Judicial Council of California

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INVITATION TO COMMENT

SP26-08

Probate Conservatorship: *Handbook for Conservators*

Invitation to Comment Details

Proposed Rules, Forms, Standards, or Statutes
None

Proposed by
Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Action Requested
Review and submit comments by September 25, 2026, to invitations@jud.ca.gov

Proposed Effective Date
January 1, 2027

Contact
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(This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council or its Rules Committee. It is circulated for comment purposes only.)

Executive Summary and Origin

Because the law governing conservatorships has changed substantially since the publication of the *Handbook for Conservators: 2016 Revised Edition*, the Probate and Mental Health Advisory Committee proposes updating the handbook, posting the updated edition on the California courts website, and authorizing production and distribution of the updated edition in print form by courts and such other entities as the Administrative Director may authorize. The proposed updates would also reorganize the handbook, reformat it to make it easier to use online, simplify the language, and reduce unnecessary repetition.

Background

The Judicial Council approved the publication of the first edition of the *Handbook for Conservators* as the information package required by Probate Code section 1835(c) at its meeting in May 1991.[1] The first edition was published in early 1992 as a printed book.[2] Judicial Council staff distributed hard copies to the courts for provision to newly appointed conservators under section 1835.[3]

A second edition of the handbook was published in 2002 to incorporate updates needed after the passage of 10 years. The book was published and distribution of hard copies to the courts began in July 2002. At the same time, the entire text of the handbook was placed on the California courts website, allowing free public access to it for the first time.

The Judicial Council approved the publication of a third revised edition of the handbook in October 2016.[4] The revised edition reflected changes in the law since the publication of the second edition. Chief among these changes were those enacted in the Omnibus Conservatorship and Guardianship Reform Act of 2006.[5] The council posted the revised edition of the handbook on the California courts website but did not arrange for printing of hard copies for distribution to the courts. Instead, the council authorized courts to print copies of the handbook from a posted copy of the text for provision to those private conservators who desired print copies.

The Proposal

Probate Code section 1835 requires every superior court to provide each conservator with written information concerning a conservator's "rights, duties, limitations, and responsibilities" under the law.[6] To assist the courts in providing the required information, the Judicial Council must develop an "information package" and make it available to the courts.[7]

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[1] Judicial Council of Cal., Advisory Com. Rep., *Advisory Committee on Conservatorships: Handbook for Conservators* (Apr. 12, 1991). The council report made clear that the handbook was intended to serve as the information package required by section 1835(c). *Id.* at pp. 1–2.

[2] The first edition of the handbook was circulated for comment to superior court presiding judges, court investigators, public guardians, and others interested in conservatorships. See *id.* at p. 7. The second and third editions of the handbook did not circulate for comment.

[3] Probate Code section 1835(f) authorizes a court to charge each conservator $20 to cover the costs of providing the information in the handbook.

[4] Judicial Council of Cal., Advisory Com. Rep., *Probate Conservatorships: Handbook for Conservators: 2016 Revised Edition* (Sept. 16, 2016).

[5] The Omnibus Act comprised four bills: Senate Bill 1116 (Stats. 2006, ch. 490), Senate Bill 1550 (Stats. 2006, ch. 491), Senate Bill 1716 (Stats. 2006, ch. 492), and Assembly Bill 1363 (Stats. 2006, ch. 493).

[6] Prob. Code, § 1835(a). Section 1835 was initially enacted in 1988, then was repealed and reenacted with the entire Probate Code in 1990. (Assem. Bill 759 (Stats. 1990, ch. 79, operative July 1, 1991).) Section 1835(b) specifies the minimum content of the information to be provided.

All further unspecified statutory references are to the Probate Code.

[7] § 1835(c).

As noted above, the *Handbook for Conservators* constitutes the information package for conservators required by section 1835(c). The council must periodically update the handbook as warranted by changes in the law.[8] The law governing conservatorships has changed significantly since the publication of the third edition of the handbook in 2016. The Probate and Mental Health Advisory Committee therefore proposes that the Judicial Council approve publishing a fourth revised edition of the handbook, effective January 1, 2027, to:

- Incorporate changes to the law enacted since 2016;
- Reorganize the handbook by reordering the chapters, abbreviating some content, and moving some content to the appendices;
- Reformat the handbook to make it easier to use online; and
- Simplify the language and reduce unnecessary repetition to make the handbook easier for self-represented conservators to use.

The committee also proposes that the council authorize production and distribution of the updated edition in print form by courts and such other entities as the Administrative Director may authorize to promote access to justice.

Significant changes to the law

Since 2016, the last time the council revised the handbook, the law governing conservatorships has changed several times. Significant legislation in the past five years alone includes:

- Assembly Bill 1194 (Stats. 2021, ch. 417; see Link B), which increased oversight of court-appointed conservators; changed the procedures for petitions and hearings for review, termination, and modification of conservatorships; and required the court to consider terminating a conservatorship in specific circumstances;
- Assembly Bill 1663 (Stats. 2022, ch. 894; see Link C), which clarified a conservator's duty to accommodate the conservatee's preferences, added to section 1835 more information the council must include in the handbook, reemphasized the requirement that the conservatorship must be the least restrictive available alternative needed to protect the conservatee's interests, and added an enumeration of a conservatee's rights;
- Senate Bill 280 (Stats. 2023, ch. 705; see Link D), which required a conservator of the person to develop a comprehensive care plan for the conservatee and file it with the court within 120 days of appointment; and

[8] § 1835(e).

- Senate Bill 1106 (Stats. 2024, ch. 455; see Link E), which expanded the notices required of a change of the conservatee's residence and of the conservatee's death as well as the persons entitled to receive those notices.

The proposed revisions incorporate these and other changes to the law through the end of 2026.

Revisions to format and style

In addition, the committee recommends revising the handbook's format and layout so that it is easier to use online. The existing format and layout are better suited to using a printed copy of the handbook. However, an informal survey of courts revealed that more than 90 percent of conservators and others who refer to the handbook use the online version. Users who wish to use a hard copy may download and print all or part of the handbook as needed free of charge.[9] To improve usability for the many self-represented conservators who use the handbook, the committee also proposes simplifying the handbook's language, reordering the chapters, reducing repetition, and moving much of the sample material to the appendices.

Alternatives Considered

The committee considered not revising the handbook at this time but determined that the law had changed sufficiently since 2016 to warrant revision. The committee also considered retaining the existing format, layout, organization, and language. For the reasons discussed above, the committee decided to revise these aspects of the handbook as well.

Fiscal and Operational Impacts

The proposal is not likely to have a fiscal or operational effect on the courts. Judicial Council staff will replace the file now on the California courts website with the updated file at the same address. Courts and conservators will access the handbook in the same manner as they do now.

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 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

[9] To accommodate conservators and other users without computer access, council staff will make arrangements for printing and sale of hard copies of the handbook on demand.

procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Attachment A: *Handbook for Conservators: 2026 Revised Edition*
2. Link A: Prob. Code, § 1835
3. Link B: Assembly Bill 1194
4. Link C: Assembly Bill 1663
5. Link D: Senate Bill 280
6. Link E: Senate Bill 1106

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HANDBOOK FOR CONSERVATORS

2026 Revised Edition

JUDICIAL COUNCIL OF CALIFORNIA

Chief Justice Patricia Guerrero, Chair

Michelle Curran, Administrative Director

JUDICIAL COUNCIL OF CALIFORNIA

HOW TO USE THIS HANDBOOK

This handbook is written to help you understand your role and duties as a conservator, whether you are a conservator of the person, the estate, or both; a *limited* conservator of the person, the estate, or both; or a *temporary* conservator. The book starts by discussing what to do right after the court has appointed you. It explains what is expected of you and suggests resources to help you carry out your duties.

You should not try to serve as a conservator without help. Caring for someone's personal needs or managing their financial resources is complicated. You will need to work with various professionals, including caregivers, doctors, accountants, and others. If there are any duties you don't fully understand, and you want to make sure you do everything that's required, you should probably talk with a lawyer. Throughout the book, the authors point out situations that may require a lawyer's advice or assistance.

The book contains a lot of useful information, but it is not meant to be read straight through. Instead, you should start with the overview of conservatorship in chapter 1 and then read the other chapters that apply to your appointment, as the following examples show:

Are you a conservator of the person?
If so, read chapter 1 and then chapter 2.

Are you a conservator of the estate?
If so, read chapter 1 and then chapter 3.

Are you a limited conservator for an adult with a developmental disability?
If so, read chapter 1; then read chapter 4 and the applicable parts of chapter 2 or chapter 3.

Are you a temporary conservator?
If so, read chapter 1 and then chapter 5.

After you have read the chapters suggested above, look in the index to find other topics that you need to learn about. Keep this book handy and refer to it when you need information.

Chapter 1: Overview

A **probate court** has appointed you as **conservator** for someone whom a judge or jury found unable to provide properly for their personal needs, manage their financial affairs, or both. That person who needs help is called the **conservatee**. As a court-appointed conservator, you now have powers and duties to care for the conservatee's personal needs or manage the conservatee's finances or both.

The court appointed *you* as conservator to care for the conservatee—who may be your parent, spouse, child, other relative, or friend—because you are willing to give your time and talents to help them. Thank you.

Whatever your existing relationship is, your appointment creates a new, legal relationship between you and the conservatee. This relationship gives you power to make decisions and perform actions on the conservatee's behalf. It also imposes strict duties to decide and act with care and only in the conservatee's interests. This handbook is intended to help you carry out your powers and duties.

The law requires you to allow the conservatee to be as independent as you can without violating your duties. It does this in two ways. *First,* it gives the court the authority to limit the powers and duties you would ordinarily have as conservator if the conservatee is able to perform some of those actions. You should check the court's written appointment order and the *Letters of Conservatorship* (see below for more about Letters) to see if the court did this in your case. If the court appointed you as a *limited* conservator, you have *only* the powers specified in the order and Letters.

Second, even for the powers and duties the court has given you, you must check with the conservatee to find out what they want before you act or make a decision unless the situation makes checking impossible. You must make choices that respect the preferences that the conservatee has communicated to you unless doing so would violate your duties of care and loyalty or would cost the estate an unreasonably large amount of money. Even if you cannot do exactly what the conservatee wants, your decisions and actions should support, encourage, and assist the conservatee to be as independent as possible. And they must always be in the conservatee's best interests.

Your **appointment order** and **Letters of Conservatorship** authorize you to make many decisions for the conservatee. In some situations, you must get a judge's approval before you act. Other decisions or actions require court approval afterward. Even in situations when you have the legal authority to act without court approval beforehand, you might still want to ask the court for instructions or for approval. If you have a lawyer, they will help you prepare and **file** a **petition** if you need or want to ask for court approval for a specific action.

The court may have appointed you conservator of only the conservatee's person, or only the conservatee's estate, or of both the conservatee's person and their estate. The appointment order tells you what kind of conservator you are.

Conservator of the Person

Some conservatees can no longer shop for food or cook; others need help bathing and dressing. Some need medical care or help cleaning the house. Others can't drive and need help getting around. Some conservatees are isolated and need social activities and contact with other people. If the court appointed you as **conservator of the person**, you have the duty to provide for the conservatee's needs in these areas. Unless the court has limited your powers and duties, they include arranging for the conservatee's:

- Residence;
- Food;
- Clothing;
- Health care;
- Personal care;
- Housekeeping;
- Transportation; and
- Social activities and recreation.

➢ To learn more about the powers and duties of a conservator of the person, see Chapter 2.

Conservator of the Estate

Some conservatees can't keep track of their money or remember to pay their bills. Others give away large sums of money to strangers or relatives; others need help managing their investments. If the court appointed you as **conservator of the estate**, you have the duty to manage the conservatee's finances and property. Unless the court has limited your powers and duties, they include:

- Locating and taking control of the conservatee's ***assets***;
- Collecting the conservatee's ***income***;
- Paying the conservatee's bills;
- Applying for and maintaining the conservatee's benefits;
- Filing the conservatee's taxes;
- Investing the conservatee's money;
- Keeping exact financial records;
- Protecting the conservatee's property; and
- Filing ***accountings*** with the court.

To learn more about the powers and duties of a conservator of the estate, see Chapter 3.

Types of Conservators

There are three main types of conservators.

1. Conservator (or "general conservator")
2. Limited conservator
3. Mental health conservator under the Lanterman-Petris-Short (LPS) Act.

For each type, the court may appoint a conservator of the person, a conservator of the estate, or both. If the conservatee or their finances need immediate protection, the court may also appoint a *temporary* conservator of any of these three types. The first two types (general and limited), along with their temporary variants, are called *probate conservators* because the Probate Code governs their appointment, administration, and oversight.

Conservator

A **conservator**, sometimes called a *general* conservator, may be appointed for an adult who is unable to care for their personal needs, their finances, or both. If the court appointed you as conservator, the law grants you certain powers and duties needed to care for the conservatee or their finances. The court order does not need to specify those powers. The court can limit your powers and duties, or, if you ask the court for extra powers and show the court that you need them to care properly for the conservatee or the conservatee's finances, the court can grant you more powers than the law typically allows.

Limited Conservator

A **limited conservator** may be appointed for an adult with a **developmental disability** who can care for or manage some aspects of their lives or their property but not others. If the court appointed you as limited conservator, you have only the powers and duties stated in writing in the court's appointment order and the *Letters of Conservatorship* (see below). These powers are limited to those you need to help the conservatee with the specific activities or decisions they cannot manage on their own. As limited conservator, you must also take appropriate steps to help the conservatee to develop as much self-reliance and independence as possible.

- For more information about limited conservators, see Chapter 4. If you are a limited conservator, it is a good idea to read Chapter 4 before reading chapter 2 or chapter 3.

Temporary Conservator

The court may appoint a **temporary conservator** for someone who needs immediate help and cannot wait until the court holds a hearing on the petition for appointment of a conservator. This can happen before a conservator is appointed or if there is a vacancy in the office of conservator. The temporary conservator has only the powers and duties necessary to care for the person or protect the person's property until that hearing. A temporary conservatorship usually lasts **30 to 60 days** and may not extend past the hearing on the petition for appointment of a general conservator. A **temporary conservator of the person** has the powers and duties needed to provide for the conservatee's temporary care, protection, and support. A **temporary conservator of the estate** has the powers and duties necessary to protect the conservatee's money and property from loss or damage until the hearing on the petition.

- For more information about temporary conservators, see Chapter 5. If you are a temporary conservator, consider reading Chapter 5 before reading chapter 2 or chapter 3.

Mental Health Conservator

A **mental health conservator** may be appointed under the Lanterman-Petris Short (LPS) Act only for a person who is gravely disabled because of a mental health disorder, a severe substance use disorder, or both. Only a county agency or officer—usually called the public guardian or public conservator—may file a petition for appointment of an LPS conservator. This handbook will not talk more about LPS conservators.

Comparison of Conservators

Type	Duration	Appointment Types	Powers
Conservator	No specified end date; lasts until new court order or death of conservatee	- Person - Estate - Person and Estate	- Default powers to meet a broad range of needs - Appointment order and letters state if court has withheld or added powers
Limited conservator	No specified end date; lasts until new court order or death of conservatee **or conservator**	- Person - Estate - Person and Estate	- Limited powers to meet conservatee's specific needs - Appointment order and letters state exact powers
Temporary conservator	Brief; end date specified in court order	- Person - Estate - Person and Estate	- Narrow default powers - Appointment order and letters state any other powers granted

Conservatee's Rights

You have powers and duties to make decisions for the conservatee, but the conservatee keeps many legal rights. Specifically, conservatee keeps the right to:

- Have a lawyer represent them and have the court appoint a lawyer to represent them if they do not plan to hire one
- Ask a judge to replace the conservator
- Ask a judge to end the conservatorship
- Control an allowance, if the court says they can have one

Unless the court orders them taken away, the conservatee keeps their personal rights, including the right to:

- Receive visitors
- Receive phone calls
- Receive personal mail and other written communications
- Vote
- Get married
- Make or change their will
- Directly receive and control wages or salary they earn from a job

- If a nursing home or other residential or acute-care setting denies the conservatee's rights to have visits and phone calls from family members, you must help the conservatee exercise these rights.
- *Conflicts within conservatee's family.* If the conservatee's family members have disputes over who can visit the conservatee or get access to the conservatee's assets, these disputes may point to physical or financial abuse of the conservatee. Talk to a **lawyer** if you need help.

The conservatee also has a right to:

Ask questions, express concerns, and make complaints about the conservatorship and things *you do as the conservator.* If you and the conservatee cannot work out disagreements, the conservatee may ask the court to review how you handle the conservatorship. Also, from time to time the court will send a court investigator to see how the conservatee is doing and to let the conservatee know their legal rights. The court may also appoint a lawyer to represent the conservatee.

Receive notice of their legal rights. As noted in duties to the court, you must mail your conservatee a copy of the Notice of Rights that was attached to your Order within 30 days of the date the Order was signed. Mail it to everyone listed on the conservatorship petition, including the conservatee, the conservatee's lawyer, spouse, domestic partner, and relatives. To get an extra copy of the Notice, download (form GC-341), *Notice of Conservatee's Rights*.

The Probate Court

Once it decides that someone is unable to provide for their personal care or manage their finances, the probate court gains the legal authority to make those decisions on behalf of that person. But the court is not set up to manage a person's daily life or finances. When a judge appointed you conservator, the court gave you some of its authority to care for your conservatee. The court remains responsible for the conservatee, and it will monitor your actions as conservator. See Chapter 6 for more information about the court's role as monitor during the conservatorship and at its end.

What Does the Court Do?

After the probate court has appointed you as conservator, the court will:

- Keep a record of all documents filed in the case (the "case file");
- Monitor how you do your job as conservator and periodically review your acts, including:
  - How well you care for the conservatee;
  - How well you manage the conservatee's finances; and
  - How well you do what the law requires and meet deadlines;
- Review your requests to authorize actions before you take them or to approve actions after you have taken them, depending on what the law requires; and
- Decide disputes between you and the conservatee, their family, their friends, or other people with an interest in the case.

In a conservatorship, the probate court treats you fairly, but it is not neutral. You are acting under the court's authority, and the law requires the court to protect the conservatee. It will therefore monitor your actions closely.

Court staff

In addition to the judicial officer (judge or commissioner) who appointed you conservator, most superior courts have at least one probate court ***investigator*** and one court ***clerk***. Some larger courts also have probate staff attorneys and probate examiners. You will probably encounter all of them during the life of your case. This chapter talks about the clerk, the attorneys, and the examiners. Chapter 6, on court monitoring, talks about the investigator.

The Court Clerk

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In larger counties, the clerk's office may have a separate division for probate cases. If your court does not have a separate probate clerk, the records for your conservatorship are probably kept in the main civil clerk's office. The clerk's office is where you will file all your court papers and where the court will keep the case file for your conservatorship.

The clerk also issues your original *Letters of Conservatorship* (see below) and can provide you certified copies of the Letters when you ask for them for a small fee. You will need certified copies of the Letters to prove to others that the court appointed you as conservator and gave you the power you are exercising.

Note: Court clerks can ***never*** give legal advice, including answering questions about what papers need to be filed or what you need to do as conservator.

Conservatorship Case Files

The clerk keeps all the documents for a case in a file, identified by a unique case name and case number. The file might be paper, but electronic files are becoming much more common. Any document filed, whether on paper or in electronic form, must contain the case name and case number. The court process uses many Judicial Council forms and local forms. Appendix E lists each Judicial Council form mentioned in this handbook with the URL where you can find it online. Ask your court clerk how to find local forms.

A *case name* will look like this:

"Conservatorship of the Person and Estate of *[name of conservatee],* Conservatee."

Each court uses a different system to give numbers to cases. Your case number will probably be a combination of numbers and letters. When you communicate with the clerk's office, you need to refer to the name and number so the clerk knows which case you want to talk about.

Each conservatorship case file is generally open to the public, but it also has a confidential part, which contains documents, such as the investigator's report, that include private and sensitive information about the conservatee. Only the conservator, the conservatee, someone who received notice of the original petition (the conservatee's spouse and close relatives), the attorneys for the conservator and the conservatee; and court staff are allowed to see the confidential part. And only the conservator, the conservatee, and their attorneys can see documents containing confidential medical information.

The case file contains all court orders; the record of each hearing, called the "minutes"; and all the documents that you or anyone else files in the case, including:

- **Petitions**,
- Objections,
- Orders,
- Surety **bond**,
- Letters of Conservatorship
- Reports,
- Accountings, and
- Other filings.

Probate Attorneys and Examiners

The court may also employ **probate staff attorneys** and **probate examiners**. Examiners usually work under the supervision of a probate attorney. Many examiners are experienced court clerks, and some are trained probate paralegals. Every time you file papers with the court, an attorney or an examiner will:

- Review all papers filed, including petitions and accountings, for accuracy and completeness.
- Tell the judge if they find any issues with or omissions from the papers or the notices.
- Post any issues they found for each filing on the probate court's online calendar. These posts are called "**probate notes**." It is available to people involved in the case and the public, usually online.

Note: If you do not have a lawyer, you need to learn how to look up the probate notes on the court's website and fix any problems in the papers you filed before the hearing to avoid a postponement or "continuance." This will let you make any needed corrections before the hearing date so you will be ready.

Your First Steps

After your appointment as general or limited conservator, you must ***qualify*** as conservator by taking the following steps:

1. **Ask the court clerk for copies of:**
   - The signed *Order Appointing Probate Conservator* (form GC-340);
   - *Duties of Conservator—Probate* (form GC-348-INFO); and
   - This *Handbook for Conservators.*
2. **Sign and file with the court clerk:**
   - *Conservator's Acknowledgment of Receipt of Information* (form GC-349); and
   - An ***oath*** (or ***affirmation***) that you will perform your duties as conservator according to law. The affirmation is on page 2 of the *Letters of Conservatorship* (form GC-350).
3. **Get and file a *bond*** in the amount ordered by the court if you are a conservator of the estate or the court ordered you to get one (find more information about bonds in Chapter 3); and
4. Meet any other requirements your local probate court may have adopted. (Ask the court if it has a **local supplement** to this handbook that lists other requirements).

Letters of Conservatorship

Letters of Conservatorship (form GC-350) are proof that the court has appointed you conservator and that you have qualified to serve. The Letters will show some things the court authorized you to do, but unless you are a limited conservator, the Letters won't list all the actions you can take on the conservatee's behalf. Talk to your lawyer and read the other chapters of this handbook to learn about your powers under the Probate Code. After you have posted any required bond and signed the affirmation on page 2, take or send the completed form to the court clerk's office and file it. The court will keep the original.

Certified Copies

After filing the original *Letters of Conservatorship* with the court clerk, ask the clerk for a few **certified** copies. For a fee, the clerk will copy, sign, and place the court seal on the copies, then mail them to you. You will need certified copies with the original signature and seal to prove that you are conservator and gave you legal authority to make decisions and act on the conservatee's behalf. For example, doctors, hospitals, health insurance companies, nursing homes, and government agencies may not accept your authority until they have seen certified copies of your Letters. Go to selfhelp.courts.ca.gov/court-basics/copy-record to learn how to get certified copies of your *Letters of Conservatorship*.

When You Will Need a Certified Copy of Your *Letters*

You will need a certified copy of the Letters when you act on the conservatee's behalf with health care providers, insurers, banks, financial institutions, and other organizations in the conservatee's life.

