

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

**W16-15**

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| Title  | Action Requested   |
| Probate Conservatorships: Conservatees’ Capacity to Vote                     | Review and submit comments by January 22, 2016                               |
| Proposed Rules, Forms, Standards, or Statutes                                | Proposed Effective Date  |
| Revise Judicial Council forms GC-310, GC-320, GC-330, GC-331, and GC-340     | January 1, 2016  |
| Proposed by  | Contact  |
| Probate and Mental Health Advisory Committee<br>Hon. John H. Sugiyama, Chair | Douglas C. Miller<br>Attorney<br>(818)-558-4178; douglas.c.miller@jud.ca.gov |

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### **Executive Summary and Origin**

The Probate and Mental Health Advisory Committee recommends revisions to Judicial Council forms to make them consistent with legislation enacted in 2015 and effective January 1, 2016 that changed the legal standard for a determination of a conservatee’s capacity to vote. Four Judicial Council forms that refer to the old standard must be revised to conform to the legislation. Another form inquires about a proposed conservatee’s capacity to vote, using the old standard. That inquiry is inappropriate for that form and should be deleted from the form in its entirety.

### **Background**

#### **Current law**

A probate conservatee is “mentally incompetent and therefore disqualified from voting” if the court finds, during the course of the conservatorship proceeding, that he or she is not capable of completing the affidavit of voter registration required of all otherwise eligible voters (Elect. Code, § 2208(a) and (a)(1)).<sup>1</sup> The citation that must be served on the proposed conservatee must advise that he or she may be disqualified from voting if not capable of completing this affidavit

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<sup>1</sup> Legislation enacted in 2014 added subdivision (d) to section 2208 to list three methods of completing an affidavit of voter registration with assistance that would not disqualify a person, including a conservatee, from voting (AB 1311 (Stats.2014, ch. 591), § 1). But this legislation retained the standard of incapacity to complete the affidavit. See also Probate Code sections 1826(h)(1) and 1851(a)(1)(D), added by AB 1311, §§ 5 and 7.

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

(Prob. Code, § 1823(b)(3))<sup>2</sup>; the court investigator must make a determination of the proposed conservatee's capacity to complete the affidavit, and must report that determination to the court (§§ 1826(h) and (k)); and the court must advise the proposed conservatee at the hearing, before establishment of the conservatorship, that he or she may be disqualified from voting because of this incapacity (§ 1828(a)(3)). If the court determines that the conservatee is not capable of completing the affidavit, it must make an order of disqualification and forward it to the county elections official in the county of the conservatee's residence. (§ 1910(a) and Elect. Code, § 2208(c)).

### **Senate Bill 589, effective January 1, 2016**

The new standard for disqualifying a conservatee from voting is established by SB 589, most prominently in an amendment to Elections Code section 2208(a)<sup>3</sup>, as follows:

(a) A person is presumed competent to vote regardless of his or her conservatorship status. A person shall be deemed mentally incompetent, and therefore disqualified from voting, if, during the course of any of the proceedings set forth below, the court finds by clear and convincing evidence that the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process, and . . . [a] conservator for the person or the person and estate is appointed pursuant to Division 4 (commencing with Section 1400) of the Probate Code..

Section 2208(d) was amended to add a fourth type of assistance in completing an affidavit of voter registration.<sup>4</sup> It provides that a person is not disqualified from voting if he or she can complete the affidavit of voter registration with reasonable accommodations.

### **The forms**

#### ***Form GC-310***

The *Petition for Appointment of Probate Conservator* asks the petitioner to state that the proposed conservatee either is or is not capable of completing an affidavit of voter registration (Item 4c on page 4).

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<sup>2</sup> Unless otherwise specified, all code references are to the Probate Code.

<sup>3</sup> SB 589 (Stats. 2015, ch. 736), § 6.5. Two versions of an amended section 2208 are contained in the legislation, in sections 6 and 6.5. The version provided in section 6.5 was enacted because another piece of legislation, AB 1020, also became law and was enacted before SB 589, as chapter 728. See SB 589, § 13(d). By a similar process, the versions of amended Elections Code sections 2102, 2150, and 2209 contained, respectively, in sections 3.5, 4.5, and 7.5 of SB 589 became law. The versions of these code sections contained in sections 3, 4, and 7 of SB 589 were not enacted (SB 589, §§ 13(a), (b), (c), and (e)). In the case of Elections Code section 2102, the other bill is AB 1461, not AB 1020. AB 1461 was also enacted before SB 589, as chapter 729.

<sup>4</sup> See footnote 1 above.

### ***Form GC-320***

The *Citation for Conservatorship* gives statutorily-required advice to the proposed conservatee (§ 1823). It contains the following sentence in a single-paragraph item 3, one of five numbered paragraphs on the first page:

You also may be disqualified from voting if you are found to be incapable of completing an affidavit of voter registration.

### ***Form GC-330***

Item 1d of the optional form *Order Appointing Court Investigator* directs the investigator to make the determinations specified in Probate Code sections 1826(d)–(j). Section 1826(h)(1) requires the investigator to “[d]etermine whether the proposed conservatee is not capable of completing an affidavit of voter registration . . .”

### ***Form GC-331***

Item 1b of the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)*, also an optional form, orders the investigator in a review investigation to make the determinations required by Probate Code section 1851(a). One of these, in section 1851(a)(1)(D)(i), is to determine whether the conservatee is not capable of completing an affidavit of voter registration.

