is given that (name):

(specify fiduciary or representative capacity):

intends to register the conservatorship proceeding identified above with the following California superior court: Superior Court, County of , on or after (*specify date\*\**):

- 2. NOTICE is further given that:
  - a. A conservator in a conservatorship registered in California under the California Conservatorship Jurisdiction Act (chapter 8 of part 3 of division 4 of the Probate Code, commencing with section 1980) taking an action under the Act is fully subject to the law of California governing the action, including all applicable court procedures concerning the action, and is not authorized to take any action prohibited by that law.
  - b. If a conservator in a conservatorship registered in California under the Act proposes to take a specific action that requires court approval or other action in court under California law, the conservator will be required to notify any person entitled to receive a copy of this Notice of the request for court approval or other court action. The person notified will have an opportunity to object or otherwise participate in the court proceeding at that time, in the same manner as other persons are entitled to object or otherwise participate under the law of California.
  - c. Information about a conservator's rights, duties, limitations, and responsibilities under California law may be found in a publication titled *Handbook for Conservators,* which is posted on the Judicial Council of California's website at: www.courts.ca.gov/documents/handbook.pdf.
  - d. Except in the case of a conservatorship filed in and supervised by the court of a California Indian tribe with jurisdiction, registration of a conservatorship in California is effective only while the conservatee resides outside California and does not authorize the conservator to take any action while the conservatee resides in California.

\* Prepare and serve (deliver) a separate Notice of Intent to Register Conservatorship for each court in which you intend to register this conservatorship.

\*\* The date of registration must be 15 or more days after this notice is mailed or personally delivered (Prob. Code, § 2014(a)).

Page 1 of 4

CONSERVATORSHIP OF THE

(Name):

PERSON \_\_\_\_\_ ESTATE OF

CONSERVATEE

#### INSTRUCTIONS FOR DELIVERY OR SERVICE OF NOTICE OF INTENT TO REGISTER

A copy of this *Notice of Intent to Register Conservatorship* must be delivered, at least 15 days before registration of the conservatorship in California, to (1) the court that is supervising the conservatorship or guardianship proceeding in the state or other jurisdiction other than California shown on the first page of this form; (2) each person who has the right under the law of that jurisdiction to notice of the date, time, and place of a court hearing on a petition for the appointment of a guardian of an adult or a conservator; and (3) each person who would be entitled to notice of the date, time, and place of a court hearing on a petition for the appointment of a conservator in California (see Prob. Code §§ 1821–1824). These copies may be delivered by mail. However, copies of this Notice may be personally delivered instead of mailed. The registrant (the person who intends to register the conservatorship in California) must show the court that copies of this Notice have been delivered in compliance with applicable law. The registrant does this by performing the delivery and completing and signing a proof of delivery. The Notice is then combined with certified copies of the conservatorship appointment order, Letters of Conservatorship or other letters of office, any surety bond, and the original signed *Conservatorship Registration Cover Sheet and Attestation of Conservatee's Nonresidence in California* (form GC-360) for filing in the California court selected for registration (see Prob. Code §§ 2011–2013).

Pages 2–4 of this form contain a proof of delivery that may be used only to show delivery by mail. To show personal delivery, each person who performs the delivery must complete and sign a proof of personal delivery or service, and each signed copy of that proof must be attached to this Notice when it is delivered to the court to complete registration. You may use form number POS-020(P) to show personal delivery of this Notice. A fillable copy of that form (and all other forms, listed by their form numbers) may be found on the Judicial Council's Internet website, at *www.courts.ca.gov/formnumber.htm*.

#### PROOF OF DELIVERY BY MAIL

- 1. I am over the age of 18 years. I am a resident of or employed in the county where the mailing occurred.
- 2. My residence or business address is (specify):
- 3. I delivered the foregoing *Notice of Intent to Register Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a. depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
  - b. placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- 4. a. Date mailed: b. Place mailed (city, state):

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

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

		•

(SIGNATURE OF PERSON COMPLETING THIS FORM)

#### NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name and Relationship to Conservatee

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

1. Appointing or Supervising Court

2.	Conservatee or Ward	

CONSERVATORSHIP OF THE	PERSON ESTATE OF
(Name):	
	CONSERVATEE
	CH PERSON TO WHOM NOTICE WAS MAILED
Name and Relationship to Conservatee	Address (number, street, city, state, and zip code)
Persons Entitled to Notice of Hearing of	Petition for Appointment of Conservator or Guardian in Appointing Court

Additional persons listed on Attachment 3 (you may use form POS-30(P) for this purpose).

3.

GC-361

ONSERVATORSHIP OF THE	PERSON ESTATE O
ame):	
,	CONSERVATE
	S OF EACH PERSON TO WHOM NOTICE WAS MAILED
Name and Relationship to Conservatee	Address (number, street, city, state, and zip code)
Persons Entitled to Notice of Hearing of	Petition for Appointment of Conservator in California (Prob. Code, §§ 1821–1824)*
	nent 4 (you may use form POS-30(P) for this purpose).

#### NOTICE OF INTENT TO REGISTER CONSERVATORSHIP (Probate—Guardianships and Conservatorships)

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CALIFORNIA ATTORNEY OR REGISTRANT W	FOR COURT USE ONLY				
NAME:	POR	CORT USE ONLY			
FIRM NAME:					
STREET ADDRESS:					
CITY:	STATE:	ZIP CODE:			
TELEPHONE NO.:	FAX NO. :	2			
E-MAIL ADDRESS:					
ATTORNEY FOR (Name):				Draft	
SUPERIOR COURT OF CALIFORN STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: * Court where registration is filed.	Not Approved by the Judicial Council				
CONSERVATORSHIP OF THE	PERSON	ESTATE OF			
(Name):					
CONSERVATORSHIP REGISTRANT'S ACKNOWLEDGMENT OF RECEIPT OF <i>HANDBOOK FOR CONSERVATORS</i> * (California Conservatorship Jurisdiction Act)			CALIFORNIA REGISTRATION NUMBER:		
JURISD	ICTION WHERE CONSERVATO	RSHIP OR ADULT GUARDIAN	SHIP CASE FILED:		
	COURT:		DEPT.:	CASE NUMBER:	
TITLE OF PROCEEDING:					

I acknowledge that I have received the Handbook for Conservators adopted by the California 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 CONSERVATORSHIP REGISTRANT)

\* File this form with each California superior court where you registered the conservatorship proceeding identified above.