For example, you will need a certified copy of your Letters to:

- Change the conservatee's mailing address at the post office;
- Open a bank account in your name for the conservatee's money;
- Transfer the conservatee's money, stocks, mutual funds, and bonds in one or more accounts into your name as conservator
- Get into the conservatee's safe deposit box or open a new one (under your name as conservator);
- Prove to doctors and hospitals that you have the authority to give informed **consent** to the conservatee's medical treatment, if the court gave you that authority;
- Sign contracts in the conservatee's name;
- Ask government agencies, businesses, and others for information about the conservatee's affairs;
- Apply for public or other benefits for the conservatee;
- Get legal information for the conservatee from a lawyer (other than your own lawyer); or
- Collect the conservatee's property from anyone who possesses it.

Keep *recently* certified copies of the Letters on hand. Some organizations, especially financial institutions, may require recent certification of your Letters. They may ask for a copy certified within the last 60 days. Because there is a fee for each certified copy, don't order too many at once. You can order more later.

Working With Other People

As discussed above, the law requires you to work as closely as you can with the conservatee during the conservatorship. To the greatest extent possible, you must support the conservatee in making decisions and inform the conservatee on a regular basis about the decisions you make on their behalf. But you should also work with other people involved in the conservatorship. These include the other conservator, if there is one; the conservatee's spouse; and the conservatee's family members. Maintaining a good relationship can help to prevent disputes from needing to go to court.

If there is another conservator, it is important that both of you work together and communicate with one another frequently. For example, if the court has appointed one conservator of the person and a different conservator of the estate, you will need to work together to determine personal care for the conservatee that is both appropriate and affordable. If there are two conservators of the same type—for example, two conservators of the person—you must both agree on a decision to exercise a power. Because disagreements between conservators can harm the conservatee, the court may replace one of both of you if you cannot get along.

Working With Your Lawyer

Although it is possible to be a conservator without a lawyer, most conservators find that a lawyer helps them to perform their duties better and avoid mistakes. If you have a lawyer, you and your lawyer should communicate with each other frequently. Agree on a schedule and a method for informing each other about the tasks each of you is doing for the conservatorship. Decide soon after you are appointed which tasks you will perform and which tasks your lawyer will perform. Chapter 2 describes the tasks that a conservator of the person must complete. Chapter 3 describes the tasks that a conservator of the estate must complete. Your lawyer might be especially helpful in keeping track of court deadlines and making sure that your plans, reports, and other required documents are properly prepared and filed on time.

Your lawyer should give you copies of all papers filed with the court in the conservatorship and copies of all but the most routine correspondence with third parties concerning the conservatorship that the lawyer's office sends or receives.

The Conservatee's Lawyer

All conservatees have the right to their own lawyer even after the appointment of a conservator. Before the court makes certain decisions—including whether to remove you as conservator, terminate the conservatorship, limit the conservatee's legal capacity, and transfer the conservatorship—the law *requires* the court to appoint a lawyer for the conservatee if the conservatee does not have one and does not plan to get one. The lawyer has the same legal and ethical duties to the conservatee as they would have toward any other client and must act as a zealous, independent advocate.

If able, the **conservatee's estate** or, if there is no conservator of the estate, the conservatee must pay the lawyer's court-approved fees and costs. The court decides if the conservatee estate can afford to pay all or part of the lawyer's fees and costs. The county pays whatever part of these fees and costs that the estate or conservatee cannot afford to pay. Some courts appoint a lawyer for the conservatee at the beginning of a case, and the appointment continues without a definite end date or event. Other courts appoint an attorney for the conservatee every time they to make a decision about the conservatorship and then end the appointment after they have made the decision. If the court finds out that the conservatee wants it to make certain important decisions about the conservatee's rights, and no attorney is appointed at that time, the court must appoint one. Ask your court how it treats appointments, because you will need to send most papers you file with the court to the conservatee's attorney.

Special Relationships

If you are the **spouse or domestic partner** of the conservatee, you must give written notice within 10 days to the probate court (and mail a copy to the conservatee and to any other conservator) if any of the following happens:

- There is an action for legal separation or divorce.
- There is an action to nullify (annul) your marriage.
- Your domestic partnership ends.

If that happens, the probate court may set a hearing and require you to show why you should continue to serve as the conservator. You will not be removed automatically, but you will have to show why your continued appointment as conservator is in the conservatee's best interests given the change in your relationship.

If the conservatee has a spouse or domestic partner that is not you, that person is required to notify you if any of the above events happens, also within 10 days. When you receive this information, you may want to discuss with the conservatee, your lawyer, and any other conservators whether anything needs to be changed to protect the conservatee.

Summary of Timeline and Responsibilities

Step 1 After the court has ordered you appointed, **qualify** by filing the appointment order and the completed Letters with the court clerk, taking an ***oath*** or (***affirmation***) to perform your duties according to law, and, possibly, getting a **bond**.

Step 2 Get certified copies of your *Letters of Conservatorship* from the clerk.

Step 3 Take care of your conservatee's urgent needs.

Step 4 Review your duties to the court and the deadlines for completing them.

Step 5 ***Conservator of the Estate***: Use the certified copies of the *Letters of Conservatorship* to notify the conservatee's banks, creditors, stockbrokers, public benefit agencies, and others (such as the Social Security Administration or Department of Veterans Affairs) that you are authorized to act on the conservatee's behalf regarding finances. You will also need to record a certified copy of your letters in each county where the conservatee owns real property.

Step 6 ***Conservator of the Estate***: Figure out what money and property the conservatee owns, locate them, and take possession of them. Take immediate steps to protect the money and property from loss or damage. This may include freezing financial accounts so that only you can access them. Change the mailing address on file with banks and other financial institutions so that the conservatee's financial correspondence and bills come to you.

Step 7 ***Conservator of the Estate***: Protect and manage the conservatee's finances by collecting income due to the conservatee, paying the conservatee's bills, making a budget for the conservatee to live on, investing the conservatee's money, and keeping records of income and expenses.

Step 8 ***Conservator of the Person***: Arrange for the conservatee's living situation, health care, meals, clothing, personal care, housekeeping, transportation, and recreation.

Step 9 ***Conservator of the Estate***: Prepare an ***Inventory and Appraisal*** (form GC-040 and attachments) of the conservatee's assets, and file it with the court **no more than 90 days after** your appointment.

Step 10 ***Conservator of the Person***: Evaluate the conservatee's needs for personal care, draw up a ***Confidential Conservatorship Care Plan*** (forms GC-355 and GC-356) explaining how you'll meet those needs, and file the plan with the court **no more than 120 days after** your appointment.

Step 11 ***Conservator of the Person***: Work with the conservatee or the conservator of the estate to determine the cost of the services in the *Care Plan* and figure out how the conservatee's estate will pay for those services.

Step 12 ***Conservator of the Estate***: Set up a simple, accurate system for keeping records of conservatorship income and expenses.

Step 13 ***Conservator of the Estate***: Prepare and file an ***accounting*** showing how you handled the conservatee's income and assets **within one year** after your appointment as conservator of the estate and **at least every two years** after that.

Note You will serve as conservator until the court officially releases you from your duties. This will happen if you resign, and the judge accepts your resignation; the conservatee dies; the judge removes you and replaces you with a new conservator; or the judge decides the conservatee no longer needs a conservator.

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Chapter 2: Conservator of the Person

What a Conservator of the Person Must Do

Your job as conservator of the person is to decide what kind of care your conservatee needs and to arrange for the conservatee to receive that care. This includes making sure that all their basic needs are met and that your conservatee has the best quality of life possible. You must always treat the conservatee with respect, protect their rights, help them to communicate their own choices, make choices for them that promote their well-being, dignity, and independence, and explain your choices to them as much as possible.

Note to Limited Conservators

Your appointment order and letters of conservatorship state your **exact** powers and duties. These may include one or more of the powers described in this chapter.

For more information on **limited conservatorships,** see chapter 4. For information about the specific powers you have been granted, see the applicable sections of this chapter (personal care) or chapter 3 (money and property).

General Duties

As conservator of the person, you are responsible for the conservatee's personal needs in the following areas being met:

- health care,
- food,
- clothing,
- safe shelter,
- social relations, and
- recreation.

➢ See *Duties of Conservator—Probate* (form GC-348-INFO) to for a quick summary of your duties as conservator of the person.

After You Are Appointed

Once the court has appointed you as conservator and the clerk has issued you *Letters of Conservatorship*, you become responsible for the conservatee's personal care and well-being.

Tip: Take a photo of your conservatee and keep it handy to help searchers find them if they go missing. Take a new photo each year.

Partner With Your Conservatee

Involve your conservatee in your decisions as much as possible and inquire about their preferences. If the conservatee cannot currently communicate their preferences, refer to preferences they expressed in the past. Your decisions must take the conservatee's preferences into consideration but must also be responsible and safe. Help your conservatee be as independent as possible by allowing the conservatee to make whatever choices they can without putting themselves at risk of harm. To the extent reasonable, keep your conservatee informed about the decisions you make on their behalf.

Important: If you know the conservatee's wishes about a particular decision, you ***must*** follow their wishes unless doing so would not be in their best interest, would violate your duties as a conservator or, in the opinion of the person managing the conservatee's finances, would impose an unreasonable cost to the conservatee.

Work With the Conservator of the Estate

If the court appointed someone else as conservator of the estate, or if there is someone else managing the conservatee's finances, contact that person to discuss the conservatee's needs and preferences. Work together to establish a budget for the conservatee that meets the conservatee's needs and preferences without exceeding the conservatee's financial resources.

Develop a Care Plan for the Conservatee

No later than 120 days after your appointment, you must complete a care plan for your conservatee, deliver it to the conservatee's close relatives, and file the plan with the court. You must use *Confidential Conservatorship Care Plan—Part 1* (form GC-355) and *Confidential Conservatorship Care Plan—Part 2 (Medical Information)* (form GC-356) to document your plan. In the Care Plan, you must describe where the conservatee lives, their current level of care, and any plans to change their residence or care in the next 12 months. You must also describe the current state of the conservatee's health and list their health care providers; state how often you plan to visit the conservatee; describe the steps you plan to take to make sure that the conservatee can visit and communicate with family members, friends, and others; the conservatee's regular activities, including social engagements and recreation; any special problems and how you have or plan to address them. If you have access to the information, list the conservatee's estimated monthly expenses.

You must arrange to have form GC-355 delivered to the conservatee's spouse or domestic partner and the relatives who received notice of the petition for appointment. However, because the law does not allow you to give these individuals access to the conservatee's confidential medical information, **Do Not** include any confidential medical information in Part 1 of the Care Plan (form GC-355). Instead, if you want to include medical information related to information on form GC-355, include that information in item 5 on Part 2 of the Plan (form GC-356).

Because some courts may require you to attach a local form with additional information to the care plan, check with your local court for specific requirements.

Monitor Your Conservatee's Needs to Spot Changes

Each conservatee has unique physical, mental, social, and emotional needs. These needs will amost certainly change over time. Make a plan to visit with your conservatee peridically and review your conservatee's needs with them regularly. As your conservatee's needs change, you may need to update their Care Plan to report new or different needs.

Find out about and consider what services, supports, and activities are available in your area by contacting a local senior center or another community-based organization, such as:

- Hospital or county social services department,
- **Regional center**, if the conservatee has a developmental disability, or
- Community-based agency that provides **assessment** services.

Tip: If a fee is required to obtain or use these services, discuss the services and costs with the person who manages the conservatee's finances to arrange for the conservatee's funds to pay the costs.

Decide Where the Conservatee Will Live

Unless the court makes an order allowing the conservatee to keep the right to choose their own residence, you, as conservator of the person, are responsible for deciding where, within the State of California, the conservatee lives. In making your decision, you are required to choose the **least restrictive** home available that meets the conservatee's needs and is in the conservatee's best interests. The law presumes that the conservatee's **personal residence** at the time the petition for appointment of a conservator was filed is the least restrictive appropriate home. For more on the personal residence, see **Changing the Conservatee's Residence**, below.

In determining where the conservatee should live, consider the conservatee's preferences, tastes, lifestyle, needs for personal assistance, as well as their medical conditions and, discuss their financial resources with the person that manages the conservatee's finances. To have a better understanding of what kind of care the conservatee requires, talk to the conservatee's health care providers, relatives, and close friends. You can also consult with a medical agency that can help assess the conservatee's needs and make suggestions as to an appropriate living situation.

Wherever the conservatee lives, you will need to describe their residence and the level of care they need in the *Confidential Conservatorship Care Plan* (forms GC-355 and GC-356). If the conservatee is living at home, you will need to describe any steps needed to allow the conservatee to continue living at home. If the conservatee is not living at home, you will need to describe the steps needed to allow the conservatee to return or, if the conservatee will not be able to return to live in their home in the foreseeable future, explain why not.

Helping the Conservatee to Live at Home

If the conservatee has been living in their own personal residence, California law requires you to take steps to maintain their ability to remain in their home. If the conservatee is to continue living in their home, you must ensure that it meets their physical and medical needs as well as their safety. It also assumes that the conservatee has the financial resources to maintain their residence and pay for any in-home support needed for their care. Wherever you determine is the appropriate place for the conservatee to live, you must arrange for any equipment and services needed by the conservatee. To the extent possible, include your conservatee in determining what's best for them and consult the conservator of the estate or other person managing the conservatee's finances about what the conservatee can afford.

- Tips to help your conservatee stay in their home:

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- Working with the conservator of the estate, hire in-home caregivers to help the conservatee with meals, laundry, medication, and other tasks. See the section on hiring in-home caregivers in Appendix A, Community Resources.
- Working with the conservator of the estate, replace stairs with ramps or widen doorways to accommodate a wheelchair, walker, or hospital bed. If major repairs or improvements are needed, the conservatee may need to stay somewhere else temporarily.
- If the conservatee is renting their residence, notify the landlord of needed repairs and make sure that the repairs are made.
- Clean up any debris and dangerous or unsanitary conditions in the conservatee's home and yard.
- Remove fire hazards. Install smoke detectors and fire extinguishers.
- Change the locks on exterior doors or install a security system, if necessary.
- Ask the person who manages the conservatee's finances to make sure that gas, electricity, water, garbage, phone, and internet, and any other utility services continue.
- Ask nearby family members, friends, and neighbors to visit the conservatee regularly. If they can help with shopping or taking the conservatee to appointments or on outings. Consult the person who controls the conservatee's finances about reimbursing these individuals for their reasonable out-of-pocket expenses.

Finding the Right Residence if the Conservatee Cannot Live at Home

If the conservatee can no longer live at home because of their physical condition or financial situation, preferences, or best interest, you will need to help the conservatee find a more suitable residence. The conservatee might be able to live safely in another, perhaps smaller, private residence, with or without assistance, or they might need to move into a residential care facility. This is a significant step and should be taken thoughtfully, with the conservatee participating as much as possible in choosing their new residence or facility.

Note: Make this decision carefully and leave plenty of time to make the necessary arrangements. You will need to evaluate the level of care needed by the conservatee and give notice to the court and other people in the conservatorship case *before* the move. If the conservatee was living at home under the initial care plan, you will need to update the care plan. See **Changing the Conservatee's Residence**, below, for more information.

If the conservatee can no longer live at home, you are responsible for finding the most appropriate residence for the conservatee. To do so, follow these steps:

1. Talk to the person who manages the conservatee's money. Ask how much the conservatee can afford to pay for housing, personal and medical care, and other living expenses.
2. Talk to the conservatee, their health care providers, and their relatives to understand what kind of care the conservatee needs each day. Or ask a medical agency that can help with a **care assessment**.
3. Decide what type of residential care facility will best meet the conservatee's needs. If you need help, contact a senior center or the long-term care **ombudsman** at the California Department of Aging for recommendations. (See Community Resources in Appendix A.)
4. Visit the recommended facilities. Take the conservatee with you, if possible.

➢ See **Care Facilities** in Appendix C for more information on different types of facilities. Use *Checklist: Choosing a Care Facility* in the appendix to help you decide which facility is best for your conservatee.

Note: Even if the conservatee has to leave their home, additional steps are necessary if you believe the sale of their residence is in their best interest. Court approval is required to sell the conservatee's home or former home. The court must also be involved in the sale process. If there is a separate conservator of the estate, you will need to work with them. See **Chapter 3** for more information on selling a conservatee's property.

Ensuring Your Conservatee Gets Proper Care in Their Home or a Residential Care Facility

You are responsible for overseeing the conservatee's care and making sure that they are receiving:

- Proper health care,
- Good nutrition,
- Personal care services, and
- Social stimulation and recreation.

To make sure your conservatee is being well cared for:

- Visit the conservatee regularly,
- Review the conservatee's file with the in-home care providers or the supervising staff at a residential care facility , and
- Talk frequently with the conservatee's doctor.

If you think your conservatee isn't being cared for well or is being abused, you need to take immediate steps to remove them from the unsafe environment or make changes in their in-home care providers. Contact your local long-term care ombudsman or, if the conservatee is abused, contact adult protective services or law enforcement for help. See **Community Resources** in Appendix A for the ombudsman's contact information.

Changing the Conservatee's Residence

When a conservatee's residence changes, you **must** give written notice both before and after the conservatee moves.

Notice Before a Move

At least 20 days before moving the conservatee from their current or personal residence—unless an emergency arises which requires the conservatee to be moved sooner—you must give the court and interested persons written notice of your intention to move the conservatee. Notice before the move gives the persons who receive the notice a chance to question or object to the move. To potentially eliminate any objections, you may want to discuss the proposed move with everyone who must receive notice to help them understand why you have decided the conservatee needs to move.

As part of the notice process you must:

- **File with the court:** A completed *Notice Before Proposed Change of Residence of Conservatee* (form GC-079);

- **Deliver:** Copies of *Notice Before Proposed Change of Residence of Conservatee* (form GC-079) to the conservatee, the conservatee's attorney, the conservatee's guardian ad litem (if any), the conservatee's spouse or domestic partner, the conservatee's parents, siblings, children, grandparents, and grandchildren; and any person who has requested special notice; and
- **Complete and file with the court:** The Proof of Mailing on page 2 of the *Notice Before Proposed Change of Residence of Conservatee* (form GC-079).

Note: If, because of an emergency, you cannot give 20 days' advance notice of the move, you are still required to serve the notice and, as part of that notice, you must explain the reason for the emergency.

Notice After a Move

In addition to giving notice before a move, you must also give written notice to the court and interested persons **no later than 30 days** after the conservatee moves to a new residence. Required steps for giving notice after a move include:

- **File with the court:** A completed *Notice After Change of Residence of Conservatee* (form GC-080);
- **Deliver:** Copies of *Notice After Change of Residence of Conservatee* (form GC-080) to the conservatee, the conservatee's attorney, the conservatee's guardian ad litem (if any), the conservatee's spouse or domestic partner, the conservatee's parents, siblings, children, grandparents, and grandchildren; and any person who has requested special notice; and
- **Complete and file with the court**: The Proof of Mailing on page 2 of the *Notice After Change of Residence of Conservatee* (form GC-080).

Moving the Conservatee Out of the State

If you want to move the conservatee out of California, you must ask the court's permission before you make the move. To do so, you must:

- **File with the court:** A completed *Petition to Fix Residence Outside the State of California* (form GC-085) and *Notice of Hearing* (form GC-020).
- **Deliver:** Copies of *Petition to Fix Residence Outside the State of California* (form GC-085) and *Notice of Hearing* (form GC-020) to the conservatee, the conservatee's attorney, the conservatee's spouse or domestic partner, the conservatee's parents, siblings, children, grandparents, and grandchildren at least **15 days** before the hearing on your request.
- **Complete and file with the court:** The Proof of Service by Mail on page 2 of *Notice of Hearing* (form GC-020).

California law allows the transfer of a conservatorship from California to another state when the conservatee is to become a permanent resident of the other state. If you move the conservatee to another state, within four months or a shorter period if the court orders, you must either return the conservatee to this state, petition to transfer the conservatorship to the other state, or start a new conservatorship proceeding in the other state.

Keeping the Court Informed

You must also let the court know in writing about any changes to your own address, phone number, or lawyer. Give the court your email address, too, and tell the court if you will accept email communications from the court. If you communicate with the court, include the conservatorship case name and court case number; address your communication to the court clerk.

Keeping Your Conservatee Healthy

As conservator of the person, you are responsible for making sure that your conservatee gets the health care they need. You will need to handle—or work with the person managing the conservatee's finances to handle—each of the areas discussed in this section.

Health Insurance

Every conservatee should have health insurance and, if possible, dental insurance. Work with the conservator of the estate (or whomever has authority to manage the conservatee's money) to find out if your conservatee has insurance, and if so, what kind. If your conservatee needs insurance, or if their current insurance is not adequate, find out if they qualify for other coverage. You can get information about health insurance at these websites:

- **Medi-Cal Information**: www.dhcs.ca.gov/services/medi-cal/Pages/ApplyforMedi-Cal.aspx
- **Covered California Policies**: www.coveredca.com
- **Affordable Care Act Information**: www.affordablecarecalifornia.org
- **Medicare:** www.ssa.gov/medicare
- **California's Health Insurance Counseling and Advocacy Program (HICAP)**: answers questions about health insurance for seniors. Talk to a HICAP insurance counselor before you decide. Learn more at: www.aging.ca.gov/hicap/
- **California Major Risk Medical Insurance**: This option is a last resort if you can't get any other health insurance: www.dhcs.ca.gov/services/Pages/MajorRiskMedicalInsuranceProgram.aspx

If you are not the conservator of the estate, work with whomever has authority to manage the conservatee's money to decide:

- What kind of health insurance the conservatee can afford, and
- Who will file insurance claims, sign authorizations, and keep the records of all insurance payments.

Warning: Insurance is complicated. Here are some tips:

- Don't cancel any insurance before you're sure that you can get coverage as good as or better than the conservatee's current coverage.
- Don't sign up for new insurance until you are sure the new plan will accept the conservatee and has the benefits he or she needs.

Working With the Conservatee's Health Care Team

Your conservatee's health care team probably includes doctors, pharmacists, a dentist, an optometrist, and other health care professionals. It is your responsibility to understand the care that is being given and why. As part of the Care Plan, you should have made a list of all health care professionals providing services to the conservatee. Meet with them, show them a copy of your letters (they may want to keep a copy for their records), and explain that you have the duty to understand the conservatee's health care needs so you can help the conservatee make decisions or, if the conservatee becomes incapacitated, to make those decisions on the conservatee's behalf. Ask the health care provider to contact you with any questions or in an emergency.

Important! Do not agree to any care without being fully informed. Even if the doctor has treated the conservatee for a long time, **you** are still the person legally responsible.

If a treatment plan concerns you, consider getting a second opinion or, if needed, changing the conservatee's doctor. But, before you change the conservatee's doctor, think about how the change will affect the conservatee. If you do change doctors, make sure the new doctor receives all the conservatee's medical records.

- Use the **Health Care Provider Tracking Sheet** in Appendix B when you meet with each provider.

Starting a Communications Notebook

A ***Communications Notebook*** can help you and the conservatee's caregivers log and keep track of doctors' instructions, medications, regular activities, and both chronic and acute health issues. Read it often. Ask each caregiver to read it and refer to it each day. (See the ***Communications Notebook*** in Appendix B for an example and sample log sheets).