### ***Form GC-340***

Item 8 on page 1 of the *Order Appointing Probate Conservator* contains a finding that, if selected by checking the adjacent checkbox, would support an order disqualifying the conservatee from voting. The current finding in item 8 is the standard for voting incapacity effective before enactment of SB 589—that the conservatee “is not capable of completing an affidavit of voter registration”.

## **The Proposal**

### **Forms GC-320, GC-330, GC-331, and GC-340**

The following revisions to forms GC-320, GC-330, GC-331, and GC-340 are recommended to conform them to the requirements of SB 589 and, in the first three listed forms, to give greater emphasis to the standard for a conservatee’s capacity to vote than these forms now provide:

### ***Form GC-320***

- Remove the sentence from item 3 on page 1 concerning the proposed conservatee’s capacity to complete an affidavit of voter registration and replace it with the following, in a new separate paragraph 4:<sup>5</sup>

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<sup>5</sup> See amended section 1823(b)(3), in section 8 of SB 589.

You may be disqualified from voting if you are found to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process. But you will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration:

- a. Sign the affidavit of voter registration with a mark or a cross, pursuant to Section 2150(b) of the Elections Code;
  - b. Sign the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code;
  - c. Complete the affidavit of voter registration with the assistance of another person pursuant to Section 2150(d) of the Elections Code; or
  - d. Complete the affidavit of voter registration with reasonable accommodations.
- Restate items 2–5 on page 1 of the form, as modified above, as items 2 through 7; and
  - Move the clerk’s signature line, space for the court seal, and the textbox containing advice for disabled persons to request accommodations to page 2, and the proof of service to a new page 3.

***Form GC-330***

- Revise the first sentence of item 1d on page 1 by replacing the existing citation of Probate Code sections 1826(d)–(j) with the citation of sections 1826(a)(4)–(7), and (9) and (10);<sup>6</sup>
- Add a new item 1e on page 1 to state expressly as a separate item the new standard for determining the capacity of a conservatee to vote;
- Redesignate current items 1e–g on page 1 as items 1f–h; and
- Change the reference to section 1826(l) in current item 1f (item 1g in the revised form) to section 1826(a)(12), reflecting the new location of the cited material in the amended section 1826.

***Form GC-331***

- Add a new item 1c on page 1 to state the new standard for determining the capacity of a conservatee to vote, as follows:

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<sup>6</sup> Current sections 1826(d)–(j) prescribe the scope of the investigation ordered by the court: subdivision (h) addresses the conservatee’s capacity to vote. In addition to referring to the new standard for a conservatee’s capacity to vote in amended section 1826, SB 589 also reorganizes that section. These provisions will be found in sections 1826(a)(4)–(10) of the amended section: the provision concerning voting is section 1826(a)(8). Thus the first sentence of revised item 1d would no longer address voting capacity because it would be separately stated in item 1e.

Determine if the proposed conservatee is now incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code; or if previously was found incapable of communicating that desire, continues to be incapable of doing so, with or without accommodations. The proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations; and

- Redesignate items 1c–1m on pages 1 and 2 as items 1d–n.

The review investigation in a conservatorship is the focus of Elections Code section 2209 and Probate Code section 1851(a)(1)(D), which were also amended by SB 589. Amended section 2209 applies the new standard for determining a conservatee’s incapacity to vote, but also emphasizes that in review investigations, investigators must deal both with conservatees who have and have not previously lost their right to vote. The amended section requires investigators in the latter case to determine whether conservatees have lost the ability to communicate a desire to participate in the voting process, and in the former case to determine whether they continue to lack that ability.<sup>7</sup> Thus the reference to “now incapable of communicating,” and “if previously was found incapable of communicating that desire, continues to be incapable of doing so . . .”

In either situation, the standard is the same: an inability, with or without accommodations, to communicate a desire to participate in the voting process, with the caveat that the four methods of completing an affidavit of voter registration with assistance listed in the statute are not disqualifying.

### ***Form GC-340***

Revise item 8 at the bottom of page 1 by replacing “The conservatee is not capable of completing an affidavit of voter registration” with “The conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.”

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<sup>7</sup> Amended section 2209 refers only to conservatees who have or have not lost the capacity to vote under the new standard, not to those previously disqualified under the old test. This means investigators and the courts must redetermine the capacity of all conservatees in existing conservatorships under the new standard when their matters come up for review investigations. There is no provision in the law that requires a redetermination of the voting capacities of conservatees disqualified from voting under the old standard before their first review investigations come up in the ordinary course following the effective date of the legislation.

## **Form GC-310**

The *Petition for Appointment of Probate Conservator* asks the petitioner to state that the proposed conservatee either is or is not able to complete an affidavit of voter registration (item 4c on page 4).

The revised form would delete this item entirely, and redesignate the next item, 4d, as 4c. (Item 4d is a new item, added effective January 1, 2016, concerning the proposed conservatee's connection with a federally-recognized Indian tribe.)