Understanding and Tracking Your Conservatee's Medication

Check with conservatee's health care team about their medication so you know what medication they are taking. Take all of the conservatee's prescription medication to the pharmacy and ask if the prescriptions are **current**. Check to make sure they can be **taken together safely**.

Warning!

- Make sure your conservatee is not being medicated for convenience to make them "easier to manage," especially if they live in a facility. It is unlawful to drug people to make them more compliant or stop them from complaining.
- Older conservatees may need smaller or less frequent doses of many prescribed medications than a younger person. Talk to your conservatee's doctor to see if adjusting the dosage may be appropriate.

  Note: Only a licensed nurse or other health care professional may give prescription medication directly to a person. But you or a caregiver may help or *remind* your conservatee to take their medication.

In the ***Communications Notebook*** in Appendix B, keep track of the conservatee's medication, to make sure the conservatee is taking the proper dosage at the right times. Record each time the conservatee takes any medicine in the Medication Log in the notebook.

Arranging Dental Care

Find out if the conservatee has dental insurance and what it covers. Make arrangements for your conservatee to have regular dental checkups. Conservatees with dentures/false teeth may need care more often.

Note: Many people are afraid of going to the dentist. If your conservatee seems uneasy, you can try to help them feel more comfortable by taking these steps:

- Find a dentist who has a good reputation caring for older people or people with disabilities.

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- Make an appointment for the conservatee just to meet the dentist.
- Ask the dentist to start with simple, less painful work before moving to more complicated or painful procedures.

Obtaining Hearing Aids, Eyeglasses, and Other Assistive Devices

These small devices can make a big difference in your conservatee's quality of life. Check to see if your conservatee needs any of the following devices:

Hearing aids. If your conservatee has hearing problems, find out if they have a working hearing aid with good batteries. Some conservatees need to be encouraged to wear their hearing aids regularly. If your conservatee won't use the hearing aid, try to find out why. Adjustments may be needed so it fits comfortably or works at the right sound level.

Glasses. Make sure your conservatee has well-fitted, clean glasses with the right prescription and comfortable frames. Check the prescriptions every two years or more often as recommended by their optometrist.

Other devices. The conservatee may need special equipment for more independent daily living, including:

- Walkers and canes,
- Wheelchairs,
- Equipment for eating or reading,

- Oxygen, and
- Commodes and colostomy bags.

Insurance covers most of these items. You can also rent or buy them at medical equipment and supply companies. Search the internet for "Medical Equipment and Supplies."

Arranging Foot Care

Good foot care can help people be more independent. People with diabetes or circulatory problems need their feet checked and treated regularly by a health professional.

Older people may also need help caring for their nails. If you need help with this task, consider hiring a caregiver who will help the conservatee bathe and trim their fingernails and toenails.

> ***Note:*** Many caregiver agencies no longer offer nail-trimming services because of liability issues. When you interview an agency, ask if they provide this service.

Encouraging Personal Cleanliness

Having a disability can make it harder to stay clean and well-kept. Don't criticize or embarrass your conservatee. Encourage your conservatee by providing good reasons to bathe and change their clothes, like special occasions, or taking photos for the family.

If the conservatee forgets or refuses to bathe, try to find out why. Are they afraid of slipping or falling? Do physical limitations make it hard to bathe? Is the bathing area warm enough? Do they feel as if there's no one or nothing to clean up for?

- **Ways to encourage cleanliness:**
  - ✓ Gently remind the conservatee to bathe.
  - ✓ Make sure the bathing area is well heated.

- ✓ Install grab bars or provide a shower seat in the tub or shower. Or do both.
- ✓ Hire an aide to help the conservatee bathe and trim nails. (Think about what gender caregiver the conservatee would prefer.)
- ✓ Suggest a shopping trip or dinner out after the bath.
- ✓ Make sure there is enough soap and shampoo, a comb or hairbrush, a toothbrush, and toothpaste. Some people may also want bath salts, mouthwash, cosmetics, or shaving supplies.
- ✓ Bladder or bowel problems. If the conservatee is incontinent, make sure they have enough disposable undergarments. Try to prevent accidents with frequent trips to the toilet.

Ensuring Good Nutrition

Good nutrition means eating enough wholesome food to stay healthy and feel well. If the conservatee doesn't eat well every day, they may feel weak and have trouble walking or staying alert and awake. They may get depressed or confused or hallucinate; medications may not work as well.

Ask whomever is involved in providing the conservatee's meals to use the ***Communications Notebook*** in Appendix B to keep a log of what the conservatee eats.

▪ Special Diet

Many conservatees have health problems that require special diets, such as low-salt or low-fat diets. Talk to your conservatee's health care team to understand what's needed. Research special diets online, explore bookstores and libraries, or contact organizations like the American Heart Association and the American Diabetes Association for information. For a list of more organizations to refer to, see **National Health Organizations** in Appendix A.

▪ Poor Nutrition May Be the Sign of a Different Problem

People often stop eating well when they have another physical or emotional problem. You, caregivers and others who see the conservatee regularly should watch for changes or problems in the conservatee's life that could lead to poor nutrition, including:

- ✓ loneliness;
- ✓ depression, stress, or anxiety;
- ✓ the death of a loved one;
- ✓ fear of spending money or lack of money;
- ✓ memory problems that prevent the conservatee from remembering whether they have eaten;
- ✓ fear that food is poisoned;
- ✓ too much alcohol;
- ✓ medicines that take away the appetite or make the conservatee feel nauseous;
- ✓ false teeth that don't fit;
- ✓ a lack of interest in shopping for food or cooking; or
- ✓ an inability to shop or cook.

▪ Helping the Conservatee Eat Well at Home

- ✓ Ask the conservatee what foods they like and provide those foods.

- ✓ Ask the conservatee about any eating problems. For example, people with tender gums can't chew hard food, and people with stomach problems may feel sick after eating a large meal or hard-to-digest foods.
- ✓ Be sure the conservatee has enough fresh food they like and can prepare and eat easily.
- ✓ Check the refrigerator regularly, and remove old, spoiled, or stale foods.
- ✓ Consider having someone join the conservatee for at least one meal a day. Loneliness at mealtimes can hurt the appetite.
- ✓ Consider arranging transportation to a senior nutrition site where meals are served.
- ✓ Arrange for Meals on Wheels or a similar program to deliver meals.
- ✓ Provide nutritious snacks, such as soft fruits or juices and whole-grain cereals. Some people prefer smaller, more frequent meals.

- **Helping the Conservatee Eat Well in a Care Facility**
  - ✓ Visit the conservatee at mealtimes to see what is being offered and how it is served.
  - ✓ Ask for a meal so you can eat with the conservatee.
  - ✓ Review the conservatee's medical chart to see how much and what types of food the conservatee is eating. This is important if the conservatee has special dietary needs or needs help eating. You will see if the facility is following the special diet or providing any needed help to eat.
  - ✓ Find out if they are tracking the conservatee's weight.
  - ✓ If you think the conservatee is eating poorly, ask if they can add liquid dietary supplements.
  - ✓ Bring some of the conservatee's favorite foods and beverages when you visit.
  - ✓ Consider, where appropriate, taking the conservatee out for meals.
  - ✓ Put a small refrigerator in the conservatee's room, if it's allowed, and keep it stocked.
  - ✓ Consider the conservatee's culture and if the conservatee prefers a certain type of food.

Meeting Other Basic Needs

As conservator of the person, it is your responsibility to make sure your conservatee has proper clothing as well as continues the social and recreational activities and hobbies they enjoy and are able to continue to participate in. You have the ability to maintain and even improve their quality of life.

- **Clothing**

Make sure your conservatee has clothing that fits well and is comfortable. Clothing can cause problems at times. When trying to make sure the conservatee has proper clothing, keep in mind that the conservatee may:

- ✓ Gain or lose so much weight that clothes no longer fit;
- ✓ Have clothes that need to be fixed or cleaned;
- ✓ Wear the same clothes almost all the time;
- ✓ Mix things up, such as wearing clothes that aren't right for the occasion, or underwear on the outside;
- ✓ Refuse to buy new clothes or be unable to afford them; or
- ✓ Wear shoes that hurt so much that they refuse or are unable to walk.

- **Clothing Tips**
  - ✓ Make a list of the conservatee’s clothes, including shoes and underwear.
  - ✓ Write down what clothes the conservatee needs, including the right sizes.
  - ✓ ***Do not*** throw out anything without asking the conservatee or thinking about the conservatee’s wishes.
  - ✓ Look at catalogs with the conservatee to learn which colors and styles they like.
  - ✓ Consider buying clothes in just a few colors so most clothes match.
  - ✓ Take the conservatee shopping during the least busy times.
  - ✓ Shop from a medical supply catalog to find clothing that’s easy to put on and take off.
  - ✓ Buy well-fitting shoes that are comfortable for walking.
  - ✓ Make sure the conservatee has clothes that are appropriate for different activities.
  - ✓ Lay out outfits for the conservatee to wear on special occasions.
  - ✓ Help the conservatee get dressed or arrange for an aide to help.
  - ✓ Arrange for regular washing and dry cleaning of the conservatee’s clothes.
  - ✓ Place matching clothes together on hangers or in dresser drawers.
  - ✓ If the conservatee lives in a facility:
    - Put their name on all clothes, shoes, and other property to help identify their clothing.
    - Ask the administrator if the facility has someone who can shop for clothes. If so, provide a list of sizes, preferred colors, and styles.

Recreation and Social Contact

Your conservatee may be able to continue activities and hobbies that they enjoy. Talk to the conservatee and their friends and family to find out what the conservatee likes and still may be able to do. If it’s difficult or they are unable to continue these activities, suggest new activities such as playing cards or checkers or listening to the radio.

Contact with friends and family is generally good for the conservatee. But if someone continually upsets the conservatee, or if you believe someone may be trying to take advantage of or harm the conservatee, ask the court to step in. The court can make an order to limit that person’s access to the conservatee.

- **Social Contact**
  - ✓ Encourage family and friends to write letters and cards. Post them on the bulletin board and help the conservatee write back.
  - ✓ Encourage visitors. The more people who visit, the happier the conservatee will be. Facility staff are often most attentive to residents who have frequent visitors.
  - ✓ Ask nearby family members, friends, and neighbors to visit, help with shopping, or take the conservatee to healthcare appointments or on outings.
  - ✓ Arrange for the conservatee to have a private phone.
  - ✓ Organize parties for the conservatee’s birthdays and other special occasions. Have the conservatee act as host.
  - ✓ Hire a part-time caregiver to keep the conservatee company or take the conservatee out, for example, to day-care programs, entertainment, family gatherings, or a beauty salon or barber shop. Thank the conservatee’s caregivers often.

- ✓ If the conservatee has been active in a religious congregation, arrange for congregation members or clergy to visit regularly and to give the conservatee a ride to services.

- **Reading**

If your conservatee likes to read, provide them with:

- ✓ Varied and interesting things to read, including favorite magazine subscriptions,
- ✓ A good reading light, and
- ✓ Reading glasses that are current and fit well.

Many libraries and bookstores have large-print books and magazines, as well as audiobooks available on cassette tape or computer file.

- **Music or Movies**

If the conservatee enjoys music or movies, make sure they have access. If the conservatee has trouble hearing, make sure they have a comfortable hearing aid with good batteries.

- ✓ Give the conservatee earphones or headphones if they share a room.
- ✓ Provide the conservatee with a radio or TV with a remote control, or a computer.
- ✓ Rent or download movies with the conservatee's favorite stars to watch on a computer or video player.

- **Living Space**

Regardless of whether your conservatee is in their personal residence or a care facility, it is important that where they live feel like home. You can help the conservatee personalize their living space by:

- ✓ Decorating the area in the conservatee's living space with familiar objects.
- ✓ Placing a bulletin board near the bed and helping the conservatee put up photos of loved ones, special places, diplomas, nice letters received, and other souvenirs.

- **Travel**

Your conservatee may enjoy an outing or a trip. Your conservatee may be from another part of the U.S. and enjoy a trip home or exploring a new place.

When considering travel arrangements for your conservatee, keep the following things in mind:

- ✓ If the conservatee can afford to travel;
- ✓ If the conservatee is physically able to travel;
- ✓ Whether a medical clearance will be necessary;
- ✓ If the conservatee needs a travel companion or special accommodations.
- ✓ Consider the benefit that the conservatee will receive from travel and talk to the conservatee's doctor before arranging a trip.
- ✓ Check to see if you need permission from the court before traveling.

Making Health Care Decisions

Who Decides?

If your conservatee has the **capacity** to make health care decisions, you ***share*** the right to make those decisions with your conservatee. If a court has determined that your conservatee lacks the **capacity** to make health care decisions, then you have the ***exclusive*** authority to make those decisions. Either way, it is important for the conservatee to participate in the decisions as much as possible and for you to respect their wishes. If the conservatee cannot communicate their wishes about health care decisions, talk with their family and friends to understand what decisions the conservatee would want made on their behalf.

Shared authority

If you and your conservatee share the right to make health care decisions, the conservatee may make and consent to their own medical treatments. Although you may also consent to the conservatee's medical treatment, your consent is not required. You may ***not*** consent to any treatment that the conservatee has objected to.

If you think your conservatee is making a mistake by refusing a recommended treatment, talk to a lawyer about your options.

Exclusive Authority

If, because a court has determined that the conservatee does not have the capacity to make health care decisions, you have the *exclusive authority* to make health care decisions for the conservatee, you have the right to make the conservatee's health care decisions on their behalf. Your Letters of Conservatorship will state if you have this authority. Although a request for exclusive authority to make health care decisions is usually made in the initial conservatorship petition, if you don't have it and you think you need this authority because your conservatee's ability to make decisions has diminished, you must file a petition to ask the court for it. To do so, fill out and file:

- *Petition for Exclusive Authority to Give Consent for Medical Treatment* (form GC-380).

The court will review your petition and, if it grants the petition, will make an order on:

- *Order Authorizing Conservator to Give Consent for Medical Treatment* (form GC-385).

You or your lawyer should complete a proposed order on form GC-385 for the court to sign.

***Note*:** If the court approves your request, you must obtain certified copies of the amended *Letters of Conservatorship* from the clerk's office showing that you have exclusive medical consent authority. Ask for several certified copies. The hospital, doctors, and medical facilities will each need one.

"Dementia" Powers

If your conservatee has a major neurocognitive disorder, such as dementia, you can ask the court for two powers to meet the conservatee's special needs. First, you may ask the court to authorize you to place the conservatee in a secured-perimeter residential care facility for the elderly. Second, you may ask the court to authorize you to authorize the administration of drugs appropriate for the care and treatment of the conservatee's major neurocognitive disorder. You can also ask the court for both powers. Without a court order expressly granting you these powers, you do not have them. You can request dementia powers at any time. If you requested them in the initial petition for appointment of a conservator, your letters will state if the court gave you these powers. If you don't have them, and you think you need one or both powers because your conservatee's dementia or other major neurocognitive disorder has worsened since you were appointed, you must file a petition to ask the court to grant it. To do so, fill out and file:

- *Petition for Exclusive Authority to Give Consent for Medical Treatment* (form GC-380) and attach *Attachment Requesting Special Orders Regarding Dementia* (form GC-313).

The court will review your petition and, if it grants the petition, will make an order on:

- *Order Authorizing Conservator to Give Consent for Medical Treatment* (form GC-385).

You or your lawyer should complete a proposed order on form GC-385 for the court to sign. If the court gives you one or both powers, you must follow up with the conservatee's doctor, psychiatrist, or prescribing psychologist to see how the conservatee is responding to the drugs.

Advance Health Care Directives

In some circumstances, your conservatee may have made arrangements for health care before you were appointed. Find out whether your conservatee made and signed a written **advance health care directive (AHCD)** **before** the conservatorship was established.

An AHCD could include one or more of the following:

- An **individual health care instruction**, if it describes the kind and extent of treatment the conservatee wants in certain situations;
- A durable **power of attorney for health care**, if it names or designates another person to make health care decisions when the conservatee is incapacitated or is otherwise unable to make those decisions for themselves;
- A **"living will,"** if it addresses end-of-life treatment decisions;
- A **Physician Orders for Life Sustaining Treatment (POLST)** form, which gives directions to doctors regarding the use of resuscitative measures for the conservatee; or
- A handwritten note signed by the conservatee stating their wishes about treatment, a decisionmaker, or both.

If an AHCD exists, you should get a copy and find where the original is kept. Give a copy to the conservatee's doctor and any hospital or care facility where the conservatee receives treatment or lives. The AHCD might limit or take away your power to make some or all health care decisions. If the conservatee has given health care instructions in the AHCD, you must follow those instructions as stated. If the conservatee has chosen another person (called an "agent") to make medical decisions when they cannot, that person has exclusive power to make the decisions noted in the AHCD unless the court takes away that power.

If the conservatee does not have an AHCD and is unable, either verbally or nonverbally, to communicate their treatment preferences, then you should seek and consider previous expressions of those preferences, spoken and unspoken. Talk to a **lawyer**, the conservatee's health care team, the hospital, and family members to decide what to do.

Note: If you think that the person chosen by the conservatee to make health care decisions is not acting in the conservatee's best interest, you may have to ask the court to step in and revoke the AHCD.

Mental Health Care Decisions

In most circumstances, the law treats mental health care decisions and **informed consent** to mental health treatment the same way it treats all health care decisions. To consent to the conservatee's mental health treatment, you need *either* the conservatee's agreement to the proposed treatment or court-ordered exclusive authority to make health care decisions. However, as a probate conservator, you may not authorize any of the placements and treatments listed below.

You must NOT…

Even if you have exclusive medical consent authority, you must NOT do any of the following:

- Authorize the conservatee's sterilization unless the conservatee is an adult with a developmental disability and the court has appointed you *specifically* for the purpose of authorizing the conservatee's sterilization (this requires a separate petition and proceeding);
- Place the conservatee in a mental health treatment facility against the conservatee's will;
- Authorize convulsive (electroshock) treatment to be performed on the conservatee;
- Authorize the administration of an experimental drug to the conservatee;

Treating Illness with Prayer or Other Alternatives

Your conservatee may practice a religion that calls for reliance on prayer alone to treat illness, or they may prefer treatment using alternatives to traditional medicine. You must respect the conservatee's beliefs and preferences if they expressed them when they had legal capacity to make health care decisions. If you have questions about this, talk to a lawyer.

End-of-Life Treatment Decisions

If a decision has to be made about life support or end-of-life care, check to see if your conservatee made an **AHCD**, such as a living will or POLST form, before the conservatorship was established. If the conservatee has given instructions about the use of life support or other life-sustaining measures in an AHCD, you must follow those instructions. If the conservatee did not give instructions and did not designate an agent, then you will need to decide what treatment to authorize. Talk to a **lawyer**, the conservatee's health care team, the hospital, and family members to decide what to do.

After the conservatee has died

If the conservatee dies, you are responsible for notifying the court, the conservator of the estate and the conservatee's spouse or domestic partner, if any, and any person who requested special notice of the conservatee's death. You must use *Notice of Conservatee's Death* (form GC-399) to do this. In addition, the conservatee's will or advance health care directive may state who will make the arrangements after the conservatee dies. Contact that person right away. If your conservatee is in a **care facility**, that person must also *contact the facility* to give them instructions about where to move the conservatee's body. The conservator of the estate may use estate funds to pay for the arrangements after the conservatee's death.

If you are responsible for the conservatee's funeral, burial, or memorial arrangements, you are required to provide notice of the date, time, and location of any funeral, burial, or memorial service for the conservatee to anyone that is entitled to notice of the conservatee's death.

Paying for the Conservatee's Care

You must make decisions about the best services to meet the conservatee's needs, but you must also choose services that the conservatee can afford. Work with the person in charge of managing the conservatee's finances to see what services the conservatee can afford. That person might be:

- The **conservatee**;
- the **conservator of the estate** (you or another person appointed by the court),
- the **trustee** of a trust (the conservatee is a beneficiary), or
- the conservatee's spouse or domestic partner.

As conservator of the person, you should never, on your own, enter into a contract that obligates the conservatee or you to pay for services. The person responsible for managing the conservatee's finances must make the decisions regarding finances and contracts. If you obtain services directly, without working with the person who manages the conservatee's finances, the company providing the services may require you to pay for the services yourself.

Protection from Harm

You must take all reasonable steps to ensure that the conservatee is safe and does not cause harm to themselves or others.

Protecting the Conservatee

People with physical and mental problems are sometimes victims of abuse or neglect. It's your job to watch for signs that the conservatee is ***not*** properly cared for or being mistreated. Some signs of abuse or neglect to watch for are:

- Unexplained bruises or injuries,
- Trouble sleeping,
- Poor personal hygiene, or
- Fear of a particular person or place.

If you are worried about abuse, neglect, or overmedication of the conservatee in a residential facility, take one or more of these steps, as needed to protect the conservatee:

- Talk to facility staff or an administrator.
- Talk to the conservatee's doctor or pharmacist.
- Complain to the facility's licensing agency or the local long-term care ombudsman program office. See Community Resources in Appendix A.
- Ask your county's social services department or the police for help.
- Think about moving the conservatee to another facility.

Keeping the Conservatee From Causing Harm

As conservator of the person, you ***must*** take all reasonable steps to stop the conservatee from hurting another person or damaging someone else's property.

For example, if the conservatee has a driver's license, but you have seen the conservatee drive dangerously, you must take steps to protect other people, such as:

- Tell the conservatee's doctor so that they can send the appropriate paperwork to the DMV to start the process of canceling the conservatee's driver's license.
- Have the conservatee's vehicle disabled so they can't use it, remove the keys to the vehicle from the conservatee's residence, or store the vehicle where the conservatee can't get it.
- Arrange for alternative transportation so the conservatee won't need to drive. For example, buy a bus pass, set up a ride-sharing account, or arrange for community van service.

- If the conservatee won't be able to drive again for a significant time, work with the person having control over conservatee's finances to sell the conservatee's vehicle before it depreciates.

If you are unable to eliminate opportunities for your conservatee to cause harm to themselves or others, talk to your **lawyer** about alternatives.

Resources for You and Your Conservatee

Below are additional information and resources to help you carry out your duties as conservator of the person.

Your Local Court Supplement

Many superior courts have a local supplement to this handbook that lists local community resources to help you or the conservatee. Check with your county's court clerk to make sure you have all of the local materials available. Also see Community Resources in Appendix A.

Respite Care: Giving the Caregiver a Break

Caring directly for a conservatee is demanding, especially if you are also the conservator of the person. Respite care provides temporary relief for the conservatee's primary caregiver, allowing a break from those demands. The conservatee may also welcome a change of caregivers. It can last a few hours or a few weeks. To arrange a break for yourself or for the conservatee's caregiver, you can:

- Arrange a substitute caregiver during that time,
- Send the conservatee to a day center or to stay in a care facility for a short time.

The Department of Veterans Affairs, some residential care homes, and some nursing homes offer respite care. Your area's regional center may also be able to make referrals for respite care.

Summary of Timeline and Responsibilities

Step 0 Ask the court to appoint you as conservator of the person.