Item 4c requests the petitioner for the appointment of a conservator—who is usually, but not always—the proposed conservator, to express an opinion on the proposed conservatee's capacity to vote under the old standard. The committee has concluded that the petitioner's opinion about that capacity is not required and should be deleted from form GC-310 for the following reasons:

- SB 589 did not amend Probate Code section 1821, which prescribes the contents of the *Petition for Appointment of Probate Conservator*. This omission is most likely due to the fact that section 1821 is silent about a proposed conservatee's capacity to vote, thus suggesting that the proposed conservatee's capacity to vote is in fact not intended to be part of the petitioner's case in chief.
- Judicial-officer members of the committee report that virtually all petitioners in their courts select "is not able" to complete the affidavit, but do not offer evidence addressed to this issue at the hearing. The presence or absence of a proposed conservatee's capacity to vote, under any standard, does not affect the duties the proposed conservator will have or any powers he or she may seek in order to care for the conservatee or manage his or her estate.
- The non-professional family-member petitioner is not likely to be in a position, especially without the assistance of counsel, to reach a conclusion about the proposed conservatee's ability to "communicate a desire to participate in the voting process," particularly when consideration of "reasonable accommodations" may be required. The latter phrase refers to a complex concept from the federal Americans with Disabilities Act.
- Even in a case with experienced counsel representing a petitioner, possibly expensive expert testimony may be required to show the reasonable accommodations necessary to sustain the conservatee's right to vote. If that right turns on reasonable accommodations for the proposed conservatee merely to be able to express an interest in voting, he or she necessarily will be severely impaired and will be a very strong candidate for conservatorship. The proposed conservatee's continued ability to vote may not be important enough to the petitioner for him or her to decide to incur that expense, personally or from the proposed conservatee's estate. These facts emphasize that the voting capacity issue is not properly part of the petitioner's burden; it is for the court to determine, perhaps with the assistance of retained or appointed counsel for the conservatee and experts appointed by the court in appropriate cases.

- The appointment of a conservator, the petitioner’s major goal, is required *before* the court is charged with the duty of determining the conservatee’s eligibility to vote (see existing Elections Code section 2208(a)(1) and the revised version of that provision in section 6.5 of SB 589). Instead, the issue of voting competence is determined initially by the court investigator under section 1826, and ultimately by the court at the hearing on the petition if, and only if, a conservator is appointed.
- That determination must be made explicitly and on the record in every case in which a conservator is appointed, whether or not the petitioner believes the proposed conservatee is competent to vote under any standard.

### **Alternatives Considered**

Because of SB 589, no alternatives to revising forms GC-320, GC-330, GC-331, and GC-340 were considered. The committee could have continued to merely cite the Probate Code sections that prescribe the duty to determine voting capacity, as do existing forms GC-330 and GC-331, but decided to expressly and prominently state the new very different standard in these forms. This was done to give what the committee concluded would be proper emphasis and publicity to this important change in the law, and to assist in the prompt and thorough training of court investigators and courts about this change.

The committee considered revising form GC-310 by replacing the reference to the old standard of capacity to vote with the new standard, but concluded that any reference to a proposed conservatee’s voting capacity has no place in the petition.

### **Implementation Requirements, Costs, and Operational Impacts**

There will be the initial costs of distribution of any new or revised form. There will be substantial costs of training court staff—particularly court investigators—and counsel appointed to represent conservatees, in the new requirements concerning conservatees’ voting rights; but these costs are attributable to the legislation, not the changes in the forms necessary to comply with it. As noted above, the modified forms should actually aid in the training process.

## 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?
- Should form GC-310 retain a reference to voting capacity, changed to reflect the change made by SB 589?

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

- Would the proposal 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. Judicial Council forms GC-320, GC-330, GC-331, GC-340, and GC-310, at pages 9–27;
2. Attachment A: SB 589 (Stats. 2015, ch. 736),  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB589](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB589)

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| ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: _____ STATE: _____ ZIP CODE: _____<br>TELEPHONE NO.: _____ FAX NO.: _____<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name): _____ | FOR COURT USE ONLY<br><br><b>DRAFT</b><br><br><b>Not Approved by the<br/>Judicial Council</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): _____ PROPOSED CONSERVATEE  |   |
| <b>CITATION FOR CONSERVATORSHIP</b><br><input type="checkbox"/> Limited Conservatorship  | CASE NUMBER: _____  |

THE PEOPLE OF THE STATE OF CALIFORNIA,

To (name):

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

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

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

2. A conservatorship of the person may be created for a person who is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter. A conservatorship of the property (estate) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage his or her own financial resources. "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.
3. At the hearing a conservator may be appointed for your  person  estate.  
The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry.
4. You may be disqualified from voting if you are found to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process. But you will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration:
  - a. Sign the affidavit of voter registration with a mark or a cross, pursuant to Section 2150(b) of the Elections Code;
  - b. Sign the affidavit of voter registration by means of a signature stamp pursuant to Section 354.5 of the Elections Code;
  - c. Complete the affidavit of voter registration with the assistance of another person pursuant to Section 2150(d) of the Elections Code; or
  - d. Complete the affidavit of voter registration with reasonable accommodations.
5. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.
6. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.
7. (For limited conservatorship only) In addition to the rights stated in item 6 above, you have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

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

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

(SEAL)

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



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

1. At the time of service I was at least 18 years of age and not a party to this proceeding. **I served copies** of the *Citation for Conservatorship* and the *Petition for Appointment of Probate Conservator* (form GC-310) as follows:
  
2. a. Person cited (name): \_\_\_\_\_
- b. Person served: (1)  person in item 2a  
 (2)  other (specify name and title or relationship to the person named in item 2a): \_\_\_\_\_
  
- c. Address (specify): \_\_\_\_\_
  
3. I served the person named in item 2
  - a.  **by personally delivering** the copies (1) on (date): \_\_\_\_\_ (2) at (time): \_\_\_\_\_
  - b.  **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
    - (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_
    - (3)  with two copies of the *Notice and Acknowledgment of Receipt—Civil* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt—Civil* (form POS-015).)
    - (4)  to an address outside California with return receipt requested. (Attach completed return receipt.)
  - c.  **other** (specify other manner of service, and the authorizing code section and order of the court): \_\_\_\_\_
  