Step 1 After the court has appointed you, **qualify** by filing the appointment order and the completed *Letters of Conservatorship* with the court clerk, taking an oath or affirmation to perform your duties according to law, and, possibly, getting a **bond**.

Step 2 Get certified copies of your *Letters of Conservatorship* from the clerk.

Step 3 Take care of your conservatee's urgent needs.

Step 4 Review your duties to submit information to the court and the deadlines for doing so.

Step 5 Evaluate the conservatee's needs for residence, care, and services; draw up a *Conservatorship Care Plan* (forms GC-355 and GC-356) explaining how you'll meet those needs; and file the plan with the court **no later than 120 days after** your appointment.

Step 6 Work with the conservatee or the person responsible for managing the conservatee's finances to determine the cost of the services in the *Care Plan* and figure out how the conservatee's estate will pay for those services.

Step 7 Arrange on an ongoing basis for the conservatee's living situation, health care, meals, clothing, personal care, housekeeping, transportation, and recreation.

Note: You will serve as conservator until a judge officially releases you from your duties. This will happen if you resign and the judge accepts your resignation, the conservatee dies, the judge replaces you with a new conservator, or the judge decides a that conservator is no longer needed.

Chapter 3: Conservator of the Estate

Managing Your Conservatee's Finances

As **conservator of the estate**, you are responsible for managing the conservatee's finances. You must protect your conservatee's **income** and **assets** (money and property) by making sure your conservatee receives their income and benefits, paying their bills on time, insuring their property, filing their tax returns on time, and investing their money wisely.

Note: Even though you are responsible for doing all these things, you may—and, if you are not skilled at any one of them, you should—hire professionals to do them. The conservatee's estate is responsible for paying for these services. **Warning:** You may not hire a person or company to perform these services if you have a financial interest in their business. Talk to your lawyer before you hire anyone if you are not sure whether you have a financial interest.

Below is a list of topics discussed in this chapter to help you perform your duties as conservator of the estate.

Note to Limited Conservators

Some sections in this chapter do not apply to you. Your appointment order and your *Letters of Conservatorship* state your **exact** duties.

Read Chapter 4 on **limited conservatorships** along with the parts of this chapter that apply to the specific powers and duties you have been granted.

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The Conservatee's Rights

You have the authority to make decisions for your conservatee, but the conservatee has legal rights, too. The conservatee keeps the right to:

- Be represented by a lawyer; the court will appoint a lawyer for them if they don't have one and don't plan to get one
- Ask a judge to replace the conservator
- Ask a judge to change or end the conservatorship
- Make or change their own will
- Directly receive and control their wages or salary unless the court orders otherwise
- Control an allowance if the court authorizes you to pay them one

The conservatee also has the right to:

Ask you questions, express concerns to you, and complain to you about the conservatorship and things you do as the conservator. If you and the conservatee cannot work out disagreements, the conservatee may ask the court to review how you handle the conservatorship. Also, from time to time the court will send a court investigator to see how the conservatee is doing and to let the conservatee know their legal rights. The court may appoint a lawyer, also called appointed counsel, to represent the conservatee.

Receive notice of their legal rights. As noted above, you must give or send your conservatee a copy of the order appointing you with a *Notice of Conservatees' Rights* (form GC-341) attached within 30 days of the date the order was signed. Give or send it to every person listed on the conservatorship petition, including the conservatee, the conservatee's lawyer, spouse or domestic partner, and relatives. The court will also send the conservatee a completed *Personalized Information for Conservatee—Probate* (form GC-342) within 30 days of your appointment.

Your Duties to the Conservatee

As conservator of the estate, it is your legal duty to manage the conservatee's finances and assets. The conservatee's assets and most of their income are called the **conservatorship estate**, or just the **estate**. You must protect and manage the estate for the conservatee's sole benefit using ordinary care and diligence.

The court may have also authorized you to use estate assets to:

- support the conservatee's spouse or domestic partner and minor children;
- benefit the conservatee's family; or
- implement the conservatee's estate plan.

To manage and protect the conservatee's assets, you **must** do the following:

- Identify and take control of all the assets that are part of the estate.

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- Make sure each asset is properly insured.
- Make an **inventory** of the assets for the court. (See ***Inventory and Appraisal,*** below at page 16.)
- **Record** a certified copy of your Letters with the county recorder in each county where you think the conservatee owns an interest in any **real property**.
- Make a list of all the conservatee's income and any money owed to the conservatee.
- Apply for all public benefits the conservatee has a right to receive, such as **social security** or **Supplemental Security Income (SSI)**.
- Make a budget for the conservatee based as much as possible on their needs and preferences. Work with the conservator of the person, if that is someone other than you, to identify the conservatee's needs and preferences and determine the ability of the estate to satisfy them.
- Pay the conservatee's bills and expenses on time within the established budget.
- Keep track of how other people (for example, the conservatee's spouse or partner, the trustee of a trust managed for the conservatee's benefit) are managing any of the conservatee's assets that are under their control and not part of the estate.
- Invest estate assets safely and according to the court's requirements. Talk to a lawyer before you invest. Some investments need court approval first; others are never allowed.
- Provide regular accountings to the court and to other parties. (See **Reporting and Accounting**, below.)
- File a final report and accounting for the estate when the conservatorship ends.
- Complete the conservator's **final duties** if the conservatee dies, the conservatorship ends, or you resign or are removed as conservator. (See Chapter 6.)

Teamwork—Finding out What's Best for Your Conservatee

Partner with the Conservatee

Communicate with your conservatee about your decisions before you make them. If possible, find out what the conservatee would like to do. If you cannot determine the conservatee's current wishes, review any preferences that they have previously communicated. Your decisions should accommodate the conservatee's preferences unless doing so would violate your fiduciary duties of care and loyalty to the conservatee or would impose an unreasonable expense on the estate. Your decisions should respect the conservatee and serve only their interest (duty of loyalty) but must also be responsible and safe (duty of care). Make choices that promote your conservatee's independence and respect their dignity, preferences, and lifestyle. Then, after you make a decision or take an action on behalf of the conservatee's estate, let them know what you have done.

Work With the Conservator of the Person

If someone else is appointed as conservator of the person, get in touch with them as soon as you can. The conservator of the person must make decisions about providing the conservatee with appropriate care and services and must file a care plan within 120 days of their appointment. You need to give them input about what care and services the conservatee's estate can afford and work with them to develop a budget.

Getting Started

After you are appointed as conservator or limited conservator of the estate, you must **qualify**, as described in Chapter 1, before you can begin to manage the conservatee's finances. In addition to signing the oath, signing the acknowledgment of receipt of form GC-348 and this handbook, and completing any other requirements your local court might have, you must also get a **bond** and **file** it with the court.

Get a Bond

What is a Bond?

A bond is like an insurance policy for the conservatee's estate. You will get the bond from a special kind of insurance company called a **surety company** (*surety*, for short). The surety basically promises the court that you will perform your duties as required by law. It insures the estate, up to a specific dollar amount ordered by the court, against losses in value caused by your carelessness, dishonesty, or intentional misconduct. Once you get the bond from the surety, make a copy for yourself. You must file the original with the court before the clerk will issue your *Letters of Conservatorship*.

How to Get a Bond

The Fiscal Service of the United States Department of the Treasury keeps a list of federally certified sureties on its website, fiscal.treasury.gov/about-us/doing-business-with-fiscal-service/surety-bonds. You can also search for sureties on the California Department of Insurance website at interactive.web.insurance.ca.gov/apex_extprd/f?p=144:10 by clicking "Fidelity and Surety" in the "Select Type of Insurance" dropdown menu. There are currently more than 100 sureties authorized to do business in California. You will need to do some research to find sureties that provide bonds for conservators. After comparing premiums and coverage, choose one and apply for a surety bond. You will need to provide information about your job, credit score, why you were appointed as conservator, and the type of conservatorship (general or limited). The conservatee's estate should pay the premiums for the bond.

How does the court decide the amount of the bond?

The court must order bond in an amount that is enough to protect the conservatee's estate from any losses. That amount is the upper limit that the surety company agrees to pay to cover a loss to the estate. The amount of the bond is therefore required to be close to the total value of the conservatee's estate. The court initially sets the amount of the bond based on the estimated value of the estate in the petition for appointment of a conservator.

What does the bond cover?

The bond covers the conservatee's:

- ***personal property***,
- ***income*** from both their ***real property*** and ***personal property***, and
- ***income*** from certain expected public benefits, such as social security.

The bond also covers an extra amount, which is calculated using a percentage of the above amounts. That extra amount is used to pay the bond premium and any attorneys' fees that might be incurred to recover assets to the estate.

Can the amount of the bond change?

Yes. As the conservator, you have access to private information about the conservatee's estate. You may therefore find that the actual value of the estate is higher or lower than the bond ordered by the court.

- If the initial bond is less than the full value of the covered property, you **must** notify the court **right away** by filing a request to increase the bond amount. If the court agrees that the bond amount should be increased, it will order the bond amount increased. The surety will then issue a new bond and notify the court that the bond has been increased.
- If the bond is more than the full value of the covered property, you should ask the court to reduce the bond amount. If the court agrees that the bond amount is higher than necessary, it will order the bond amount reduced. The surety will then issue a new bond and notify the court that the bond has been reduced. The estate may receive a partial refund. The bond premium may be lower in future years, too.

In addition, if you put some of the conservatee's money in an FDIC-insured **blocked account** or if some assets are of a type that you cannot sell, the court may allow you to get a bond for a lower amount. A blocked account is a special bank account that does not allow you or anyone else to withdraw money from it without the court's permission.

You could be made to repay the amount of the bond.

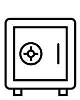
If the estate loses value and the court decides that the loss was your fault, the surety will repay the estate the amount lost, up to the total amount of the bond, and the legal fees of the person who asked the court to hold you accountable for the loss. After it pays, the surety company will try to collect that money from you. It doesn't matter whether your conduct was intentional. You are responsible for losses to the estate caused by your careless (**negligent**), dishonest, or otherwise wrongful conduct.

Letters of Conservatorship

Once you have qualified, you or your lawyer must prepare your *Letters of Conservatorship* (form GC-350). The letters are proof that the court has given you authority to act as conservator. They list the specific things you can do (powers you have) as a conservator of the estate. Take or send the completed form to the court clerk's office. The clerk will sign it, add the court seal, and file the letters. The clerk keeps the original letters in the case file.

Get Certified Copies

You should get certified copies of the *Letters of Conservatorship* (form GC-350) from the court clerk's office. Go to selfhelp.courts.ca.gov/court-basics/copy-record to learn more about getting certified copies of your *Letters of Conservatorship*. These copies serve as evidence that the court appointed you as conservator of the estate, and that you took the oath to obey the law and filed the required bond. The letters state whether the court granted you any additional powers or placed additional conditions on you. You will need to give a certified copy of the letters to most people and businesses you work with on the conservatee's behalf to show them that you have the legal power to make decisions and act for the conservatee. The clerk will charge you a fee for each certified copy, which you can pay from the estate.



For example, banks, stockbrokers, insurance companies, other businesses, and many public agencies will ask for certified copies of your letters before they will accept your instructions concerning the conservatee's accounts.

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Use your certified copies of the letters to do the following:

- Inform the people and institutions that manage or hold (possess) the conservatee's property and finances that you have been appointed conservator of the estate, and
- Gather and take control of the conservatee's assets.

Note: After you have collected the assets, prepare an *Inventory and Appraisal* (form GC-040) listing each asset and its value, and file that form with the court. (See *Inventory and Appraisal* at page 16.) You must take these first steps quickly to protect your conservatee's assets and prevent confusion or financial loss.

If Your Conservatee Owns Real Property

It's your job to protect the conservatee's home and other **real property**. To do this, you must **record** a certified copy of your Letters with the county recorder in every county where you think the conservatee may own any real property, including a security interest, such as a mortgage.

Recording the Letters puts the public on notice that you are the property owner's conservator. You are creating a record that shows that you are the only person allowed to transfer property on behalf of the conservatee. The recording prevents the real property from being sold, transferred, or offered as security for a loan without your knowledge.

The sample letter to a county recorder in Appendix D shows how to record certified Letters. The recorded certified copy will eventually be returned to the person identified at the top of the document (usually your lawyer, if you have one). However, this may take several weeks.

Note: Some courts may require you to file a copy of your recorded Letters with the court as proof that you recorded them, particularly if there is real property in the estate. Check with the court clerk, probate examiner (if any), or local rules (available on the court's website) to find out whether you need to do this.

Important: A certified copy of your letters is evidence of your authority to act only as of the date of the clerk's certification. Many financial institutions require certification dates that are less than 30, 60, or 90 days old when presented to them. This means that you will need to get certified copies several different times while you are conservator. Get only as many certified copies as you need.

Training

Most courts require you to attend a **conservatorship class** in person or remotely (by video) and file with the court a certificate of completion. Deadlines vary, but they are typically between 90 and 180 days after appointment. Even if your court does not require you to take one, an orientation class might be helpful.

Notify Others of Your Appointment

Within 30 days of appointment, you must:

- ***Deliver:*** The *Order Appointing Conservator* (form GC-340) and *Notice of Conservatee's Rights* (form GC-341) to the conservatee, the conservatee's spouse or domestic partner, and the conservatee's relatives within the second degree (see form GC-340, page 4, item 2 for a complete list). The court will also send the conservatee a completed copy of *Personalized Information for Conservatee—Probate* (form GC-342) within 30 days of your appointment.

- ***Fill out and file with the court:*** The Proof of Delivery by Mail on page 3 of form GC-341, including, if applicable, form GC-341(MA).

It is also your job to notify the people and institutions that have a financial relationship with the conservatee that you are the conservator of the estate. As you locate accounts and other assets (see below), you will learn their names and contact information. They may include:

- The conservatee's employer, if the conservatee is working
- Banks, savings and loans, credit unions, and other financial institutions
- Stockbrokers and companies where the conservatee owns stock
- Insurance companies and agents
- Companies and banks where the conservatee has charge accounts, credit cards, or debit cards
- Government agencies that make payments to the conservatee, such as the Social Security Administration or the Department of Veterans Affairs
- Retirement or pension plans
- The conservatee's accountant or tax preparer
- Trustees, if the conservatee has trusts or is a beneficiary of someone else's trust; see ***Trusts***, below
- Creditors (people the conservatee owes money to)
- Debtors (people who owe the conservatee money)
- Anyone who sends the conservatee money, such as a tenant of the conservatee's rental property
- Anyone involved in a lawsuit by or against the conservatee, especially any lawyer who is representing the conservatee in a lawsuit
- The Post Office, if you want the conservatee's mail to be forwarded to your address

Note: In your letter of notification, include the new address where people and institutions should send future bills, statements, payments, notices, and other correspondence. Refer to Appendix D for a sample letter of notification.

Find the Conservatee's Assets

Steps to Take

Find and take control of all the conservatee's income and assets. That means you must:

- Identify the assets the conservatee owns and the income they receive or have a right to receive;
- Find all assets, especially assets that bring income into the estate;
- Take all steps needed to protect the assets from loss or damage; and
- Take control of the assets, usually by transferring ownership of each asset into your name as conservator.

Going through this process will also help you complete an **inventory** of the assets for the court. (See ***Inventory and Appraisal*** on page 16.)

Assets to Look For

- Cash
- Uncashed checks and refunds
- Bank accounts (checking, savings, certificates of deposit)

- Securities (stocks, bonds, and mutual funds)
- Promissory notes and IOUs, including court judgments
- Partnerships and other business interests
- Life insurance policies
- Real property (land and buildings)
- Pensions, **Keogh plans**, **401(k) plans**, **individual retirement accounts (IRAs)**, and other retirement plans
- Furniture
- Antiques
- Artwork
- Jewelry
- Livestock
- Valuable pets, such as dogs or cats
- Valuable collections
- Vehicles

Income to Look For

- Government benefits like **SSI**, disability, welfare, veterans' benefits
- Insurance benefits
- Wages or salary, including severance pay, disability, vacation, or sick leave
- Pensions
- Retirement plan payments or withdrawals
- Settlements from divorce, injury, or other lawsuits
- Debts owed to the conservatee
- Money from trusts
- Rental income
- Annuities
- Money from foreign countries

How to Find the Conservatee's Assets and Income

- Get access to the conservatee's email account and other online account and website passwords. Review their online transactions and financial activity.
- Look through the conservatee's accumulated mail.
- Look around the conservatee's home for cash, ownership papers, financial records, recent mail, income tax returns, deeds, insurance policies, and other valuables.
- Look in the conservatee's **safe deposit box**. (See below.)
- Talk to the conservatee's close friends, relatives, business associates, and accountant or lawyer. If the conservatee is confused or forgetful, double-check everything the conservatee tells you.
- If you think someone else has some of the conservatee's assets or records that you should have, but that person won't cooperate with you, talk to a lawyer. Ask how the court can help you.

✕ Do NOT Include the Following Assets in the Conservatorship Estate

Some assets are not part of the conservatorship estate. You must not take control of them. You are also not responsible for them and do not have to account for them to the court.

The conservatee's current salary or wages

If the conservatee is working, their wages do not belong to the conservatorship estate; they are for the conservatee to use as if the conservatorship did not exist.

Assets in a revocable living trust

If the conservatee created a revocable living trust, the assets in that trust, **except for** distributions from the trust to the conservatee, are not part of the conservatorship estate. Instead, the trustee of that trust

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decides how to handle those assets. If the conservatee is the trustee, you may need to help arrange for a successor trustee to take over the duties of trustee. Consult with an attorney if the conservatee has a living trust.

Community property of a conservatee in a domestic partnership or marriage

If the conservatee has a domestic partner or spouse who is legally able to make decisions, the capable partner or spouse has the exclusive right to manage and control the couple's **community property**. The community property from a domestic partnership or marriage is not part of the conservatorship estate. To include some of the community property in the conservatorship estate, the capable domestic partner or spouse must voluntarily agree, in writing, and file this document with the court.

Keep in mind that the law requires the capable domestic partner or spouse to support the conservatee financially. If the capable partner or spouse is managing some or all of the couple's **community property** outside the conservatorship, this duty may be enforced in a conservatorship proceeding in probate court rather than in family court. The probate court may order the capable partner or spouse to use community property they are managing to support the conservatee if the court receives a request from the conservator, the conservatee, a relative or friend of the conservatee, or other interested person.

If the capable partner or spouse has **separate property**, they may still have a duty to support the conservatee partner or spouse from that property. If that is the case, a family court—not a probate court—must make that order.

For questions about a capable domestic partner's or spouse's separate property, talk to an experienced family law or probate lawyer.

Two people may become registered domestic partners only if at least one of them is over the age of 62 and qualifies for certain federal social security benefits commonly received by persons of that age and older. If your conservatee is not married but lives with someone, and at least one of them is over the age of 62, they may be registered **domestic partners**.

Important! If you are in a registered domestic partnership with or married to your conservatee, talk to your lawyer about:

- Managing your community and separate property,
- Whether some parts of your community property should be managed within the conservatorship estate, and
- The support you provide the conservatee from community and separate property.

Even if you are not the domestic partner or spouse of your conservatee, talk to your lawyer about these questions. It's important to understand what community property and separate property exists and how it can affect support for your conservatee.

If both domestic partners or spouses have conservators of their estates, one-half of the community property of the couple is included in each estate and is managed by the conservator of that estate unless the two conservators agree otherwise and the court in either conservatorship proceeding has approved the agreement. If your conservatee's partner or spouse also has a conservator, try to work closely with that conservator.

Assets the Conservatee Owns With Others

If your conservatee owns real property, bank accounts, or other property together with other people, contact the co-owner(s) immediately. Find out how much of the property belongs to the conservatee and how much belongs to the co-owner(s).

Co-ownership is complicated. When ownership of an asset is transferred from the conservatee to the conservatorship estate, co-owners' rights are affected. Talk to a lawyer about property owned with others.

Take Control of the Conservatee's Assets

Bank Accounts

Open a Checking Account

1. Set up the account using this name EXACTLY:

    Conservatorship of [conservatee's name],
    [your name], Conservator of the Estate

2. Use the *conservatee's* social security number.
3. Tell the bank to send the statements and all account information to you.
4. The financial institution must inform the court that a new account has been opened for the conservatorship estate by filling out and filing *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051). Give the bank a self-addressed, stamped envelope. Ask them to send you a copy when they file the form with the court. You may also get a copy from the court's files after the bank files it.

Note: Also think about opening a savings or money market account in the same way. Money not needed for current expenses should be earning interest.

Interest from Savings

Set up the conservatorship checking and savings accounts at the same bank. Ask them to pay the savings account interest into the checking account. Each time interest is paid, add it to the checkbook register.

Where to Deposit Money

You may deposit conservatorship estate funds in any:

- California bank,
- California insured savings and loan, or
- California credit union.

Don't put more money in any single institution than its Federal Deposit Insurance Corporation (FDIC) insurance limit (currently $250,000) unless the deposit is made to a special account that some institutions maintain, called a Certificate of Deposit Account Registry Service®, or CDARS®, account.

How to Use the Estate Checkbook

Put all estate income in the estate checking account and use it to pay expenses. Do not make checks out to "Cash," except for petty cash or for a court-authorized allowance paid directly to the conservatee.

Ask Financial Institutions for Current Information

Take a certified copy of your Letters to all banks and other financial institutions where you think the conservatee may have had accounts on the date you were appointed. Ask what accounts the conservatee has there, the current balance and the balance on the date you were appointed conservator, and a copy of the account statement for the period that includes the date you were appointed.

In case the bank wants a written request, you can also take to the bank a letter requesting the account information mentioned above. This letter can also include a statement stopping most other people from making withdrawals from the conservatee's bank account. See Sample Letter to Bank Requesting Account Info in Appendix D.

Note: The letters give notice to the bank that the conservatee lacks legal capacity to contract and that all ***nondurable* powers of attorney** executed by the conservatee have become invalid. The bank should act by preventing any **attorney-in-fact** appointed by the conservatee in a nondurable power of attorney from continuing to have access to the conservatee's accounts at that bank.

But if a **durable power of attorney** is in effect for any of the conservatee's accounts, a court order is needed to change that arrangement. The bank will have signature cards for the accounts and should be willing to inform you if there are any durable powers of attorney granting authority over the conservatee's accounts. If the court has ordered the termination of one or more durable powers of attorney, you will need to give the bank a certified copy of the order.

Change the Owner of Existing Bank Accounts and Time Deposits

1. Change the name of the account owner to this name EXACTLY:

   Conservatorship of [conservatee's name],
   [your name], Conservator of the Estate

2. Tell the bank to send all statements and other account information to you.
3. The financial institution must inform the court of a change in owners of an existing account to a conservatorship account by filling out and filing *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051). Give the bank a self-addressed, stamped envelope. Ask them to send you a copy when they file the form with the court. If the bank does not send you a copy, you can also copy the form in the court's files after the bank files it.

Some Conservatees Can Have Their Own Personal Checking Account

Some conservatees can handle paying bills for regular expenses, such as utilities, food, rent, and clothes. In these cases, the court may approve an allowance for the conservatee. If your conservatee can manage a checking account, and the court approves an allowance to the conservatee, you may want to help the conservatee to open an account in the conservatee's name and deposit allowance payments to that account. Ask the bank to send the statements to you so you can see how the conservatee is spending the money. Your accounting must show that you made the approved allowance payments, but you do not have to show how the conservatee spent their allowance.

Accounts the Conservatee Owns with Someone Else

If the conservatee has accounts with someone else, for example, as a **joint tenant**, do ***not*** make any changes to the account. Talk to a lawyer first. But:

- Tell the bank right away that you are the conservator, and

- Ask them not to allow withdrawals from the account without your permission.

If the bank declines your request, contact your lawyer immediately. You may need to get a court order to freeze the account. While the account is frozen, the court will decide the rights of the other person whose name is on the account.

Accounts the Conservatee Owns That Designate a Beneficiary

If the conservatee has an account that lists a **beneficiary** or *payee*—for example, a **Totten trust account** or a **pay-on-death account**—keep the beneficiary or payee designation when you change the account name to the conservatorship listing you as conservator. If you remove the beneficiary or payee, you would be changing the conservatee's estate plan. The money remaining in these accounts is supposed to go to the named beneficiary or payee when the conservatee dies. Do not use money from these accounts without talking to your lawyer first. These accounts may have special purposes in the conservatee's will, and it's important to get legal guidance before you use these funds.

The court may require you to file statements from the conservatee's bank accounts. Keep copies of all the bank statements or find out how to request statements from the financial institutions at which the conservatee has accounts. If you file bank statements with the court, file them separately from any public papers and include with them a declaration identifying them as **confidential**. You may also **redact** (block out) sensitive information such as social security numbers or account numbers so that only the last four digits are visible.

Keep the Conservatee's Money Separate From Your Money

Never, for any reason, mix your own money or investments with the conservatee's!

Warning!
The court may remove you as conservator and make you pay back any losses if you cannot account for all of the conservatee's money.

Tip: To avoid mixing up accounts, it's a good idea to use a bank different from your own for the conservatee's account.

Don't Use Your Personal Funds

All payments you make for the conservatee must identify you as conservator of the estate. **Never** pay conservatorship expenses from your own checking account or charge them to your own credit card.

Real Property

Keep the title to the conservatee's real property (also called *real estate*) in the conservatee's name. Real property includes:

- the conservatee's home,
- vacation homes,
- rental property,
- land, and
- deeds of trust.

As explained above, you must **record** a certified copy of your letters with the county recorder in each county where you think the conservatee owns real property. This should prevent the conservatee from selling or giving away the real property to someone who may not know about the conservatorship. It should also keep the real property from being used as collateral for a loan by the conservatee or anyone trying to influence the conservatee.

Important! Make sure the conservatee's property insurance is current. Consult a **lawyer** if there are any unsafe structures that could be a source of legal liability.

Stocks and Bonds

Most people's investments are held in a brokerage account with a brokerage company. It's possible there may be physical stocks and bonds in a safe deposit box or in your conservatee's home. You would learn about them from brokers' statements, income tax returns, IRS 1099 forms, and dividend checks.

Changing ownership. If you find physical stock certificates or bonds, write to the brokerage company and have the stocks or bonds reissued to this name:

Conservatorship of [conservatee's name],
[your name], Conservator of the Estate

Enter the *conservatee's* social security number on the IRS Form W-9 given to you by the brokerage company.

Lost certificates. If you find dividends reported on an income tax return but can't find a stock or bond certificate or a record of ownership of the stocks or bonds in a brokerage account, write to the company and ask for a replacement certificate.

Dividend reinvestments. If the conservatee owns stock in a company that has a dividend reinvestment program—a plan under which cash dividends are not sent to the stockholder but are instead used to buy more shares of the company's stock—immediately ask the company to give you a statement of the current number of shares the conservatee owns.

Most people who own stocks or bonds do so through brokerage accounts. You can change the ownership of the brokerage account in a way similar to changing ownership of a bank account. Write to the broker, include a certified copy of the *Letters of Conservatorship,* and ask the broker to transfer ownership of the account to you as conservator and to fill out and file *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050). Ask them to send you a copy, too, when they file the form with the court. See Sample Letter for Stocks and Bonds in Appendix D.

Check with your lawyer if you're not sure what to do.

Stocks and Bonds the Conservatee Owns With Someone Else or That Have a Designated Beneficiary

If you find out that your conservatee owns stocks, bonds, or mutual funds with someone else or that the certificates list another person as a **beneficiary**, do not make changes to the account(s) without talking to a lawyer first. These accounts may have special purposes in the conservatee's estate plan, and it's important to get legal guidance before you use the funds or make any changes.

Cars and Other Vehicles

Get the title ownership certificates ("pink slips") for all the conservatee's vehicles, such as:

- cars,
- boats,
- motorcycles,
- campers/RVs,
- planes, and
- other vehicles.

Transfer ownership to this name:

Conservatorship of [conservatee's name],
[your name], Conservator of the Estate

Keep all vehicles safely stored, and control how they are used. You may allow the use of the conservatee's vehicles ***only if:***

- the registration is kept up to date,
- the vehicle (including stored vehicles) is adequately insured with all operators covered, and
- the use is for the conservatee's benefit.

Note: Vehicles, especially cars, lose value over time. You should consider selling any vehicle that will not be used in the near future by the conservatee or for the conservatee's benefit.

Safe Deposit Boxes

Banks will make you show them a certified copy of your Letters before they allow you to open a conservatee's safe deposit box to review its contents. When you open the box, ask a bank employee to watch while you remove the contents and make a list of the contents, then ask the employee to sign and date the list.

If you close a safe deposit box or change the legal title to show the name of the conservatorship, the bank must complete and file the same form required for opening or changing ownership of bank accounts, *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051). The form requires the bank to describe the contents of the box. Give the bank a self-addressed, stamped envelope and ask them to send you a copy of the completed form.

If you can't find the safe deposit box key, the bank will call a locksmith to drill the box open so that they can identify its contents for the court form and deliver the contents to you. You should be present when that is done.

The bank will charge you the locksmith's fee. Do not ask the bank to withdraw money directly from a conservatorship account to pay this fee. Instead, pay them by check so you have a clear record of your expenses.

If the Conservatee Rented the Box With Someone Else

Ask the other person who co-owns the safe deposit box to be present when the box is opened. Separate the items in the box so that only the conservatee's belongings remain. If there is a question about who owns a particular item, leave it in the box and talk to a lawyer.

If you decide to keep the safe deposit box to store the conservatee's property, change the legal title on the box to:

Conservatorship of [conservatee's name],
[your name], Conservator of the Estate

You should be the **only person** with a key to the box. Even the conservatee should not have a key.

If the Conservatee Does not Have a Safe Deposit Box

If the conservatee does not have a safe deposit box, think about renting one. If you rent a box, do so in the name of the conservatorship. The bank must notify the court by completing and filing the *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box*

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(form GC-051).The bank must tell the court what went into the box on the day it was rented.

Never put the conservatee's property in your own safe deposit box.

What to Keep in the Safe Deposit Box

Small valuables such as jewelry, stamps, or coins may be kept in a safe deposit box. Important papers should also be kept in the box.

Papers and Other Records to Keep in a Safe Deposit Box

- The conservatee's will, trust, estate plan, or end-of-life papers
- Bonds and stock certificates
- Deeds to real property
- Vehicle or vessel registration documents
- Promissory notes
- Insurance policies
- Birth, marriage, and death certificates
- Photos of the conservatee's valuable personal belongings, like jewelry, artwork, antiques, or coin collections
- Other papers or small belongings that would be hard or impossible to replace

Missing Assets and Debts Owed

Try to collect debts owed to the conservatee and get back any assets wrongfully taken from the conservatee. Talk to your court's self-help center or a lawyer for help.

Credit or Debit Cards

Credit or debit cards make it easy for a conservatee to fall into debt. In most cases, it is **not** a good idea for a conservatee to have one or for you to use one for the conservatorship without prior court authorization.

You should contact the credit card company or bank to cancel the conservatee's credit and debit cards. (See Sample Letter to Credit Card Company in Appendix D.) Collect and destroy all physical cards, except those that you decide the conservatee can continue to use.

Note: If you decide the conservatee can have a credit or debit card, set a dollar limit on the account, and monitor it carefully. You should also inform the court that the conservatee has the account and report its activity to the court.

Inventory and Appraisal

As you are collecting the real and personal property owned by the conservatee, you must inventory (list) the property on the appropriate attachment to *Inventory and Appraisal* (form GC-040) (see below) and have each item of property appraised. You may appraise the conservatee's cash and ***cash equivalents*** (checks and other items whose fair market value is stated on them) yourself on Attachment 1 (see below). A probate referee must appraise all items of real property and all personal property that is not equivalent to cash on Attachment 2 (see below). The appraisal must state the fair market value of each item of property as of the date you were appointed conservator (not the date your letters were issued).

Complete the Inventory and Appraisal

All conservators of the estate must complete, sign, and file the *Inventory and Appraisal* and all required attachments with the court **no more than 90 days** after being appointed. It tells the court and other persons with an interest in the case:

- What assets the conservatee's estate owns.
- How much the estate is worth.
- How much income may be available to pay for the conservatee's needs.
- What the amount of your bond should be.

Probate Referee

At least one **probate referee** appointed by the State Controller serves each county. More information and a list of probate referees are available on the State Controller's website at sco.ca.gov/eo_probate.html. The court chooses a probate referee to appraise the conservatee's property other than cash and cash equivalents. Once you have completed the inventory of the conservatee's assets and appraised the cash and cash equivalents, you must give the probate referee the completed *Inventory and Appraisal* (form GC-040) and the necessary attachments (one or more copies of form GC-042) listing all of the conservatee's assets. The referee will figure out the fair market value of each asset as of your appointment date and list the value of each item on Attachment 2. During the conservatorship, you may need to have the referee reappraise some of the assets. This happens most often when you want to sell real property after more than one year (or, if you want to sell the conservatee's home, more than six months) has passed since the first appraisal.

Information for Probate Referee

On the *Inventory and Appraisal* and attachments, describe each asset that the referee needs to appraise in as much detail as possible. The more detail you give the referee, the more likely the appraisal will be correct and timely. Make sure you give the probate referee any information about the conservatee's assets that may lower their value. For example, let the referee know if the roof on the conservatee's home needs repair. Consult the Probate Referee Guide available from the California Probate Referees Association for specific guidance on how to list property on the Inventory and Appraisal forms.

Steps to Complete and File the Inventory and Appraisal

- Make a detailed list of all the conservatee's assets, item by item.
- Use the list to fill out the attachments to *Inventory and Appraisal* (form GC-040). List the value of cash and ***cash equivalents*** in the *Inventory and Appraisal Attachment* (form GC-041) and label it "Attachment 1." Use as many pages as you need to list all assets.
  - **Attachment 1:**
    - **Conservator fills out:** item number, description of asset, and appraised value of cash.
    - **Items to include:** money in bank accounts and other cash or ***cash equivalents***. Include checking accounts, savings accounts, CD accounts, and money market accounts.
- The court will designate a probate referee to appraise all assets other than cash or cash

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equivalents according to their fair market value at the time of your appointment. Fill out the description of each asset other than those listed on Attachment 1 on a separate *Inventory and Appraisal Attachment* (form GC-041) and label it "Attachment 2." Use as many pages as you need to list all assets in the estate.

- **Attachment 2:**
  - **Conservator fills out:** item number and description of each asset
  - **Probate referee fills out:** appraised value of each asset and page 2 of form GC-040.
  - **Items to include:**
    - Real property: complete legal description, common street address, percentage owned by conservatee, Assessor's Parcel Number (APN), and type of property (e.g., commercial building, single family home, condo).
    - Stocks, bonds, mutual funds, and insurance and annuity policies
    - Business interests: partnerships, limited liability companies or partnerships, and sole proprietorships
    - Jewelry, art, collectibles (for example, coins or stamps that may be worth more than their face value), antiques, vehicles
    - Other documents showing evidence of property ownership

Sign page 1 of the *Inventory and Appraisal* and send it and all attached pages, including Attachment 1 and Attachment 2, to the probate referee. The probate referee will appraise the assets listed on Attachment 2 and state the appraised value of each item, complete and sign page 2 of form GC-040, and send the whole package back to you.

After you receive the *Inventory and Appraisal* back from the probate referee, you must **file** it with the court.

- When you file the *Inventory and Appraisal* (form GC-040), **give or send** copies of form GC-040, all attachments, on form GC-041, and *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* (form GC-042) to the conservatee, the conservatee's attorney, the conservatee's spouse or domestic partner, and the conservatee's relatives in the first degree (parents and children) or, if there are no such relatives, to the next closest relatives.
- *(If applicable)* If the conservatee is a patient in a state hospital under the jurisdiction of the State Department of State Hospitals or State Department of Developmental Services, you must also send a copy of form GC-040, all attachments on form GC-041, and *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* (form GC-042) to the director of the appropriate department no later than 15 days after filing the forms with the court.

Supplemental Inventories and Appraisals

Preparing an *Inventory and Appraisal* may not be a one-time obligation. If you discover or receive assets belonging to the conservatee after you have filed the final *Inventory and Appraisal* and the 90-day deadline has passed, you will need to prepare and file a supplemental *Inventory and Appraisal*.

You must prepare and file a supplemental *Inventory and Appraisal* if:

- you later discover assets the conservatee owned when you were appointed that you didn't know about, or
- you receive some of the conservatee's assets after you were appointed. This does not include assets acquired from your investing and managing the estate, such as stocks or mutual funds bought with conservatorship funds or rental income from real property owned by the estate.

You must describe and appraise these assets as you did in the original *Inventory and Appraisal*, getting them appraised by a probate referee if required.

Note: Property values in a supplemental *Inventory and Appraisal* are from the date you discovered or received the asset, *not* the date you were appointed conservator.

Reappraisal for Sale

If you want to sell real property **more than 1 year** after the date you were appointed conservator, you must get a probate referee's appraisal of its current value. This is called a *Reappraisal for Sale*.

Prepare it on the same form and in the same way as the initial *Inventory and Appraisal*. The only difference is that the value is as of the date of the reappraisal, **not** the date you were appointed.

Exception: The rules are different for selling the conservatee's **home**. If the property was appraised *more than* ***6 months*** before the court hearing to approve the sale, you must have the home reappraised for the sale.

Determine the Value of Personal Belongings

It may be hard to decide the value of some personal belongings. When you give your inventory to the probate referee, include your own opinion of how much items such as jewelry, collectible coins or stamps, antiques, and artwork are worth.

Some paintings or sculptures may be *more* or, sometimes, *less* valuable than they appear. You should hire a professional appraiser for these items. Send a copy of the appraiser's opinion to the probate referee with your inventory.

How to Challenge the Probate Referee's Appraisal

If you disagree with the referee's appraisal, you have the right to question it. If your concerns aren't resolved, you may file objections to the appraisal in the conservatorship proceeding.

If you want to object to the appraisal, use *Objections to Inventory and Appraisal of Conservator or Guardian* (form GC-045).

An objector can claim that:

- The appraised value of one or more listed assets or properties is incorrect. (The conservator or another interested person can make this objection.)
- The *Inventory and Appraisal* does not include all property that should be part of the conservatorship estate. (Someone other than the conservator makes this objection, usually claiming that the conservator did not list certain items of property on the inventory.)

Who Can Object?

These people have the right to object:

- You, as conservator of the estate

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- The conservatee
- The conservatee’s spouse or domestic partner
- The conservatee’s closest relatives
- Anyone who requested special notice in the conservatorship proceeding

You or your lawyer must mail written notice to each of these people when you file your *Inventory and Appraisal*. For more detail about the notice requirements, please see the discussion at page 18.

Develop a Financial Plan

You will need a financial plan for the conservatorship estate. See below to learn how to make a plan to meet your conservatee’s needs.

Your financial plan should describe at least the following:

- The conservatee’s finances at the beginning of the conservatorship, including any existing investments and sources of income;
- Any existing procedures for handling income and expenses and any problem areas;
- Your general plan for managing the conservatee’s money and assets, including any planned changes to investments or sales of assets;
- What income from the estate is available to pay for the care and support of the conservatee;
- Your plan to pay for conservatee’s care and support (i.e., a budget), including:
    - ✓ An estimate of the annual expenses of that care and support;
    - ✓ The income or other source of funds you plan to use to pay these expenses; and
    - ✓ Any fees for conservators and lawyers;
- Your plan to address any foreseeable shortfalls;
- Any plan to use investment advisors or other financial experts; and
- The accounting method or procedure you plan to use to keep track of the estate’s income and expenses.

Review and Update Your Plan

It is a good idea to review your plan at least once a year, or whenever there is a significant change in the conservatee’s finances or a change in their personal life that will require expenses from the estate. Such changes may include the following:

- A gradual improvement or decline in physical, mental, or emotional health
- A sudden health change such as a stroke, hip fracture, or diagnosed cancer
- A change in the conservatee’s family or household arrangements
- The death or absence of a spouse, child, good friend, or regular caregiver
- A new person or new persons in the conservatee’s life
- A reduction in estate assets or income

- A need to move from the conservatee's current residence

Periodic review is extremely useful to make any necessary adjustments to changes such as these, so that you may continue to meet the conservatee's needs and circumstances.

In managing and protecting the conservatee's estate, you may need approval from the court to take certain actions, such as selling or borrowing against certain assets. If you are not sure if you need court approval, talk to your court's **self-help center** or a **lawyer**.

Important! If you do something without the court's permission that causes a loss, you may have to reimburse the estate or the surety company on your bond from your own pocket, plus interest. And you could be surcharged or removed as conservator.

Keep Accurate, Detailed Records

Managing and protecting your conservatee's income and assets involves setting up and keeping good financial records, creating a budget, monitoring the conservatee's actions, managing the conservatee's investments, property, retirement plans, and making sure the conservatee's bills are being paid on time.

A Good Recordkeeping System

Take the time to set up a good recordkeeping system. As conservator of the estate, you are required to file an accounting with the court on a regular basis and whenever the court orders you to. Having a good record-keeping system will make it easier for you to complete the accounting when it is due.

Note: If you do not keep good records, the court can make you pay back to the estate any expense of cleaning up the records.

The best way to keep records is to use financial software on a computer to track income (**receipts**) and payments (**disbursements**) from the conservatorship checking account. It can be tailored to meet your exact needs. The software can also:

- track other financial information, like loans, stock dividends, and rental income
- prepare and print many tax and accounting forms
- print accounting documents to be attached to the conservatorship accounting

If you don't have a computer, use a large format checkbook register, also called an *executive* or *desk register*. See a sample Checkbook Register in Appendix D.

Periodically, you will have to give the court an accounting. It's important to try to keep a complete record of all receipts and payments of the conservatee's money in one bank account. In the accounting, you will need to describe in detail each payment *to* the conservatee's estate (**income**) and each payment from the estate (**expense**). You should:

- *Clearly identify and make all deposits to the checking account,* even if you later transfer money to the conservatee's savings or money market account.
- *Pay for all expenses from the checking account*.

Manage Income

Record all income paid to the conservatee and the conservatorship estate. Include the date it was received, the amount, and its source. If possible, photocopy every incoming check.

Track Expenses

Fill out the register (or fields in your accounting software) for every check you write on the conservatorship account. Include the date, to whom it was paid, and what it was for. Keep receipts for all purchases in chronological order and write the check number and the date paid on each receipt. See a sample Checkbook Register in Appendix D.

Keep Records of Important Transactions

The court may ask for detailed records to explain important transactions. Be prepared by keeping accurate records of transactions related to the following:

- Rental property of the conservatee
- Sales of the conservatee's real and personal property
- Insurance claims that have been paid
- Debt repayments, including the interest rate and the security for the debt
- Transactions involving the conservatee's stocks or bonds

Note: You must keep track of transactions that may not show up on your check register, including:

- cash dividends or bond interest
- stock dividends
- stock splits
- any automatic cash dividend reinvestments

If the estate owns stock in publicly traded companies, consider moving the stock to a brokerage account with your name as conservator. The broker's regular account statements will help you when you prepare your accounting and report.

Manage Cash

The court wants to see how the conservatee's money is spent. It will not approve cash transactions that do not show how the money was spent. Try to use checks, except in an emergency. For emergencies, keep detailed notes about any cash purchase and a store receipt.

Petty Cash

You may keep a small amount of cash available as petty cash (about $50) for small expenses like coffee or newspapers. Keep a list of each item you pay for with petty cash for your accounting and attach the store's invoice or receipt to it. Describe what was bought on each receipt. When the petty cash fund is low, write a check payable to "Cash" to bring the fund back up to its original amount. Make a note on the check memo that you are restoring petty cash.

Note: Your accounting should show that actual items purchased and not just the replenishment checks.

Allowances

If you believe your conservatee can handle small amounts of cash for personal expenses, ask the court to allow you to give the conservatee a monthly allowance. If the court approves, you may write a check to "Cash" then give the cash to the conservatee. Enter the amount in your records as an allowance payment. You do not have to say how the conservatee spent the allowance. But it's a good idea to try to find out in case you need to make adjustments later.

Note: You must get court approval *before* you can pay an allowance to your conservatee.

Manage and Protect the Estate

Manage Investments and Retirement Plans

When you invest the conservatee's money and make decisions about their investments and retirement plans, the law requires you to be more cautious than when you make your own investment decisions.

Invest the Conservatee's Assets

You are expected to invest cautiously and to protect the conservatee's assets. This means avoiding risky investments but planning for reasonable growth. Consider taking the following steps when investing assets:

- Review your conservatee's current investments to see if they are still appropriate for their age, life expectancy, income requirements, and financial resources. Discuss any changes with the conservatee, if possible.
- Make investments that are prudent and protect estate assets.
- Avoid risky investments.
- Choose a variety of investments that are expected to have reasonable growth.
- Discuss with an accountant any plans to sell or buy estate assets and whether you plan to reinvest the money or use it for a different purpose. There can be serious tax consequences.
- You may auto-reinvest cash dividends.
- Before finalizing the investment plan, consider reviewing it with a certified financial planner, tax lawyer, tax advisor, or securities broker.

In managing and protecting the conservatee's estate, you may need approval from the court to take certain actions, such as selling or borrowing against certain assets. If you are not sure if you need court approval, talk to your court's **self-help center** or a **lawyer**.

Important! If you do something without the court's permission that causes a loss, you may have to reimburse the estate or the surety company on your bond from your own pocket, plus interest. And you could be surcharged or removed as conservator.

Monitor the Conservatee's Retirement Funds

Your conservatee may have one or more retirement or pension plans, such as an IRA, 401(k) plan, Keogh plan, or a **deferred compensation** plan.

Find out:

- What retirement plans your conservatee has,
- What rights and benefits they have with those plans,
- If any money is being withdrawn now from those plans, and
- The tax consequences of withdrawals or distributions.

Monitor the Conservatee's Financial Activity

It's your duty to:

- Know what your conservatee is doing and wants to do with their money and property.
- Find out if anyone is trying to influence or pressure the conservatee.

If you think the conservatee is doing something that might hurt them financially, or that you might have to fix later, talk to a lawyer right away. ***Remember:*** You are the person responsible for the conservatee's finances.

Monitor the Conservatee's Assets Controlled by Others

Your conservatee's assets may be controlled by another person or institution, such as a spouse, domestic partner, or trustee.

It's your duty to get information from the person who controls the assets about:

- How it is being invested, and
- How it is being used for the conservatee.