4. a. Person serving (name, address, and telephone number): \_\_\_\_\_
  
- b.  Fee for service: \$ \_\_\_\_\_
- c.  Not a registered California process server.
- d.  Exempt from registration under Business and Professions Code section 22350(b).
- e.  Registered California process server.
  - (1)  Employee or independent contractor.
  - (2) Registration no. (specify): \_\_\_\_\_
  - (3) County (specify): \_\_\_\_\_
  - (4) Expiration (date): \_\_\_\_\_
  
5.  **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
6.  **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

  
 \_\_\_\_\_  
 (SIGNATURE OF PERSON SERVING)

|  |   |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.:<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name): | FOR COURT USE ONLY<br><br><b>DRAFT</b><br><br><b>Not Approved by the<br/>Judicial Council</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):<br><input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE   |   |
| <p style="text-align: center;"><b>ORDER APPOINTING COURT INVESTIGATOR</b></p> <input type="checkbox"/> <b>Conservatorship</b> <input type="checkbox"/> <b>Limited Conservatorship</b>        | CASE NUMBER:  |

To (name):

You are hereby appointed Court Investigator in the matter entitled above.

1.  **Before the appointment of a general conservator** YOU ARE DIRECTED TO:

- a. Conduct the interviews required by Probate Code section 1826(a)(1). Interview the proposed conservatee personally.
- b. Provide to the proposed conservatee the information required by Probate Code section 1826(a)(2).
- c. Determine whether it appears that the proposed conservatee is unable to attend the hearing and, if able to attend, whether he or she is willing to attend.
- d. Make the determinations required by Probate Code sections 1826(a)(4)–(7), and (9)–(10). In making those determinations, review the allegations of the *Petition for Appointment of Probate Conservator* (form GC-310) as to why the appointment of a conservator is required and refer to the *Confidential Supplemental Information* (form GC-312) submitted by the petitioner. Consider the facts shown in the latter form that address each of the categories specified in Probate Code section 1821(a)(1)–(5) and consider, to the extent practicable, whether you believe the proposed conservatee suffers from any of the mental function deficits listed in Probate Code section 811(a) that significantly impairs his or her ability to understand and appreciate the consequences of his or her actions in connection with any of the functions described in Probate Code section 1801(a) (if a conservator of the person is sought) or section 1801(b) (if a conservator of the estate is sought). If you believe the proposed conservatee suffers from one or more mental function deficits listed in Probate Code section 811(a), identify all observations that support your belief.
- e. Determine if the proposed conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code. The proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations.
- f. Report to the court in writing, at least five days before the hearing, concerning all of the foregoing, including the proposed conservatee's express communications concerning (1) representation by legal counsel; and (2) whether he or she is not willing to attend the hearing, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or prefers that another person act as conservator.
- g. Mail, at least five days before the date set for hearing, a copy of your report (1) to all persons listed in Probate Code section 1826(a)(12)
  - except** for the persons listed in attachment 1g(1) because the court has determined that mailing to those persons will result in harm to the proposed conservatee;
  - and** (2) to the other persons ordered by the court listed in Attachment 1g(2) (*specify names and addresses in the attachment*).
- h.  Comply with the other orders specified in Attachment 1h.

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

2.  **On the filing of a *Petition for Appointment of Temporary Conservator* YOU ARE DIRECTED TO:**
- a. To the extent feasible, before the hearing on the petition or, if not feasible, within two court days after the hearing, conduct the interviews required by Probate Code section 2250.6(a)(1) (prehearing) or 2250.6(b)(1) (posthearing). Interview the temporary conservatee or proposed temporary conservatee personally.
  - b. Provide to the temporary conservatee or proposed temporary conservatee the information required by Probate Code section 2250.6(a)(2) (prehearing) or 2250.6(b)(2) (posthearing).
  - c. To the extent feasible, make the determinations required by Probate Code section 2250.6(a)(3)–(5) before the hearing on the petition.
  - d. To the extent feasible, before the hearing on the petition, report to the court in writing concerning all of the matters stated in items 2a–c.
  - e. If you do not visit the temporary conservatee until after the hearing at which a temporary conservator was appointed and the temporary conservatee objects to the appointment of the temporary conservator or requests an attorney, report this information to the court promptly and in no event more than three court days after the date of your interview with the temporary conservatee.
  - f. If it appears to you that the temporary conservatorship is inappropriate, immediately, and in no event more than two court days after you make your determination, make a written report of your determination to the court.

3.  **Before the court grants an order under Probate Code section 2253 authorizing the temporary conservator to change the residence of the temporary conservatee**
- a.  YOU ARE DIRECTED TO:
    - (1) Personally interview and inform the temporary conservatee of the contents of the request by the temporary conservator for authority to change the temporary conservatee's residence; of the nature, purpose, and effect of the proceedings; and of the right to oppose the request, attend the hearing, and be represented by legal counsel.
    - (2) Make the determinations required by Probate Code section 2253(b)(3)–(7).
    - (3) At least two days before the hearing on change of residence, report your findings concerning the foregoing in writing to the court, including in your report the temporary conservatee's express communications concerning representation by legal counsel and whether he or she is not willing to attend the hearing and does not wish to contest the petition.
    - (4)  Comply with the other orders specified in Attachment 3a(4) .
  - b.  Good cause appearing, YOU ARE DIRECTED NOT to conduct the investigation and NOT make the report described in Probate Code section 2253(b).
  - c.  Good cause appearing, YOU ARE DIRECTED as specified on Attachment 3c, INSTEAD of proceeding with the investigation and report described in Probate Code section 2253(b).