If you can't get the information you need, ask your local self-help center or a lawyer to help you get a court order to get the information needed.

Make Sure the Conservatee Has Enough Insurance

Find out what insurance the conservatee has. Talk to the conservatee's insurance agent, if they have one. Check to make sure your conservatee has the right kind of insurance and enough insurance. Your conservatee may have duplicate or unnecessary coverage (which often happens when a confused person responds to TV or newspaper ads).

If insurance is needed, buy it. If premiums are past due, pay them right away to keep the coverage active.

If the conservatee has too much insurance, determine if any policies can be canceled. This may require you to consult with the conservator of the person. If you have any questions, talk to a lawyer.

Health Insurance

Making sure the conservatee has health insurance coverage is very important. You should work together with the conservator of the person to decide what health insurance is best for your conservatee's needs.

Important! Don't cancel any policy until you have another policy in place. See the discussion in **Chapter 2** on Obtaining Health Insurance for more information.

Property Insurance

Make sure all the conservatee's property is fully insured, including cars, real property, and household belongings. Make sure you have written proof of everything that is insured. Insurance should include:

- Coverage for their replacement value against fire, theft, and other damage,
- Coverage for harm to third parties, and
- Coverage for work-related injuries of household workers.

Also keep these things in mind:

- Buildings need fire and public liability insurance.

- The conservatee's car insurance must also cover the conservatee's spouse or domestic partner and any other person who operates the vehicle.
- Vacant buildings must also be insured. If you cannot get insurance for a vacant building due to its deteriorating condition, talk to a lawyer about selling it or demolishing it. You will need the court's permission.

Life Insurance

If your conservatee has life insurance, read the policy to understand the coverage and benefits. Do not change the policy (or borrow against it) without talking to a lawyer. You may need the court's permission.

Note: Even if the current beneficiary is dead, you need the court's permission to change a beneficiary of an insurance policy.

Employer Liability Insurance and Workers' Compensation

If the conservatee or the estate employs a caregiver, aide, housecleaner, gardener, driver, handyman, or other service provider, you may need workers' compensation insurance in case the worker is injured on the job. The conservatee's homeowner's insurance or the worker's insurance may not cover the injury.

Pay the Conservatee's Taxes

You must file all required state and federal income tax forms for the conservatee. Make sure real property taxes, personal property taxes, gift taxes and employment taxes are paid on time. You may hire an accountant or tax preparer to help. See **Hiring and Paying an Aide** in Appendix A for information about employment taxes for caregivers and aides.

You will need a copy of the conservatee's last two years of federal and state tax returns. If you can't find them, request copies from the (See Sample Letter Requesting Tax Returns in Appendix D):

- California Franchise Tax Board, and
- Internal Revenue Service (IRS)

When communicating with the IRS you will need to fill out the following forms:

- Form 4506, *Request for Copy of Tax Form*, and
- Form 56, *Notice Concerning Fiduciary Relationship*, to notify them that you are the conservator.

Sign Contracts for the Conservatee

When you sign a contract or an agreement for the conservatee, you are acting *for the conservatee*—not for yourself. To make sure this is clear to the other party in your contract, give them a copy of your *Letters of Conservatorship*. That way you—and they—know the agreement is between the estate and them.

Keep things clear and consistent. All agreements for the conservatee should be made in writing and list the name of the conservatee. And when you sign, add a line that says "Conservator of the Estate of [conservatee's name]" below your signature.

Read any contract carefully to make sure it does not hold you *personally* responsible for anything you sign as conservator. Do not sign any contract if the language is not clear. Talk to a lawyer first.

Manage the Conservatee's Real Property

Managing leased or rented property is one of the most challenging responsibilities for a conservator of the estate. Property management can be very complicated. If you do not handle it properly it can be a loss to the estate. **That can have serious consequences for you.**

Rental property

The conservatee may own rental property. Or, if the conservatee if not residing in their home, you may decide to lease or rent the conservatee's home instead of selling it.

As conservator, you are the *legal landlord* for any estate property that is or will be rented. You must follow all the laws about managing rental property. Consider hiring a professional property manager. It is a good idea to talk to a lawyer for information and advice.

Your Responsibilities as Landlord

As a landlord you MUST:

- Review existing leases or rental agreements.
- Set up proper leases or rental agreements with current tenants who do not have them and with all new tenants.
- Make sure all tenant deposits are kept in a separate account.
- Keep the property safe and in compliance with all fire, building, and safety codes. Follow all toxic waste disposal laws.
- Have proper and sufficient fire and liability insurance that covers the property *as rental property* (if you convert the conservatee's home to rental property).
- Collect all rent and take actions against tenants who do not pay.
- Pay all property expenses the tenant does not pay (insurance, property tax, mortgage, gardening, repairs, and utilities).
- Keep records of all rental property income and expenses for the conservatee's tax returns and your accounting.
- Respect the tenant's legal rights.
- Follow all local rent control ordinances or regulations.

Professional Property Management

Consider hiring a professional property manager for any residential rental property and for any leased or rented commercial or industrial property.

It is a good idea to hire a professional property manager if you do NOT:

- have experience as a property manager
- live near all the conservatee's properties
- have time to manage the property

Even if you hire a property manager, you MUST:

- supervise the manager's activities,
- check that all necessary work is done properly, and
- make sure the manager gives you complete and correct reports.

Megan's Law Requirements

Megan's Law says known sex offenders must register in the area where they live. If you sell or rent property, you must tell buyers or renters they can look up this information at local police stations. Make sure your sale or rental listing form has information about this law.

Toxic Waste or Pollution Management

There are very strict federal, state, and local laws about how to handle toxic materials and pollution. Check to make sure the conservatee's property does not contain toxic materials and is not causing pollution. **Find out how the property is or was used.**

If you do not follow these laws you may be:

- Given a large fine, or
- Arrested.

Warning!
If a court determines you did not properly observe these laws, you may have to pay the fine out of your own pocket.

Toxic materials and pollution include, among other things:

- **Residential property** with old paint, household or garden chemicals, pest poisons, waste motor oil, used batteries, automotive chemicals, illegal drug residue, or asbestos.
- **Commercial or undeveloped property** with chemical waste, medical waste, underground fuel or chemical tanks, water or air pollution, improper dumping, or improper sewage disposal.

If any estate property has a risk for toxic materials, talk to a lawyer to find out how to follow the law and protect the estate and yourself.

Vacant property

If the estate owns vacant houses, buildings, or land, you **MUST** make sure the property is:

- properly insured,
- fenced or otherwise secured against trespassing,
- kept clean, and
- meets all local fire and safety laws.

If you can't do these things, you may have to sell the property.

Learn more about insurance for vacant property. Talk to a lawyer about how to handle vacant property.

Selling or Borrowing Against Estate Assets (if necessary)

You may need to sell estate assets if an asset is losing its value or if the estate does not have enough liquid assets (cash or equivalents) to care for the conservatee. If this happens you may have to consider:

- selling some estate assets or
- borrowing against estate assets or
- both

Before you do so, keep in mind that the sale of (or borrowing against) estate assets can have consequences such as:

- Affect your conservatee's eligibility for SSI, Medi-Cal, or IHSS (In-Home Support Services).
- Trigger tax consequences, such as a large capital gains tax.
- Leave less property for the conservatee's heirs.

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Important: Your actions may **require** court approval ahead of time. Talk to your local court's **self-help center** or a **lawyer** before you act.

Selling the Conservatee's Home

In most cases, the court prefers conservatees to continue living in their own homes. This is due to the enormous effect it may have on the conservatee to sell and move from their home. You must explore all other alternatives first, such as in-home care and support services, before making a decision to sell their home. If no other solution can be found and your conservatee can no longer be cared for at home, you must get special permission from the court to sell the home.

You will have to show the court:

- You have discussed the proposed sale with the conservatee,
- The reasons the conservatee can no longer live in the home,
- What the conservatee wants to do, and
- What is in the conservatee's best interest.

The court may send a **court investigator** to talk to the conservatee to be sure the conservatee knows about the sale and to find out what they want. If the conservatee does not want the home sold, the court may appoint a lawyer, at the expense of the conservatorship estate, to represent the conservatee when you ask for the court's permission for the sale.

Alternatives to Selling the Conservatee's Home

If your conservatee is low on cash, there are ways to use the conservatee's home to get money to pay for in-home care and other things the conservatee needs to stay at home. Each method has its advantages and disadvantages. You will need a court's approval before taking any action. Ask a lawyer and a tax advisor about these alternatives:

- **Sale of a remainder interest.** The home is sold to a new owner. The conservatee lives in the home for the rest of their life, rent free. The selling price is lower, because the conservatee becomes a free tenant, and the new owner must wait until the conservatee dies to use the property.
- **Sale with leaseback.** The home is sold for its full value. The conservatee pays rent to live there.
- **Rent out the home.** Sometimes it's better to rent out the conservatee's home instead of selling it. This can happen when the conservatee has owned the home for a long time and selling it would trigger a large capital gains tax. See *Managing Rental Property*, below.
- **Home equity loan.** If the conservatee qualifies, a home equity loan will provide a lump sum of cash. The estate must make monthly loan repayments. If the value of the home increases, it can be sold later for full market value. These loans usually have variable interest rates that may increase in the future.
- **Reverse mortgage.** A reverse mortgage is the opposite of a regular mortgage. The lender gives the conservatee monthly loan payments. At the end of the loan, often when the conservatee dies, the debt usually is repaid by selling the home. The monthly payment depends on the value of the home, the loan's interest rate, the length of the loan, and the loan's closing costs and related expenses. The disadvantage to this type of mortgage is the possibility of the conservatee outliving the loan, resulting in the conservatee having to move at the end of the mortgage period.

Property Sale Requirements

After you get the court's permission to sell the conservatee's home, there are other rules you must follow to complete the sale.

You may only sell the home if **one** of the following is true:

- The estate does not have enough income to comfortably support and maintain the conservatee;
- The sale of the home is needed to pay some (but not all) of the conservatee's debts; or
- The sale of the home is advantageous, beneficial, and in the best interests of the conservatee or their estate.

To sell real property, you **must**:

- post a notice of intent to sell in the courthouse and publish the notice in a newspaper.

When the court gives you permission to sell the house, it will also indicate if there are certain requirements or limitations on the terms of sale. You will need to get the court's approval in the following situations:

- Selling the property for all cash or part cash and part deferred payments. The payment arrangement is subject to approval by the court and requirements of the conservatorship estate.
- Selling the home and its furnishings to a specific buyer for an agreed amount. You must ask the court for **confirmation of the sale**. The court will hold an auction at which your proposed buyer and other interested buyers may bid on the property. The court will make an order to confirm the sale to the highest bidder. After the court makes this order, the sale cannot be questioned.

To ask for confirmation of a sale, use these Judicial Council forms:

- *Report of Sale and Petition for Order Confirming Sale of Real Property* (form GC-060), and
- *Order Confirming Sale of Real Property* (form GC-065).

Selling Other Assets

You may sell stocks and bonds that are listed on established exchanges or traded in the over-the-counter market without getting prior approval from the court. But the court will review your actions and may question you at the next accounting.

To sell unlisted stocks or bonds (not covered in the previous paragraph) or personal property that is depreciating in value, you must get the court's approval before selling. To do so, use one of the following Judicial Council forms:

- *Ex Parte Petition for Authority to Sell Securities and Order* (form GC-070), or
- *Ex Parte Petition for Approval of Sale of Personal Property and Order* (form GC-075).

Note: Selling property for a conservatee may require special contract language. Make sure the brokers and companies you work with have experience working with conservatorships. Also ask a lawyer to review the papers before you sign.

The Conservatee's Estate Plan

Your conservatee may have completed estate planning documents at some point before the conservatorship was established. These documents can include a will, a trust, one or more powers of attorney, and documents giving health care instructions. Find out if any of these documents were created, try to find the originals or get copies of them, and store them in a safe place.

The Conservatee's Will

A will is an important legal document. It is also a private document. If you see your conservatee's will, do not discuss it with anyone besides a lawyer.

Put any wills you find, including older versions and handwritten ones, in a safe place, such as the conservatorship safe deposit box or a safe. Don't just keep the latest version or the one you think is fairest. Keep them all, both originals and copies.

Note: California law recognizes handwritten wills. They do not have to be witnessed or follow any specific format. Keep letters and notes that express the conservatee's wishes. If you are not sure if a document is a will, ask a lawyer.

If your conservatee already gave their will to a lawyer, or if you think they did

There are times you may need to ask the conservatee's lawyer to see the will, including:

- To find out the name of the **executor**.
- Before you sell or give away any of the conservatee's property to make sure it has not been promised to someone else in the will.
- To know what the conservatee wants for his or her funeral or burial arrangements and who is supposed to make them.

If the conservatee's lawyer won't cooperate with you, **get legal help.**

The Conservatee May Change Their Will

A conservatee does not automatically lose the legal right to change their will or to make a new will when a conservator is appointed for them. It depends on the conservatee's mental competence at the time a change is made. If the conservatee asks you to change a will or make a new one, talk to a lawyer right away. If the conservatee has a court-appointed lawyer, let them know right away.

The Court May Allow You to Sign a Will for Your Conservatee

If you think the conservatee's requested change is appropriate but their capacity to make it will probably be questioned by the person who would be negatively affected by the change, you may decide it's a good idea for you to sign the will that states the change for the conservatee. Before you do that, you must ask the court for permission. This request is called a **substituted judgment** petition. You will need legal help to prepare this document. Talk to your local **self-help center** or a **probate lawyer**.

The Conservatee's Trust

Your conservatee may have property held in a trust. The trust may contain some or all of their property or it may pay or distribute other property to the conservatee. If so, there will be legal papers that explain the trust and who is in charge of making decisions for that trust (the *trustee*).

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Like wills, trusts are private. You can only discuss them with a lawyer, the trustee(s) of each trust, and, perhaps, the conservatee. Keep the trust papers in a safe place, such as the conservatorship safe deposit box or a safe.

It's your duty to find out about and protect your conservatee's interests in their trusts.

Ask yourself these questions:

- When did the conservatee make and sign the trust?
- Did the conservatee understand what they were doing when the trust was set up, when it was changed, or when property was transferred to the trustee?
- Is the trustee managing the trust and its property as required by the trust papers?
- Is the trustee acting in the conservatee's best interests?

If You Have Concerns About How the Trust is Being Managed

If you think the trustee is managing the trust improperly, communicate with them about your concerns. They may be willing to change their practices to address the issues you raise. If they are not, consider filing a petition for instructions or a petition for breach of trust with the court. Talk to a **lawyer** about these options. If you are not successful using these options, the lawyer may be able to suggest others.

Making Payments From the Estate

Make sure the payments made from the estate are for valid expenses. The court may not approve of expenses if it believes they are not in the conservatee's interest. Also, other people involved in the conservatorship can object, too. If it's not a legitimate estate expense, you can be made to repay it. It's best to get legal advice first.

Lawyer's Fees

Lawyers representing the conservatee, the conservator of the estate, and the conservator of the person may charge the conservatorship estate for their reasonable legal fees. The court must approve the payment of legal fees *before* they are paid. **Never** pay these fees without prior court authorization. If you do, you may have to pay back the money to the conservatorship estate or the surety company on your bond from your own pocket, plus interest, and you could be surcharged or removed as conservator.

Expenses of Administration

There are certain expenses, called *expenses of administration*, that may be paid without prior court approval. These are costs your lawyer might pay at the beginning of the case, such as the court's filing fee and the first year's bond premium.

Fees Versus Costs

Many courts will not let lawyers charge the estate for both legal fees and certain costs. This is because some costs (such as photocopying and postage) are considered *overhead* that is included in the legal fees. However, other costs, such as court filing fees, can be reimbursed to the attorney if approved by the court.

Paralegal Salaries

Paralegal costs are treated as lawyers' fees, payable only on order of the court. Services performed by paralegals working for a lawyer to be paid from the conservatee's estate must be clearly identified as such, and the paralegals performing them must be qualified under the law and must be current on continuing education required for them.

Conservator's Fees

You and the conservator of the person have the right to be paid reasonable compensation for your services from the estate if

- You ask the court for compensation, and
- The court approves payment of compensation *before* you are paid.

Never pay these fees without the court's permission. If you do, you may have to reimburse the estate or the surety company on your bond from your own pocket, plus interest. And you could be surcharged or removed as conservator.

The court may also allow you to reimburse yourself for:

- overhead expenses, such as photocopying and postage,
- express mail charges for conservatorship business, and
- extraordinary travel expenses.

Guidelines for Reimbursement and Compensation

You must keep good records and receipts of these expenses. Do not reimburse yourself until the court gives you permission.

You may ask the court for compensation beginning 90 days after your appointment or the date the *Inventory and Appraisal* is filed, whichever is later. If you have a valid reason (good cause) that you need to receive compensation sooner, you may ask the court to award it before 90 days have passed.

The court prefers to consider fee requests within the context of an up-to-date accounting and may require you to file an accounting and report when requesting fees. Fee requests are usually made as part of accountings, and the requests of conservators of the person and of the estate and their lawyers are usually combined.

Your request should be specific and should show the judge how you calculated the amount. You should describe how many hours you worked, the hourly rate, and what was done.

The court will not grant you fees for 24-hour-a-day care. If the conservatee lives with you, keep track of the time you spend caring for their needs and affairs. You may be paid *only* for those hours.

The court will review your requests for fees and reimbursement of expenses as well as requests from lawyers and decide what reasonable amount may be paid from the estate. One of the factors the court considers is the size of the estate. Even if the court thinks your request is reasonable, it may give you less than requested because it believes that the value of the estate is too small to support the requested amount.

To support your request for compensation, you will need to keep a good record of the services you provide. See the Sample Record of Conservator's Time in Appendix D. It shows:

- the date each service was provided,
- a description of each service, and
- the amount of time spent on each service.

Alternatively, you may choose to tell the court that you are waiving (not asking for) compensation.

Do Not Make Gifts from the Estate

You may **NOT** give gifts (money or assets from the estate) to yourself or anyone else without getting the court's permission first. This is true even if the conservatee asks you to give the gift and even if they have made similar gifts in the past.

Reimbursing Yourself

Use your own money *only in emergencies* or as a cash advance for small amounts. Reimburse yourself only for small, reasonable expenses that you've paid for the conservatee with your own money. While it may seem convenient, do not make this a regular practice. Make sure you keep a record and receipts for each item you buy to prove that you have spent the money on the conservatee, and include these expenses and reimbursements in your accounting.

No Borrowing or Lending from the Estate

Do not borrow money from the conservatee's estate. Do not lend money from the estate to anyone else without getting the court's permission first.

Lending Money to the Estate

You may lend money to the estate and pay yourself back. If you charge interest, you must get the court's permission. Keep good records showing you've lent your own money to the estate.

Prohibited Actions

As conservator, you must **NEVER:**

- Mix your own money or investments with the conservatee's!
- Manage the estate so that you, your family, or your friends make a profit from the estate. For example:
  - Do not sell the conservatee's belongings to your family for less than their fair value without the court's approval.
  - Do not give away the conservatee's furniture or other belongings to your friends.
  - Do not allow anyone to move into the conservatee's home without paying fair rent.
- Take or borrow money from the estate.
- Use the estate's value to get credit for loans or credit for yourself, even if you will inherit the estate when the conservatee dies.
- Use estate funds to make a gift to anyone unless the court's gave you permission first.
- Use estate funds without the court's permission to pay fees to:
  - Yourself or your lawyer.
  - The conservator of the person or their lawyer.
  - The conservatee's lawyer.

The Conservatee’s Death

Plan ahead: Ask the conservatee

If you can’t find any papers that say what the conservatee wants to happen after they die, ask the conservatee. If they are not able to express their wishes, work with the conservator of the person to plan what you will do when the conservatee dies. Don’t leave these arrangements until the last minute.

Look for papers

Try to find out if the conservatee gave any instructions or made any arrangements for handling their affairs after they die. These could include instructions for services, such as a funeral or memorial and burial or cremation.

You might find papers in the conservatee’s home or safe deposit box. Applicable papers may include:

- a will or trust,
- an advance health care directive,
- an insurance policy, or
- receipts for prepayment of funeral or burial services, purchase of a plot in a cemetery, etc.

After the conservatee has died

Your duties as conservator of the estate do not end when the conservatee dies. The conservatee’s will or advance health care directive may state who will make the funeral or burial arrangements after the conservatee dies. Contact that person right away. If your conservatee is in a **care facility**, that person must also ***contact the facility*** to give them instructions about where to move the conservatee’s body. You may use estate funds to pay for funeral or burial arrangements after the conservatee’s death. You must also file a final accounting with the court and get an order how to transfer the conservatee’s assets to their successor.

For more information on your final duties, see Chapter 6.

Reporting and Accounting to the Court

If you read nothing else in this handbook, you should read the following discussion of your accounting responsibilities very carefully and make sure you understand it. If you have any questions about anything in this section, discuss them with a lawyer immediately.

Keeping the Court Informed

You must let the court know ***in writing*** about any changes to the conservatee’s or your contact information, including a change of mailing address, phone number, and, if you use email to communicate with the court, email address. You must also tell the court if you change your lawyer and provide the name and contact information of your new lawyer. When sending any communication to the court, include the conservatorship case name and case number. Address the communication to the court clerk. (A large court probably has a clerk’s office specifically for probate cases.) Send a copy of your correspondence to the court investigator’s office and to the conservatee’s lawyer, if any. (You can find their names and addresses on your appointment order.) The court may require you to use a specific form, or it may permit you to send a simple letter.

NOTE: Determining the conservatee’s residence is the job of the conservator of the person. Chapter 2 gives more information on the requirements associated with changing the conservatee's residence.

The Report and Accounting

You must document your activities as conservator of the estate by providing periodic reports and accountings to the court. You should type the report or prepare it on a computer. The report should describe the actions you have taken to manage and protect the estate during the time period covered and ask the judge to approve those actions.

What You Have to Report

In particular, the report must:

- Describe all sales, purchases, changes in the form of the estate's assets, or any transactions that cannot be easily understood simply from reading the accounting schedules.
- Explain any unusual entries in the accounting;
- Request a court order authorizing the estate to pay any fees or reimbursement of expenses to you or your lawyer for the accounting period.
- Ask the judge to approve your actions.

The report must be accompanied by a summary account of all transactions and changes of estate property value supported by detailed accounting schedules showing all transactions in the conservatee's property in the period covered by the report. The accounting explains the financial condition of the estate in dollar amounts and gives details of estate income (receipts) and expenses. Each accounting must include:

- The value of each asset at the **start** and **end** of the report period
- All estate income and expenses, with a detailed description of each transaction
- Any profit or loss from selling or purchasing assets or changing the form of an asset
- Any new appraisals

When You Have to Account

- **First Report and Accounting**: 1 year after your appointment
- **Next Report and Accounting**: Every 2 years (or more frequently if the court orders)
- **Final Report and Accounting**: When your duties as conservator end

In most courts, your report is due before the next regularly scheduled hearing date. If you file your report on time, you may not have to appear in court for that hearing.

When the Duty to Account Ends

Your duty to account ends only if:

- the conservatee dies and you have performed all other tasks required to be discharged as conservator
- the conservatee no longer needs a conservatorship and the court terminates the conservatorship, or
- you are **removed** as conservator (you must still account for the dates up to your removal).