4.  **Before the court grants an order relating to medical consent under Probate Code section 1880.**  
 The petition for an order determining that there is no form of medical treatment for which the conservatee or proposed conservatee has the capacity to give informed consent alleges that he or she is not willing to attend the hearing, or the court has received an affidavit or certificate attesting to the medical inability of the conservatee or proposed conservatee to attend the hearing.

YOU ARE DIRECTED TO:

- a. Personally interview and inform the conservatee or proposed conservatee of the contents of the petition; of the nature, purpose, and effect of the proceedings; and of the right to oppose the petition, attend the hearing, and be represented by legal counsel.
- b. Make the determinations required by Probate Code section 1894(c)–(g).
- c. At least five days before the hearing on the petition, report your findings concerning the foregoing in writing to the court, including in your report the conservatee's express communications concerning representation by legal counsel and whether the conservatee is not willing to attend the hearing and does not wish to contest the petition.
- d.  Comply with the other orders specified in Attachment 4d .

5. Number of pages attached:

Date: \_\_\_\_\_ JUDICIAL OFFICER  
 SIGNATURE FOLLOWS LAST ATTACHMENT

## FOR PREPARATION BY THE COURT ONLY

FOR COURT USE ONLY

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:  
MAILING ADDRESS:  
CITY AND ZIP CODE:  
BRANCH NAME:

DRAFT

Not Approved by the  
Judicial Council

CONSERVATORSHIP OF THE  PERSON  ESTATE  
of (name): \_\_\_\_\_ CONSERVATEE

**ORDER APPOINTING COURT INVESTIGATOR  
(Review and Successor Conservator Investigations)\***

Conservatorship  Limited Conservatorship

CASE NUMBER:

To (name):

You are hereby appointed Court Investigator in the matter entitled above.

1.  **Review investigation**

## YOU ARE DIRECTED TO:

- a.  Without prior notice to the conservator  
 With prior notice to the conservator because of necessity or to prevent harm to the conservatee visit and personally inform the conservatee that he or she is under a conservatorship and give the name of the conservator to the conservatee.
- b. Make the determinations required by Probate Code section 1851(a)(1)(A)-(C), including whether the conservator is acting in the best interests of the conservatee. This last determination must include an examination of the conservatee's placement; the quality of care, including physical and mental treatment; and the conservatee's finances and must include, to the greatest extent possible, interviews with the conservator, the conservatee's spouse or registered domestic partner and relatives within the first degree, or, if none, the conservatee's relatives within the second degree.
- c. Determine if the proposed conservatee is now incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and therefore may be disqualified from voting pursuant to Section 2208 of the Elections Code; or if previously was found incapable of communicating that desire, continues to be incapable of doing so, with or without accommodations. The proposed conservatee may not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration: (1) signs the affidavit of voter registration with a mark or a cross (Elections Code section 2150(b)); (2) signs the affidavit of voter registration by means of a signature stamp (Elections Code section 354.5); (3) completes the affidavit of voter registration with the assistance of another person (Elections Code section 2150(d)); or (4) completes the affidavit of voter registration with reasonable accommodations.
- d.  The court has made an order or orders under (select all that apply):  
 Probate Code section 1873 (authority of conservatee to enter into transactions)  
 Probate Code section 1880 (conservatee's capacity to give informed consent to medical treatment)  
 Probate Code section 1901 (conservatee's capacity to marry).  
Determine whether the present condition of the conservatee is such that the terms of the court order or orders identified above should be modified or the order or orders revoked.
- e. To the extent practicable, review the conservator's accounting with the conservatee if he or she has sufficient capacity.
- f. Inform the court immediately if you are unable at any time to locate the conservatee.

\* This form is for ordering review investigations and reports under Probate Code sections 1850 and 1851 or investigations and reports concerning appointment of a successor conservator under Probate Code section 2684 or 2686. The *Order Appointing Court Investigator* (form GC-330) may be used to order initial and other investigations and reports under Probate Code sections 1826, 1894, 2250.6, and 2253. The *Order Setting Biennial Review Investigation and Directing Status Report Before Review* (form GC-332) may be used to order a biennial review investigation and status report under Probate Code section 1850(a)(2)). See Cal. Rules of Court, rule 7.1060.

Page 1 of 3

|   |                    |
|---|--------------------|
| CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE<br>of (name): _____<br><div style="text-align: right;">CONSERVATEE</div> | CASE NUMBER: _____ |
|---|--------------------|

1. g.  (If the conservator is authorized to act under Probate Code section 2356.5—dementia treatment or placement) Advise the conservatee specifically that he or she has the right to object to the conservator's powers granted under section 2356.5. Determine whether the conservatee objects to the conservator's powers under section 2356.5, whether the powers granted under section 2356.5 are warranted, and whether some change in those powers is warranted.
- h.  (For limited conservatorship only) Make a recommendation regarding the continuation or termination of the limited conservatorship.
- i.  (For conservatorships existing on December 31, 1980, in which the conservatee has not been adjudged incompetent) Determine whether an order should be made under Probate Code section 1873 broadening the capacity of the conservatee.
- j. Certify in writing to the court your determinations and findings, including a statement of the facts on which the findings are based, not less than 15 days before the date of review under Probate Code section 1850. Do not disclose confidential medical information or confidential criminal history information from the California Law Enforcement Telecommunications System (CLETS) in the body of your report. Place all such information in one or more separate attachments to the report.
- k. At the same time your report is certified to the court, mail copies to the conservator and to the attorneys of record for the conservator and the conservatee.
- l.  Mail copies of your report, modified by deletion of all attachments containing confidential medical information and confidential information from CLETS, to the conservatee's spouse or registered domestic partner and relatives within the first degree or, if there are no such relatives, to the conservatee's next closest relative.
- m.  Mail copies of your report, modified by deletion of all attachments containing confidential medical information and confidential information from CLETS, to the conservatee's spouse or registered domestic partner and relatives within the first degree or, if there are no such relatives, to the conservatee's next closest relative  
 **except** the person or persons named in Attachment 1m because the court has determined that mailing to that person or persons will result in harm to the conservatee.
- n.  Comply with the other orders specified on Attachment 1n.
2.  **Review investigation on the court's own motion or on request by an interested person**  
 YOU ARE DIRECTED,  
 on the court's own motion,  
 at the request of (name): \_\_\_\_\_ an interested person,  
 to conduct a review investigation of the conservatorship and make a report to the court as follows (specify): \_\_\_\_\_