Waivers of Accounting

If the value of your conservatee's estate is small enough, you may not need to file regular accountings. Ask your local self-help center or a lawyer if the estate you are managing qualifies for a small-estate waiver. You will need to ask the court for an order waiving the accounting requirement. You may use *Request and Order for Waiver of Accounting* (form GC-410). The order is valid for the period stated on the form. If the estate does not qualify for a waiver in any accounting period, you must file the regular account as otherwise required.

Note: Even if the estate qualifies for a waiver, you must still keep complete records. The conservatee or an interested person may petition the court for an order requiring you to file an accounting for a period covered by the order of waiver. Even without a petition, the court may order you to file an accounting at any time. In addition, you must prepare a final accounting at the end of the conservatorship no matter how small the estate is.

Keeping Track of the Conservatee's Assets in Preparation for the Accounting

Start as soon as you have inventoried the estate! Create an organized, careful system to track the conservatee's income, expenses, assets, debts, and any other legal and financial information. Keep detailed, accurate records of all transactions, including sales of items of property, purchases that add items of property, and any transaction that changes the form of property. Don't wait until it's time to present your report. Follow these suggestions:

- Keep chronological, alphabetized files for all the conservatee's statements, receipts, contacts, and correspondence. If any record is missing, take steps to replace it right away.
- Review statements from banks, stockbrokers, and other institutions when you receive them, and ***reconcile*** the cash accounts. If you wait, you may lose the right to recover missing funds caused by bank errors. It may be easier if you use personal financial software, such as Monarch Money®, Mint®, or NerdWallet®.
- Research any automatic deposits and payments to and from the conservatee's existing bank accounts as soon as you become aware of them—they may disclose additional property or estate obligations you didn't know about.
- Avoid automatic payments *from* conservatorship accounts. It is easy to forget about them later, when you may not really need the product or service.
- If you use automatic deposits for Social Security payments or other benefits, have them go to the main conservatorship checking account, not the savings account. Remember to post them to your register on time.
- Keep track of interest deposits to savings accounts that do not show up on your check register. Don't use passbook-type accounts. Ask your bank to give you monthly or quarterly statements showing interest income and withdrawal activity.
- If you need to use money from a savings account to pay for estate expenses, transfer the funds from the savings account to the estate checking account and make the payments from there.
- Try to pay every expense by check or, if a check isn't accepted, with a debit card and avoid using cash so you'll have a clear record of each transaction. If you must use small amounts of cash, it is better to spend your own cash and get reimbursed by the estate. In any event, make sure that you

get a receipt for all cash purchases and make a note of what was bought, the amount spent, the purpose of the purchase, and the date of the transaction.

- Fill out the details of your check register.
- Try to use only one estate checking account, if possible.
- If you are managing more than one estate property, it may be helpful to have more than one checking account. But choose your bank carefully as some banks charge a fee for each account.
- Some brokerage accounts come with money market accounts attached that earn interest and allow check-writing privileges. This kind of account lets the estate earn interest on amounts invested with a broker that are not being used to buy stocks, bonds, mutual fund shares, or other investments sold by the broker. Do not pay taxes from this account. Instead transfer money to your regular conservatorship checking account and then pay all expenses from that account. Also watch out for automatic deductions and other charges on brokerage accounts.

Details Required by the Court

Your accounting must show the court:

- how and why the conservatee's money was spent,
- what was sold or bought, and
- how the conservatee's income was collected during the report period.

Every income and expense item must show:

- The date
- The amount
- Who was paid or from whom income was received
- The time period covered by the payment (example: "Rent for May 2018")
- The reason for the expense (example: "Clothing for conservatee")

Reimbursements

If you reimburse yourself for expenses you paid from your own funds for the conservatee, describe:

- whom you paid,
- the amount of each expense, and
- what you purchased for the conservatee.

Keep receipts for all these expenses. Organize the receipts so you can access them easily if you must show them to the court.

Original Statements for Conservatee's Bank Accounts

Your first report and accounting must also include **original** account statements or **verified** electronic statements showing the balance of each of the conservatee's bank accounts immediately before the date you were appointed conservator (that is, the date of the court's order appointing you, *not* the date your letters of conservatorship were issued).

For all reports and accountings, the court will want to see **original** account statements or **verified** electronic statements from banks and other financial institutions for the whole report period.

When you file statements with your accounting, file them separately with a declaration identifying them as **confidential**. You may also **redact** (block out) sensitive information such as social security numbers or account numbers so that only the last four digits are visible. If your report and accounting shows a balance different from any account statement, you must explain the difference in your report or in your accounting.

If you cannot find original or verified electronic statements for the conservatee's accounts, get duplicate originals from the banks or other institutions. Explain to the court why you can't file the original or verified statements.

Important! The court or someone interested in the conservatorship may demand to see the records supporting the transactions in your accounting. Always keep your records organized and complete from the start of the conservatorship. Because the court may keep the original statements you file, it is important to make copies for your own records. This will help you meet your requirements when you file and present your reports and accountings.

Types of Accountings and Forms

There are two types of accountings: standard and simplified.

A ***standard*** accounting shows receipts and expenses collected and grouped in separate subject-matter *schedules* based on the kind of receipt (for example, dividends, interest, rent, social security, or other public benefit payments) and the kind of expense (living expenses, investment costs, conservator fee, rental property expenses, etc.). Each schedule is a separate form.

A ***simplified*** accounting shows receipts and expenses in single schedules, in *chronological* order.

You **must** prepare and file a **standard** accounting if:

- the estate owns real property that generates income (such as rental property);
- the estate owns part of a business;
- the appraised value of the estate is $500,000 or more, not counting the conservatee's personal residence; or
- the simplified accounting receipts schedule *or* expenses schedule is more than 5 pages long.

  (If you must prepare and file a standard accounting only because of length, only the schedule(s) that exceed the 5-page limit need to be prepared in the standard format.)

Samples and Forms

The Judicial Council has forms for both standard and simplified accountings. Links to all of these forms are in Appendix E.

The Judicial Council provides two types of forms, mandatory forms and optional forms.

- The **mandatory** form schedules must be used by both standard and simplified accounting filers.
- The **optional** form schedules:
  - ***may*** be used by all accounting filers, except dual-use forms numbered GC-400/GC-405.
  - ***must*** be used by simplified accounting filers if the accounting needs to document a transaction to which one of those forms applies.

Note: See the lower left corner of page 1 on each form to learn whether it is mandatory or optional.

Judicial Council Form Schedules

There are 48 form schedules.

- Standard accounting schedules are numbered GC-400 followed by a suffix in parentheses.
- Simplified accounting schedules are numbered GC-405 followed by a suffix in parentheses.
- Dual-use forms for either accounting are numbered GC-400/GC-405. The most important dual-use form is the *Summary of Account—Standard and Simplified Accounts* (form GC-400(SUM)/GC-405(SUM)). The totals from all the other schedules are entered on this form, which is placed before the accounting schedules in the combined document, following the narrative report.

If you prepare a simplified accounting, you must use the applicable Judicial Council forms. But if you prepare a standard accounting, you are required to use only the *Summary of Account—Standard and Simplified Accounts* (form GC-400(SUM)/GC-405(SUM)). You may choose to use some or all of the rest of the standard accounting form schedules, but you may also prepare your own schedules. If you use a computer and use accounting software, you may find it easier to prepare your own schedules than to use the forms.

Using an Accountant or a Lawyer

Accountings must be prepared according to Probate Code and probate court accounting requirements. Many accountants are unfamiliar with probate court accountings, which are very different from business financial statements. If you want to use an accountant, look for one who prepares federal estate tax returns for the estates of people who have died. The format of conservatorship accountings is the same as the format used in decedents' estates.

The conservatee's estate may not be able to afford an accountant's fee to maintain estate records and prepare accountings, especially if you are also asking for compensation for your services. But you may be able to consult with an accountant for advice on how to set up your records, or to have one review and maintain your accounting.

Check with your lawyer before you try to prepare the accounting and report or hire someone to prepare it for you. Your lawyer may prefer to prepare the accounting or bring in another professional familiar with probate court accountings.

Court Review of Your Accounting and Report

The court tracks the deadlines for your report and accounting. If you don't file them on time or they are incomplete or inaccurate, the court may remove you as conservator and sanction you.

The court will hold a hearing for you to go to court and answer questions about the report. The hearing is usually scheduled about one month after you file your report.

You must give **written notice** of the hearing to everyone who was entitled to notice of the original *Petition for Appointment of Conservator*.

The people you give notice to may have objections to your report and accounting. If so, there will be a *contested* hearing. Each court handles contested hearings differently. You will probably need a lawyer to help you at the hearing.

Even if no one objects to your report, the court will hold a hearing. The court may ask you questions about the report and accounting, especially if something seems irregular or inaccurate. If you cannot explain an irregularity, the court may remove you as conservator and sanction you. For more discussion of removal, see **Chapter 6**.

Summary of Timeline and Responsibilities

Step 1 You have been appointed as conservator of the estate and must **qualify** before you can take any actions. To qualify, you need to affirm that you will perform your duties according to the law and obtain and file a **bond** with the court unless the court has waived the bond. The appointment order tells you the amount of the bond and whether the court waived it.

Step 2 Get certified copies of your *Letters of Conservatorship* (form GC-350) from the court clerk.

Step 3 Figure out what assets the conservatee owns, locate all items of property, and take possession or control of them. Use the certified copies of the *Letters of Conservatorship* to notify the conservatee's banks, creditors, stockbrokers, public benefit agencies, and others (such as the Social Security Administration or Department of Veterans Affairs) that you are authorized to act on the conservatee's behalf regarding their finances and to change the conservatee's mailing address so that financial correspondence and bills come to you. Take immediate steps to protect assets and to prevent loss, such as freezing assets so that only you can access them.

Step 4 Prepare a complete list (an *inventory*) of the conservatee's assets (cash, real and personal property) using ***Inventory and Appraisal*** (form GC-040) and *Inventory and Appraisal Attachment* (form GC-041). Have each asset other than cash or its equivalent appraised by a probate referee, then enter the value for each asset, including cash, on the forms.

Step 5 **No more than 90 days** after your appointment, file the completed *Inventory and Appraisal* forms with the court and, if applicable, file a certified copy of the Letters with the county recorder in each county where the conservatee may own real property.

Step 6 Evaluate the conservatee's financial needs and draw up a plan for meeting those needs. If someone else was appointed conservator of the person, work with that person to develop the plan.

Step 7 Manage the conservatee's finances. Collect income due to the conservatee, pay the conservatee's bills, make a budget for the conservatee to live on, invest the conservatee's money, and set up a simple, accurate system for keeping records of conservatorship income and expenses..

Step 8 Prepare and file a report and **accounting** **no later than one year** after your appointment as conservator of the estate showing how you handled the conservatee's income and property. Then file accountings **at least every two years** after that as long as the conservatorship lasts.

Step 9 Keep serving as conservator until a judge officially releases you. This may happen if you resign, and the court accepts your resignation; the conservatee dies; a judge replaces you with a new conservator; or a judge decides that the conservatee no longer needs a conservator. You must file a final accounting before you will be released.

Chapter 4: Limited Conservators

Helping a person who has a developmental disability

If the conservatee has a **developmental disability** and is unable to provide for *some* of their needs for personal care or to manage their finances and property, the court may have appointed you **limited conservator** of the conservatee's person, estate, or both. As limited conservator, you have only the powers that the court has (1) determined are necessary to promote the well-being of the conservatee or protect their assets and (2) granted in its order appointing you. The conservatee retains all their legal and civil rights *except* those that the court has specifically taken from them and given to you to exercise on their behalf.

As a limited conservator, you have the responsibility to encourage the conservatee to develop maximum self-reliance so they can lead a life that is as "independent, productive, and normal" as possible. The court granted you limited powers because the conservatee can make some decisions and perform some actions on their own or with support. Even if you have a specific power, you should partner with your conservatee and support them in making their own decisions in that area of their life as long as you can do so without violating your duties.

Letters of Conservatorship

After you have completed the steps described in Chapter 1 (signing the oath of office, filing *Conservator's Acknowledgment of Receipt of Information* (form GC-349), and filing bond, if required) to **qualify** as limited conservator, the court clerk will issue you *Letters of Conservatorship* (form GC-350). The *Letters of Conservatorship* are proof that the court has appointed you as limited conservator and given you the legal authority to perform the specific actions (powers) listed on page 1 of that form. The letters are especially important for you as a limited conservator because they tell you and others the scope of your powers and duties. If a power is not stated in the letters, the court did not grant it to you. And if a power is not given exclusively to you in the letters, the conservatee retains the right to exercise that power with you or by themselves. At the same time, if the court did not grant you a power, you do not have any duty to act or make decisions in that area of the conservatee's life. If the conservatee asks for your help or advice, however, you are allowed to give it.

Certified Copies

After filing the *Letters of Conservatorship*, ask to buy several **certified copies** from the court clerk. You will need certified copies to prove to service providers that the court gave you the power to make specific decisions for the conservatee. See Letters of Conservatorship in Chapter 1 to learn how to get certified copies of your Letters.

Your Role as Limited Conservator

The letters of conservatorship state ***exactly*** what you are allowed to do as limited conservator. The court granted you the powers in the letters based on its determination of what kinds of acts and decisions your conservatee needs help with and which ones they are able to do or make for themselves, either on their own or with support. The conservatee keeps all rights and responsibilities not listed on the letters.

As a **limited conservator**, you have a few global duties to the **limited conservatee** regardless of your specific responsibilities. You must:

- Act in the limited conservatee's best interest;
- Help the limited conservatee become more self-reliant and independent; and
- Prevent or stop any abuse or neglect of the limited conservatee.

A limited conservatee is able to grow and become more independent. It is your responsibility to make choices that support your conservatee's confidence and self-reliance.

Note: Although as a **limited conservator**, you have only the powers specifically granted in your appointment order and stated in your letters of conservatorship, you have the same *kinds* of powers as a **conservator**. The chapters of this *Handbook* addressing conservators of the person (see Chapter 2) and conservators of the estate (see Chapter 3) explain how to exercise those powers.

CAUTION: Do **not** follow the guidelines in those chapters without first checking your letters of conservatorship to make sure you have the power described!

Limited Conservator of the Person

If the court appointed you limited conservator of the person, you are responsible for the care, custody, and control of the limited conservatee. You must arrange for appropriate treatment, training, education, medical and psychological services, and social and vocational opportunities to help the conservatee develop as much self-reliance and independence as possible. In performing those duties, you need the conservatee's cooperation and agreement *unless* the court has given you written authority to act without it in specific areas of the conservatee's life. Read the *Letters of Conservatorship* and all attachments to find out your specific powers and their limits.

The court may grant you up to 7 exclusive powers if the petition requested them and the court finds that you need them to perform your duties. If the appointment order lists one of these powers, the conservatee loses the right to make that decision.

1. Decide where the conservatee will live or reside
2. Gain and control access to the conservatee's confidential records and papers
3. Give or withhold consent to the conservatee's marriage
4. Enter into or approve contracts for the conservatee
5. Give or withhold consent to medical treatment on behalf of the conservatee
6. Give or withhold consent to the conservatee's social and sexual contacts and relationships
7. Make decisions about the conservatee's education

Contracts

If you are a limited conservator of the person, your Letters ***might*** include the authority to control the conservatee's right to make contracts. Depending on the conservatee's abilities, the court might ask you to:

- sign contracts for the conservatee, or
- approve some or all contracts the conservatee wants to make.

➢ Check your Letters to see if this applies to your conservatorship. If the court has granted you more powers to make contracts or manage the conservatee's finances and assets, you are probably a

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limited conservator of the estate. See the next section for more information.

Things a Limited Conservator of the Person Must NEVER Do

- Even if the court has authorized you to consent to medical treatment for the limited conservatee, you ***must not*** give consent to the conservatee's sterilization.
- You must not place a conservatee in a mental health treatment facility against the conservatee's will.
- You must not consent to the administration of an experimental drug to the conservatee against the conservatee's will or by force.

➢ To learn more about your specific powers and duties as conservator of the person, see Chapter 2.

Limited Conservator of the Estate

As limited conservator of the estate, you must manage and control the conservatee's finances and assets ***only as specified*** in the appointment order and Letters. This means that you are responsible for only some decisions and actions and for only some of the conservatee's assets. You need to read the order and Letters carefully to find out your exact authority. If the Letters do not say that the court gave you responsibility for a financial decision or a specific asset, then you do *not* have the power or duty to make that decision, use that asset for any purpose, or protect that asset from loss or damage.

Your appointment order and Letters specify all of the following:

- The asset or assets that you have the power and duty to manage and control;
- The debts, rentals, wages, and other claims that you have the power and duty to collect or file suit on and then manage and control;
- The contracts or other obligations that you have power and duty to make on the conservatee's behalf;
- The claims against the conservatee that you have the power and duty to pay, settle, or defend, if necessary; and
- Any other powers, limits, or duties regarding your control of the specified asset or assets.

You must use ordinary care and diligence in managing and controlling the asset or assets that the court has given you power over. Figuring out the right level of care can be difficult because what counts as ordinary care and diligence depends on all the circumstances affecting the money or other asset. Generally speaking, you must not take unnecessary risks with the money or other asset entrusted to you. If there is enough money to invest, you must invest it reasonably and prudently.

In addition, you must act *only* for the conservatee's benefit. This means you must not use any of the money or other asset entrusted to you for yourself. Always keep the conservatee's money separate from your money. For example, don't deposit the conservatee's money and your own money in the same bank account. Open a separate account for the conservatee's money. The court will also require you to **report and account** for how you spend or invest the conservatee's money and any asset you buy or sell.

➢ To learn more about your duties as conservator of the estate, see the applicable section or sections of Chapter 3.

Rights of a Limited Conservatee

All conservators, including limited conservators, must treat their conservatees with understanding and respect, follow their wishes unless doing so would violate the conservator's duties or cost the estate an unreasonable amount of money, and take good care of them.

In addition to these general rights, a limited conservatee keeps all the rights that the court does not specifically and expressly give to you *and* take away from the conservatee. Unless the court order and the letters state that they do not, the limited conservatee keeps all their rights, including the rights to:

- Decide where to live
- Decide whether you or anyone else can have access to their confidential records and papers
- Receive personal mail, email, phone calls, etc.
- Vote
- Get married or enter into a domestic partnership
- Have visitors or go out to see friends
- Make their own medical decisions
- Make or change their will
- Consent to their own social and sexual contacts and relationships
- Make binding contracts or enter into other transactions
- Receive and control their wages or salary from a job

A limited conservatee also has the right to:

- Be represented by a lawyer;
- Ask a judge to replace you as limited conservator; and
- Ask a judge to change or end the limited conservatorship.

Court Review

The Court Will Review Your Limited Conservatorship

The court will review the limited conservatorship one year after your appointment and every two years after that. A court investigator will visit the conservatee and conduct an investigation before each scheduled court review and any other time the court orders them to visit. They won't tell you before they visit. After each visit, the investigator will write a report of their findings. The report will also recommend to the court whether the limited conservatorship should continue as ordered, be modified, or end, and whether you should continue to serve as limited conservator.

In addition, if you are a limited conservator *of the estate*, you will need to **file an accounting** before each review, that is, one year after your appointment, then once every two years after that unless the court orders you to file one more frequently. And, once the state Legislature provides funding, the court will consider ending the limited conservatorship at every review even if no one has asked to do that.

If the court holds a hearing as part of the review, it will consider whether to change or end the limited conservatorship. If it holds a review hearing without anyone filing a request, the court will order you to give notice of the hearing to everyone who was entitled to get notice of the hearing on a petition for appointment. For more information on changing or ending a conservatorship, including a limited conservatorship, see **Chapter 6.**

Additional Resources for Persons with Developmental Disabilities

For persons with developmental disabilities who live in California, the state provides services to support living independent and productive lives at every stage of their lives. These services are available to anyone with a developmental disability, regardless of whether they are under a conservatorship or the type of conservatorship. Services include assistance from regional centers, work training programs, and day programs.

Regional Center Services

The California Department of Developmental Services contracts with a network of regional centers across the state to provide services to help people with developmental disabilities. These services are designed to meet the needs of each person. A person who receives services from a regional center is often referred to as a *client* or a *consumer.*

Some of the services provided include:

- diagnosis, evaluation, and treatment
- personal care, day care, recreation, and special living arrangements
- job training and education
- information about jobs made accessible for people with developmental disabilities
- help for people with developmental disabilities to work in the community
- individual and family counseling
- protective services
- information and referrals
- transportation to and from services
- **respite care**
- mental health services
- help with government benefits

➢ To learn more Regional Center Services, see Appendix B.

Work Training Programs

The California Department of Rehabilitation offers services to help people with disabilities work at full-time or part-time jobs. These services include:

- Counseling
- Job placement and training
- Rehabilitation
- Transportation
- Attendants
- Specialized equipment and devices

The Department also provides supported employment services to help people with severe disabilities work in the community. For example, the Department might provide an aide to help the conservatee get to and from work. Your regional center may be able to coordinate services with the Department of Rehabilitation.

Day Programs

Several kinds of day programs can help to meet the needs of adults with developmental disabilities:

- **Activity centers** teach basic skills that people with developmental disabilities need to work, integrate into the community, and to advocate for themselves.
- **Adult development centers** teach people with developmental disabilities basic self-help skills, such as how to interact with others, make their needs known, and respond to instructions.

- **Behavior management programs** focus on behavior problems that prevent a person with a developmental disability from participating in other day programs.
- **Independent living programs** teach people with developmental disabilities skills to live independently.
- **Social recreation programs** offer leisure and recreational activities that integrate people with disabilities into the larger community.

School District Services Until Age 22

In most cases, a school district must provide a special education program and related services to a youth with a developmental disability until age 22. The services may include:

- transportation,
- speech therapy,
- physical therapy, and
- counseling.

➢ For more information on resources, see Chapter 2 and Appendix A.

Chapter 5: Temporary Conservator

The court may have appointed you as temporary conservator if your conservatee has urgent needs that must be addressed before the court can hold a hearing on the petition to appoint a conservator or a limited conservator. The court may also have appointed you as temporary conservator if a previous conservator died, resigned, was unable to continue to serve as conservator, or was suspended or removed.

As temporary conservator, you have only the powers and duties needed to arrange for the care and support of the conservatee or to protect the conservatee's money or other assets from loss or damage until the court can decide whether to appoint a conservator or successor conservator. The order appointing you as temporary conservator states:

- Whether you are temporary conservator of the person, of the estate, or both;
- Whether, in addition to the powers granted by law, the court granted you any specific powers or imposed any specific limits on your authority and what those powers and limits are; and
- When the temporary conservatorship is set to end. (This is typically the date set for the hearing on the petition to appoint a conservator or successor conservator.)

Your First Steps

After your appointment as temporary conservator, you must ***qualify*** by taking the following steps:

1. **Ask the court clerk for copies of:**
    - The signed *Order Appointing Temporary Conservator* (form GC-141);
    - *Duties of Conservator—Probate* (form GC-346-INFO); and
    - *Conservator's Acknowledgment of Receipt of Information* (form GC-348); and
    - This *Handbook for Conservators*.
2. **Sign and file the original of the following documents with the court clerk:**
    - *Conservator's Acknowledgment of Receipt of Information* (form GC-348); and
    - An ***oath*** or ***affirmation*** that you will perform your duties according to law. The affirmation is on page 2 of *Letters of Temporary Guardianship or Conservatorship* (form GC-150).
3. **Get and file a *bond*** in the amount ordered by the court if you are temporary conservator of the estate or the court ordered you to get one (find more information about bonds in Chapter 3); and
4. Meet any other requirements your local probate court may have adopted. (Ask the court if it has a **local supplement** to this handbook that lists other requirements).