Continued in Attachment 2.

|   |                    |
|---|--------------------|
| CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE<br>of (name): _____<br><div style="text-align: right; margin-top: 10px;">CONSERVATEE</div> | CASE NUMBER: _____ |
|---|--------------------|

3.  **Successor conservator investigation**

a.  A petition for appointment of a successor conservator has been filed in this matter. The petition does not allege that the conservatee will be present at the hearing on the petition, which is scheduled as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_

b.  A petition for appointment of a successor conservator has been filed in this matter. The petition alleges that the conservatee would be present at the hearing on the petition, but the conservatee failed to appear at the hearing. The hearing has been continued to the following date, time, and department:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_

c. YOU ARE DIRECTED TO:

- (1) Interview the conservatee personally.
- (2) Inform the conservatee of the nature of the proceeding to appoint a successor conservator, the name of the proposed successor conservator, and the conservatee's rights to appear personally at the hearing, to object to the person proposed as successor conservator, to nominate a person to be appointed as successor conservator, to be represented by legal counsel if the conservatee chooses, and to have legal counsel appointed by the court if the conservatee is unable to retain legal counsel.
- (3) Determine whether the conservatee objects to the person proposed as successor conservator or prefers another person to be appointed.
- (4) If the conservatee is not represented by legal counsel, determine whether he or she wishes to be represented by legal counsel and, if so, identify the attorney whom the conservatee wishes to retain or whether he or she desires the court to appoint legal counsel.
- (5) If the conservatee does not plan to retain legal counsel and has not requested appointment of legal counsel by the court, determine whether the appointment of legal counsel would be helpful to resolution of the matter or is necessary to protect the interests of the conservatee.
- (6) Report to the court in writing, at least five days before the hearing or continued hearing, concerning items (2)–(5), including the conservatee's express communications concerning representation by legal counsel and whether the conservatee objects to the person proposed as successor conservator or prefers that some other person be appointed.
- (7) Mail, at least five days before the hearing or continued hearing, a copy of the report identified in item (6) to the attorneys, if any, for the petitioner and the conservatee and to the following additional persons (*specify*):

Continued in Attachment 3.

4. Number of pages attached:

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT



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

9.  The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 28.
10.  Attorney *(name):* \_\_\_\_\_ has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$  
 The conservatee has the ability to pay  all  none  a portion of this sum *(specify):* \$
11.  The conservatee need not attend the hearing.
12.  The appointed court investigator is *(name):* \_\_\_\_\_  
*(Address and telephone):* \_\_\_\_\_
13.  *(For limited conservatorship only)* The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14.  The  successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15.  The  successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.  
 License no.: \_\_\_\_\_ Issuance or last renewal date: \_\_\_\_\_ Expiration date: \_\_\_\_\_
16. *(Either a, b, or c must be checked):*
- a.  The  successor conservator is not the spouse of the conservatee.
- b.  The  successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.
- c.  The  successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.  
 It is in the best interest of the conservatee to appoint the spouse as  successor conservator.
17. *(Either a, b, or c must be checked):*
- a.  The  successor conservator is not the domestic partner or former domestic partner of the conservatee.
- b.  The  successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.
- c.  The  successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as  successor conservator.

**THE COURT ORDERS**

18. a. *(Name):* \_\_\_\_\_ *(Telephone):* \_\_\_\_\_  
*(Address):* \_\_\_\_\_
- is appointed**  successor  conservator  limited conservator of the PERSON of *(name):* \_\_\_\_\_  
 and *Letters of Conservatorship* shall issue upon qualification.
- b. *(Name):* \_\_\_\_\_ *(Telephone):* \_\_\_\_\_  
*(Address):* \_\_\_\_\_
- is appointed**  successor  conservator  limited conservator of the ESTATE of *(name):* \_\_\_\_\_  
 and *Letters of Conservatorship* shall issue upon qualification.
19.  The conservatee need not attend the hearing.
20. a.  Bond is not required.
- b.  Bond is fixed at: \$ \_\_\_\_\_ to be furnished by an authorized surety company or as otherwise provided by law.
- c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at *(specify institution and location):* \_\_\_\_\_

and receipts shall be filed. No withdrawals shall be made without a court order.  
 Additional orders in attachment 20c.

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

20. *(cont.)*  
 d.  The  successor conservator is not authorized to take possession of money or any other property without a specific court order.
21.  For legal services rendered,  conservatee  conservatee's estate shall pay the sum of: \$  
 to *(name)*:  
 forthwith  as follows *(specify terms, including any combination of payors):*
- Continued in attachment 21.
22.  The conservatee is disqualified from voting.
23.  The conservatee lacks the capacity to give informed consent for medical treatment and the  successor conservator of the person is granted the powers specified in Probate Code section 2355.  
 The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
24.  The  successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24 subject to the conditions provided.
25.  Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
26.  Orders relating to the powers and duties of the  successor conservator of the person under Probate Code sections 2351–2358 as specified in attachment 26 are granted. *(Do not include orders under Probate Code section 2356.5 relating to dementia.)*
27.  Orders relating to the conditions imposed under Probate Code section 2402 on the  successor conservator of the estate as specified in attachment 27 are granted.
28.  a.  The  successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).  
 b.  The  successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
29.  Other orders as specified in attachment 29 are granted.
30.  The probate referee appointed is *(name and address)*:
31.  *(For limited conservatorship only)* Orders relating to the powers and duties of the  successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
32.  *(For limited conservatorship only)* Orders relating to the powers and duties of the  successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
33.  *(For limited conservatorship only)* Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
34.  This order is effective on the  date signed  date minor attains majority *(specify)*:
35. Number of boxes checked in items 18–34:
36. Number of pages attached:

Date:

\_\_\_\_\_  
 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

|  |  |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.:<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name):  | <b>FOR COURT USE ONLY</b><br><br><b>Draft</b><br><br><b>Not Approved by the<br/>Judicial Council</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<br>(name):<br><br><div style="text-align: right;">(PROPOSED) CONSERVATEE</div>  |  |
| <b>PETITION FOR APPOINTMENT OF</b> <input type="checkbox"/> <b>SUCCESSOR</b><br><b>PROBATE CONSERVATOR OF THE</b> <input type="checkbox"/> <b>PERSON</b> <input type="checkbox"/> <b>ESTATE</b><br><br><input type="checkbox"/> <b>Limited Conservatorship</b> | CASE NUMBER:<br><br>HEARING DATE AND TIME: DEPT.:  |

1. **Petitioner (name):**

**requests that**

a. (Name):  
(Address):

(Telephone):

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

b. (Name):  
(Address):

(Telephone):

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

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

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

**Do NOT use this form for a temporary conservatorship.**

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

- 1. h.  (for limited conservatorship only) orders relating to the powers and duties of the proposed limited  successor \* conservator of the person under Probate Code section 2351.5 be granted. *(Specify orders, powers, and duties in Attachment 1h and complete item 1j.)*
- i.  (for limited conservatorship only) orders relating to the powers and duties of the proposed limited  successor \* conservator of the estate under Probate Code section 1830(b) be granted. *(Specify orders, powers, and duties in Attachment 1i and complete item 1j.)*
- j.  (for limited conservatorship only) orders limiting the civil and legal rights of the (proposed) limited conservatee be granted. *(Specify limitations in Attachment 1j.)*
- k.  orders related to dementia placement or treatment as specified in the *Attachment Requesting Special Orders Regarding Dementia* (form GC-313) under Probate Code section 2356.5 be granted. A *Capacity Declaration—Conservatorship* (form GC-335) and *Dementia Attachment to Capacity Declaration—Conservatorship* (form GC-335A), executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure with at least two years experience diagnosing dementia,  are filed herewith.  will be filed before the hearing.  
 (appointment of successor conservator only) will not be filed because an order relating to dementia placement or treatment was filed on *(date)*: . That order has neither expired by its terms nor been revoked.
- l.  other orders be granted. *(Specify in Attachment 1l.)*

2. (Proposed) conservatee is *(name)*: *(Telephone)*:  
*(Present address)*:

- 3. a.  **Jurisdictional facts** *(initial appointment only)* The proposed conservatee has no conservator in California and is a
  - (1)  resident of California and
    - (a)  a resident of this county.
    - (b)  not a resident of this county, but commencement of the conservatorship in this county is in the best interests of the proposed conservatee for the reasons specified in Attachment 3a.
  - (2)  nonresident of California but
    - (a)  is temporarily living in this county, or
    - (b)  has property in this county, or
    - (c)  commencement of the conservatorship in this county is in the best interest of the proposed conservatee for the reasons specified in Attachment 3a.
- b. **Petitioner** *(answer items (1) and (2) and check all other items that apply)*
  - (1)  is  is not a **creditor** or an agent of a creditor of the (proposed) conservatee.
  - (2)  is  is not a **debtor** or an agent of a debtor of the (proposed) conservatee.
  - (3)  is the proposed  successor conservator.
  - (4)  is the (proposed) conservatee. *(If this item is not checked, you must also complete item 3f.)*
  - (5)  is the spouse of the (proposed) conservatee. *(You must also complete item 6.)*
  - (6)  is the domestic partner or former domestic partner of the (proposed) conservatee. *(You must also complete item 7.)*
  - (7)  is a relative of the (proposed) conservatee as *(specify relationship)*:
  - (8)  is an interested person or friend of the (proposed) conservatee.
  - (9)  is a state or local public entity, officer, or employee.
  - (10)  is the guardian of the proposed conservatee.
  - (11)  is a bank  is other entity authorized to conduct the business of a trust company.
  - (12)  is a professional fiduciary within the meaning of Business and Professions Code section 6501(f) who is licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. Petitioner's license number is provided in item 1 on page 1 of the attached Professional Fiduciary Attachment. *(Use form GC-210(A-PF)/GC-310(A-PF) for this attachment. You must also complete item 2 on page 2 of that form and item 3d below.)*

\* See item 5b on page 4.

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

3. c. **Proposed**  **successor conservator** is *(check all that apply)*

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

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

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

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

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

(2)  Estimated value of personal property: \$ \_\_\_\_\_

(3) Annual gross income from

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

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

(5) Real property: \$ \_\_\_\_\_

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

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

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

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

3. g. So far as known to Petitioner, a conservatorship or equivalent proceeding concerning the proposed conservatee  has not  has been filed in another jurisdiction concerning the proposed conservatee, including a court of an Indian tribe with jurisdiction (see Prob. Code, § 2031(b)).

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

**4. (Proposed) conservatee**

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

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

c.  is  is not, so far as is known to petitioner, a member of a federally recognized Indian tribe. *(If you answered "is," complete items (1)–(4)):*

(1) Name of tribe:

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

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

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

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

(1)  is an adult.

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

(3)  is a married minor.

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

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

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

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



|  |                          |
|--|--------------------------|
| CONSERVATORSHIP OF <i>(name)</i> :<br><br><br><div style="text-align: right; padding-right: 20px;">CONSERVATEE</div> | CASE NUMBER:<br><br><br> |
|--|--------------------------|

- 5. d.  (Proposed) conservatee voluntarily requests the appointment of a  successor conservator.  
*(Specify facts showing good cause in Attachment 5(d).)*
- e.  Confidential Supplemental Information (form GC-312) is filed with this petition. *(Initial appointment of conservator only. All petitioners must file this form except banks and other entities authorized to do business as a trust company.)*
- f. **(Proposed) conservatee**  is  is not developmentally disabled as defined in Probate Code section 1420. Petitioner is aware of the requirements of Probate Code section 1827.5. *(Specify the nature and degree of the alleged disability in Attachment 5f).*
  
- 6.  **Petitioner or proposed**  **successor conservator is the spouse of the (proposed) conservatee.**  
*(If this statement is true, you must answer a or b.)*
  - a.  The (proposed) conservatee's spouse is not a party to any action or proceeding against the (proposed) conservatee for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.
  - b.  Although the (proposed) conservatee's spouse is a party to an action or proceeding against the (proposed) conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage, or has obtained a judgment in one of these proceedings, it is in the best interest of the (proposed) conservatee that:
    - (1)  a  successor conservator be appointed.
    - (2)  the spouse be appointed as the  successor conservator.*(If you checked item 6b(1) or (2) or both, specify the facts and reasons in Attachment 6b.)*
  
- 7.  **Petitioner or proposed**  **successor conservator is the domestic partner or former domestic partner of the (proposed) conservatee.** *(If this statement is true, you must answer a or b.)*
  - a.  The domestic partner of the (proposed) conservatee has not terminated and does not intend to terminate the domestic partnership.
  - b.  Although the domestic partner or former domestic partner of the (proposed) conservatee intends to terminate or has terminated the domestic partnership, it is in the best interest of the (proposed) conservatee that
    - (1)  a  successor conservator be appointed.
    - (2)  the domestic partner or former domestic partner be appointed as the  successor conservator.*(If you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)*
  
- 8. **(Proposed) conservatee** *(check all that apply)*
  - a.  will attend the hearing AND  is the petitioner  is not the petitioner AND  has  has not nominated the proposed  successor conservator.
  - b.  *(initial appointment of conservator only)* is able but unwilling to attend the hearing AND  does  does not wish to contest the establishment of a conservatorship,  does  does not object to the proposed conservator, AND  does  does not prefer that another person act as conservator.
  - c.  *(initial appointment of conservator only)*: is unable to attend the hearing because of medical inability. A *Capacity Declaration—Conservatorship* (form GC-335), executed by a licensed medical practitioner or an accredited religious practitioner  is filed with this petition.  will be filed before the hearing.
  - d.  *(initial appointment of conservator only)* is not the petitioner, is out of state, and will not attend the hearing.
  - e.  *(appointment of successor conservator only)* will not attend the hearing.
  
- 9.  **Medical treatment of (proposed) conservatee**
  - a. There is no form of medical treatment for which the (proposed) conservatee has the capacity to give an informed consent.
  - b. A *Capacity Declaration—Conservatorship* (form GC-335) executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure, stating that the (proposed) conservatee lacks the capacity to give informed consent for any form of medical treatment and giving reasons and the factual basis for this conclusion,  is filed with this petition.  will be filed before the hearing.  will not be filed for the reason stated in c.
  - c.  *(appointment of successor conservator only)* The conservatee's incapacity to consent to any form of medical treatment was determined by order filed in this matter on *(date)*:  
That order has neither expired by its terms nor been revoked.
  - d. (Proposed) conservatee  is  is not an adherent of a religion that relies on prayer alone for healing, as defined in Probate Code section 2355(b).

|  |                      |
|--|----------------------|
| CONSERVATORSHIP OF <i>(name)</i> :<br><br><div style="text-align: right; padding-right: 20px;">CONSERVATEE</div> | CASE NUMBER:<br><br> |
|--|----------------------|

10.  **Temporary conservatorship**

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

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

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

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

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

Continued on Attachment 11.

|   |              |
|---|--------------|
| CONSERVATORSHIP OF <i>(name)</i> :<br><br><br><div style="text-align: right;">CONSERVATEE</div> | CASE NUMBER: |
|---|--------------|

12.  **Confidential conservator screening form**

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

13.  **Court investigator**

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

14. Number of pages attached:

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

▶

\_\_\_\_\_

(SIGNATURE OF ATTORNEY FOR PETITIONER)

*(All petitioners must also sign (Prob. Code, § 1020; Cal. Rules of Court, rule 7.103).)*

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

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME OF PETITIONER)

▶

\_\_\_\_\_

(SIGNATURE OF PETITIONER)

\_\_\_\_\_

(TYPE OR PRINT NAME OF PETITIONER)

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(SIGNATURE OF PETITIONER)