Letters of Temporary Conservatorship

After you complete the steps above, the court clerk will issue you *Letters of Temporary Conservatorship* (form GC-150). This form shows your legal authority to act as temporary conservator. If the court granted you any powers in addition to those granted by law, the letters must list the additional powers, too. The powers in the letters must match the powers in the appointment order (form GC-141). After you have posted any required bond and signed the affirmation on page 2, take or send the completed original form (not a copy) to the court clerk's office for filing. The court will keep the original.

Certified Copies

After filing the *Letters of Temporary Conservatorship,* ask the court clerk for **certified** copies. The clerk will charge a fee for each copy. You will need certified copies to prove to various institutions, like banks or medical service providers, that the court gave you the legal power to make decisions for the conservatee. Go to selfhelp.courts.ca.gov/court-basics/copy-record to learn how to get certified copies. For more information on when you will need a certified copy of the letters, see Chapter 1. The discussion of Letters in that chapter applies to temporary letters, too.

Powers and Duties of a Temporary Conservator

As a temporary conservator, you have limited powers. To determine the powers that the court granted you, look at the appointment order and Letters. First, see whether the court appointed you as temporary conservator of the person, of the estate, or both.

Temporary Conservator of the Person

If you are **temporary conservator of the person**, you have the powers necessary to provide for the temporary care, protection, and support of the conservatee and a duty to use those powers if needed. Unless the court makes additional orders, you have **only** the following powers and duties:

- To protect the conservatee's physical health, including
  - To review the conservatee's medical records and talk with their health care providers
  - To give consent to the conservatee's medical treatment unless the conservatee objects to the treatment
  - To give consent to the conservatee's *emergency* medical treatment if needed to relieve severe pain or prevent serious disability or death
- To ensure that the conservatee has adequate food and clothing
- To ensure that the conservatee has a safe place to live
- To give the conservatee opportunities for recreation and social contact

Things a Temporary Conservator of the Person Must Not Do

A temporary conservator of the person **must *not*** do any of the following **without prior court approval**:

- Keep the conservatee from seeing visitors, making or receiving phone calls, or receiving mail or email;
- Move the conservatee out of their home; or
- Move the conservatee out of California.

Moving the Conservatee From Their Home

Except in an emergency, you must not change the conservatee's residence unless the court first gives permission after a hearing. If you asked the court for permission to move the conservatee out of their home by completing item 6 on *Petition for Appointment of Temporary Conservator* (form GC-111) and the

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court granted you that power, your appointment order and letters should state that power. If the court did not give you that power when it appointed you, you must file a separate request and the court must give you that power.

The request to change the conservatee's residence needs to, including the address:

- Describe in detail the place where you want to move the conservatee;
- Explain why the move is needed to prevent permanent harm to the conservatee; and
- Explain why there is no way to prevent the harm without moving the conservatee out of the home.

If you ask for permission to move the conservatee out of California, your request must also state that removal from the state is necessary for nonpsychiatric medical treatment essential for the conservatee's survival **and** the conservatee has agreed to the treatment.

Before the hearing on your request for the power to move the conservatee, a court investigator will meet personally with the conservatee to:

- explain the proposed move and the conservatee's rights;
- find out whether the conservatee opposes the move, is willing and able to go to the hearing, and has a lawyer; and
- report these findings to the court.

The conservatee must go to the hearing unless the conservatee is medically unable to go or does not object to the move and does not wish to attend. The conservatee has the right to be represented by a lawyer at the hearing. If the conservatee does not have a lawyer, the court will appoint one.

Moving the Conservatee in an Emergency

Sometimes a conservatee must be moved **immediately**, before the conservator can get the court's permission. This can happen when:

- The conservatee's home is not safe to live in; or
- A medical professional has told you the conservatee needs to be moved to a hospital or medical center for:
  - immediate treatment to relieve the conservatee's severe pain; or
  - immediate diagnosis or treatment of a medical condition that could lead to the conservatee's death or serious disability without that diagnosis or treatment.

You may move the conservatee in these situations, but you **must,** no later than the next business day, file a written request asking the court to approve the move. The conservatee has the right to representation by a lawyer when the judge considers this request.

Even if there is no emergency, you may move the conservatee from their residence to a health care facility for treatment without prior court approval if the conservatee has given **informed consent** to the move. You may also move the conservatee from one health care facility to another for medical care without prior court approval.

If the court approves your request to move the conservatee from their home and the conservatee may be able to return home after treatment, the court will also order you or the temporary conservator of the estate to take reasonable steps to arrange for necessary maintenance of the home and pay the mortgage or rent so the home is available and suitable for the conservatee's return. See below for a description of the process required to sell the home if the conservatee will not be able to return home.

- To learn more about the powers and duties of a conservator of the person, see **Chapter 2**.

To find out whether the court granted you any additional powers as temporary conservator of the person, read the copies of your appointment order (form GC-141) and Letters (form GC-150).

Temporary Conservator of the Estate

If the court appointed you **temporary conservator of the estate,** you have the powers and duties needed to protect the conservatee's assets from loss or damage until the court can decide whether to appoint a general or limited conservator. Unless the court made additional orders, you have only the following powers and duties.

- Determine what assets the conservatee owns by gathering financial documents. These may include:
    - Deeds to real estate;
    - Titles to cars or other personal property;
    - Account statements;
    - Any other documentation (paper or online) that shows ownership of property.
- Gather the conservatee's assets from other persons who may be holding them;
- Buy insurance or increase the amount of insurance coverage for valuable assets owned by the conservatee to protect against damage or loss of value.
- Open separate bank accounts for the conservatee's money.
    - You may open a bank account to hold the conservatee's money under your name as temporary conservator.
    - You **may not** mix the conservatee's money with your money or anyone else's.
- Use the conservatorship account to pay the conservatee's bills, including taxes, on time.

Things a Temporary Conservator of the Estate Must Do

As **temporary conservator of the estate**, you must file an **Inventory and Appraisal** (forms GC-040 and GC-041) within 90 days of your appointment unless:

- You are appointed the conservator or limited conservator of the estate within that 90-day period; or
- You file a **final accounting** that includes an inventory within that 90-day period.

If the court appoints someone else as conservator or limited conservator, you **must** prepare and file a final account within 90 days of that person's appointment. If *you* are appointed conservator of the estate, you may account for your activities as temporary conservator in your first regular account as conservator.

- For more information about the inventory and appraisal and final account, see Chapter 3.

Things a Temporary Conservator of the Estate Must Not Do

As temporary conservator of the estate, you **must *not*** do any of the following without **first** getting a written court order approving the action:

- sell the conservatee's home;

- end a lease or rental contract for the conservatee's home; or
- sell or give away the conservatee's assets.

You **must not** sell the conservatee's home or end a lease or rental contract for the home without first getting the court's permission. To do that, you need to file a petition. The court will hold a hearing to consider your request and any objections. The court will give you permission to sell or terminate the lease to the conservatee's home only if:

- The conservatee is not living in the home and will never again be able to live there; *and*
- The proposed sale or lease termination is necessary to prevent permanent personal or financial harm to the conservatee.

➢ To learn more about the powers and duties of a conservator of the estate, see Chapter 3.

To find out whether the court granted you any additional powers as temporary conservator of the estate, read your appointment order (form GC-141) and your letters (form GC-150).

Specific End Date for Temporary Conservatorships

A temporary conservator is appointed for a fixed time, usually 30 to 60 days or until the date of the hearing on the petition to appoint a conservator or limited conservator. Your *Letters of Temporary Conservatorship* (form GC-150) state the date the conservatorship ends.

Chapter 6: Court Monitoring, Changing or Ending the Conservatorship, and Replacing the Conservator

Court Monitoring

After appointing a conservator, the court monitors the conservatorship on a regular basis. As discussed in earlier chapters, you must file regular care plans, inventories, reports, and accountings. If you do not file a required report on time, the court may set a hearing to find out why you have not done what was required. Even if the court has no reason to think that anything is wrong, it will periodically review the conservatorship, usually at these times:

- Six months after appointment,
- One year after appointment, and
- At least once every two years after that (or every year after if the state has provided funding for more frequent reviews)

Court Investigator

The court investigator (also called the **probate investigator**) is the court's "eyes and ears" because the investigator is allowed to contact and visit you, the conservatee, and other interested persons outside the courtroom. To help the court monitor the conservatorship, the investigator:

- **Conducts investigations** and contacts the conservatee and other people in the case outside the courtroom. Before you were appointed, an investigator contacted you. The court investigator probably also visited your conservatee to explain the purpose of the conservatorship, answer questions, see if the conservatee had concerns, and inform the proposed conservatee of their rights, including the right to be represented by an attorney or have a court-appointed attorney.
- **Writes a report**, files it with the court, and sends copies to you and your lawyer, if you have one, as well as the conservatee and their lawyer, if one is appointed at that time. If you have questions about the report, ask a lawyer. A modified version of the report with confidential information removed or blocked out is also sent to the conservatee's spouse or domestic partner and the conservatee's parents and children (if any). If the conservatee has no living parents or children, then the report is sent to the next closest living relative.
- Reviews care plans and financial plans in smaller courts. (In larger courts, the probate attorneys or examiners do this).
- Investigates complaints received and referred by the court about a conservator or the conservatorship. If the investigator cannot resolve the complaint without additional information, or the investigation reveals that the conservatee wants to end the conservatorship or replace the conservator, the investigator will contact the conservatee, the conservator, and other persons.
- Refers any suspected criminal activity to law enforcement.

Note: **Cost of court investigations.** The court charges a fee (or **assessment**) to cover the costs of each conservatorship investigation. The conservatee or their estate must pay this fee unless they cannot afford it. If you are the conservator and you think the conservatee or their estate cannot afford the fee, ask the court for a fee waiver.

Court Review

After the court appoints a conservator, it monitors and periodically reviews the conservatorship as long as it lasts. At each review, the court can:

- Add to or take away from your powers and duties,
- Give the conservatee back some rights or take away other rights,
- Replace you with a new conservator (called a *successor*),
- Make you pay back the estate for any losses; and
- End the conservatorship.

The court can do these things on its own or in response to the investigator's report, but most of the time the court acts because someone files a petition asking the court to do so.

After the first review, additional reviews usually take place at the same times the conservator of the estate is required to file reports and accountings with the court (see Chapter 3). Shortly before each scheduled review, the court investigator conducts a review investigation.

Review Investigation

In every review investigation, the court investigator visits the conservatee without prior notice to you. The investigator talks with the conservatee, reminds them that they have a conservator, and tells them the conservator's name. The court investigator asks the conservatee:

- Whether the conservatee wants the court to end the conservatorship, and
- Whether the conservatee wants the court to remove you as conservator and appoint a new (successor) conservator for them.

To the greatest extent possible, the investigator will also interview all conservators, the conservatee's spouse or domestic partner, and the conservatee's living parents, children, grandparents, grandchildren, aunts and uncles, nieces and nephews, neighbors, and, if known, close friends to determine whether the conservator is acting in the conservatee's best interests. The investigator may personally visit you and any other interested person. You are expected to cooperate with the investigator.

The court investigator will determine, based on the results of the investigation:

- whether the conservatee still needs a conservatorship;
- whether the existing conservatorship remains the least restrictive alternative needed to protect the conservatee and whether the court should modify the conservator's powers and duties;
- whether you and any other conservator are acting in the conservatee's the best interests;
- whether the conservatee is capable of communicating that they want to vote.

Report of Review Investigation

The court investigator files a certified report of the results of the review investigation with the court. The report includes the investigator's findings about all the questions above, including whether you or the conservatee wishes to change or end the conservatorship and whether less restrictive options are available within the conservatorship and should be tried.

Copies of the report will be sent to you, your lawyer (if you have one), the conservatee, and the conservatee's lawyer (if they have one). The investigator will also send a copy of the report with all confidential information removed to the same relatives who were entitled to receive notice of the petition for appointment. If you have any questions about the report, you may ask your lawyer or, if your lawyer recommends it or you do not have a lawyer, you may contact the court investigator directly.

After reviewing the investigator's report, the court will decide whether to hold a **hearing** to consider ending or changing the conservatorship in one or more of the ways listed above. If the conservatee wants to change or end the conservatorship, the court will notify the conservatee's lawyer or appoint a lawyer to represent the conservatee if the conservatee does not have a lawyer.

Other duties of the court investigator

If an interested person who has received notice of the conservatorship and has personal knowledge of the conservatee asks the court to look into abuse allegations, the court may order the investigator to investigate those allegations. If the investigator cannot resolve the complaint without additional information, the investigator will contact the conservatee, the conservator, and other persons.

The court investigator does not investigate crimes but may refer any suspected criminal activity to the appropriate law enforcement agency.

Changing the Conservator's Powers and Duties or Ending the Conservatorship

The court will change (or **modify**) your powers and duties or the conservatee's rights if it decides that:

- The existing conservatorship is no longer the least restrictive alternative needed for the conservatee's protection; and
- The conservatee is now able to provide for some of their personal needs or manage some of their finances either on their own or with minimal help; or

On the other hand, the court may add to your powers and duties if it finds that the conservatee needs more help than they did when you were appointed. If you are a **limited conservator**, and the conservatee needs more help than a limited conservator may be authorized to provide, the court may instead appoint you or someone else as conservator of the same conservatee.

The court will change the conservator if:

- You resign, and the court approves your resignation and appoints a successor conservator;
- The court removes you as conservator and appoints a new conservator; or
- You die, and the court appoints a new conservator.

The conservatorship will end (or **terminate**) if**:**

- The conservatee dies;
- The court decides the conservatee no longer needs a conservator because they are able to provide properly for their own personal needs or manage their finances; or
- All **limited conservators** of the person die.

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A conservatorship of the estate might end if:

- The estate runs out of money and assets.

Important! If you resign or the court removes you as conservator but the conservatorship continues, you must still complete the conservator's **final duties** as described below.

The Conservatee Is Able to Provide for (Almost) All Their Needs

When a **conservatorship** is no longer needed, or no longer needed in its current form, you (the conservator), the conservatee, a friend or relative of the conservatee, or other interested person may ask the court to or change or end the conservatorship. For example, you may have been:

- appointed to help a conservatee who was recovering from a temporary condition, like a stroke or a serious injury. After rehabilitation, the conservatee may be able to take care of his or her life again, or
- helping a conservatee who has improved their independent living and money management skills and no longer needs someone to manage their personal or financial affairs, so those parts of the conservatorship may no longer be needed.

Less Restrictive Alternatives to Conservatorship

As conservator, you have the duty to help the conservatee maximize their autonomy. If you decide the conservatee doesn't need a conservatorship anymore, doesn't need one kind of conservatorship (person or estate), or needs a conservator who has fewer powers and duties, you should file a petition asking the court to find that the conservatee can meet their own needs with a less restrictive kind of help; one that gives them more control over their lives. If the court makes that finding, it will change the powers and duties it granted you under the existing conservatorship or end (terminate) the conservatorship completely. The court can require you to show proof that you or the conservatee have set up less restrictive alternatives to care for the conservatee or manage their finances before it will order the end of the conservatorship.

Some less restrictive alternatives are:

- **Supported Decision-Making (SDM).** SDM is a process that allows people who are unable to provide for their needs or manage their finances on their own to get support from trusted people but keep the to make their own decisions. The person with a disability chooses the people who support them, including family, friends, staff, or professionals.
- A **Power of Attorney (POA).** A POA allows a person to grant authority to another person—called an attorney-in-fact or agent—to make financial, personal care, or other decisions on their behalf. A POA must be in writing and signed by a person who is capable of making a contract.
- An **Advance Health Care Directive (AHCD).** An AHCD allows a person to give instructions concerning one or more health care decisions they could face in the future, grant another person authority to make health care decisions on their behalf, or both. An AHCD must be written and may created only by a person who has decisionmaking capacity. It typically takes effect if the person is no longer able to make or communicate their own health care decisions.
- A **Trust.** A trust is a fiduciary relationship that allows a third party, called a trustee, to hold assets (money or property) for another person, called a beneficiary, and give or distribute the assets or income to the beneficiary as directed by the trust instrument. A trust may be created only by a person who has decisionmaking capacity or with court approval. A **Special Needs Trust (SNT)** is a

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type of trust that allows a person with a disability to remain eligible for public benefits—such as Supplemental Security Income (SSI) or Medi-Cal—if having income or assets worth more than a certain amount would normally make them ineligible.

The court and the court investigator will consider whether one or more of these less restrictive alternatives, or others, would be enough to keep the conservatee safe from harm and abuse.

When the court may consider whether a conservatorship is still needed:

- You (the conservator), the conservatee, a friend or relative of the conservatee, or another interested person may ask (**petition**) the court to end the conservatorship. The person requesting the end of the conservatorship must state facts showing why the conservatorship is no longer needed.
- If the conservatee informs the court they would like to end the conservatorship, the court will appoint an attorney for the conservatee and set a hearing to consider ending the conservatorship if the court believes there are good reasons to do so ***or*** if there has not been a hearing to end the conservatorship within 12 months before the conservatee's communication to the court.
- At each review, the court may hold a hearing to consider whether to change or end the conservatorship. If the review investigation report indicates that the court should consider changing or ending the conservatorship, the court must do so at a hearing even if no one has filed a petition to change or end the conservatorship.

  Note: If the court sets a hearing on its own to consider ending the conservatorship, it will order you to give notice of the hearing as if you had filed a petition to end the conservatorship. If you think the conservatorship should continue, either as ordered or with changes, you must appear at the hearing and explain to the court.

How to Ask the Court to End or Change a Conservatorship

To ask to end a conservatorship, you must:

1. File a petition for termination or modification of the conservatorship with the court;
2. If you are asking to terminate a limited conservatorship, arrange for delivery of a copy of the petition and *Notice of Hearing* (form GC-020) to the Regional Center **at least 30 days** before the hearing.
3. Arrange for someone other than you (the conservator) to deliver a copy of your petition and *Notice of Hearing* (form GC-020) to the following people and agencies **at least 15 days** before the hearing:
   a. The conservatee, any other conservators, and all the conservatee's relatives who received notice of the petition for appointment of a conservator;
   b. Any person who has requested special notice;
   c. The Veterans Administration, if the proposed conservatee is receiving or entitled to receive benefits from the Veterans Administration; and
   d. The Director of State Hospitals or Director of Developmental Services, if the proposed conservatee is a patient in, or on leave from, a state hospital under the direction of one of those agencies.
4. Have the person who delivered the documents to the persons and agencies listed above fill out and sign the proof of delivery on the second page of the *Notice of Hearing* (form GC-020) and give it back to you; and

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5. File form GC-020, including a completed and signed proof of delivery, with the court.

At the hearing to end or change the conservatorship:

- The conservatee **must** be brought to the hearing to end the conservatorship unless:
  - The conservatee is out of the state and has not asked the court to end the conservatorship;
  - The conservatee is unable to attend due to medical inability, established by the certificate of a medical practitioner or an accredited practitioner of the conservatee's religion; or
  - The court investigator has reported to the court that the conservatee has expressly communicated that:
    - they are unwilling to attend the hearing,
    - they do not oppose the continuation of the conservatorship, and
    - they do not object to the current conservator or prefer that another person act as conservator.
- Any interested person may appear and support or oppose the termination or modification of the conservatorship.
- The conservatee has a right to a trial by jury if they ask for one.

The court will end the conservatorship **unless** the court finds, by clear and convincing evidence, that the conservatee still needs a conservator to protect them. If a conservatorship is still needed, the court will decide whether to change your powers to make sure the conservatorship is the least restrictive way to meet the conservatee's needs. If the court modifies your powers as conservator, it will issue new Letters.

Note: The court may end the conservatorship *without* a hearing if:

- You and the conservatee both want the conservatorship to end;
- The conservatorship is no longer the least restrictive way needed to protect the conservatee; and
- No one objects to ending the conservatorship.

Important: If the court ends the conservatorship, you must still complete the conservator's **final duties**. The court will release you from your responsibilities only after you have completed those duties.

The Estate No Longer Has Money or Other Assets

If all the conservatee's assets have been spent on the conservatee's care, a conservatorship of the estate may no longer be needed. But if there is also a conservatorship of the person, that will continue. Talk to a lawyer if you think all of the conservatee's assets will be spent. Ask if the conservatorship of the estate should be ended if that happens.

If your conservatee's only income is from public benefits, such as **SSI** or social security, and the conservatee does not have any other property, a conservatorship of the estate might not be needed. Some public benefits will allow you to be named as a "representative payee" to receive and manage benefits on another person's behalf even if you are not the person's conservator. If it determined a conservatorship of the estate was not needed in such a case, the court might end that conservatorship.

Note: You would still be required to spend the former conservatee's benefits *only* for their care.

The Conservatee Dies

A conservatorship ends if the conservatee dies. If you are the conservator of the person, you must use *Notice of Conservatee's Death* (form GC-399) to give notice of the conservatee's death to the court and to everyone who is entitled to receive it. If you make memorial or burial arrangements, you must give notice of those, too. See below for more details.

Important: If you are the conservator of the estate, you must still complete the conservator's **final duties** after the death of a conservatee before the judge will release you from your duties.

Note: The court may end a **limited conservatorship** without a hearing if (1) no one objects to ending the conservatorship, (2) you and the limited conservatee both want the conservatorship to end, and (3) the court finds that the conservatee can be adequately protected using arrangements that are less restrictive than a limited conservatorship.

Changing Conservators

If a general conservator resigns, is removed by the court, or dies, the court will appoint a new conservator, called a **successor** conservator, to replace the former conservator. The conservatorship will continue as before unless something else has changed, too.

Note: In a limited conservatorship, the death of all limited conservators terminates the conservatorship. If the conservatee still needs a limited conservator, someone must file a petition with the court to appoint a new one. See Chapter 4 for more information about limited conservatorships.

The Conservator Resigns

If you cannot continue to perform your duties as conservator because, for example, you become sick, you may file a petition to ask for the court's permission to resign. You may resign only if the court gives you permission.

Important! Until the court accepts your resignation, you are still responsible for performing all your duties as conservator.

The court will probably accept your resignation if you have a good reason, but it is more likely to grant your request right away if you can find a suitable person to replace you. Sometimes the conservatee's lawyer can help you find a suitable replacement. The new conservator could be one of the conservatee's relatives, friends, business acquaintances, a private professional fiduciary, or a nonprofit agency.

Public Guardian or Conservator. If there is no suitable person in the conservatee's life, the court may appoint a local government agency, called the **public guardian** or **public conservator**, to act as conservator. Guidelines about the kinds of cases the public guardian accepts vary from county to county. In many counties, especially large ones, public guardians have so many cases that conservatees may receive less attention and personal contact than they would from a caring friend, relative, or private professional.

If you believe the public guardian should replace you as conservator, contact the office of the public guardian in your county. The court investigator can give you the phone number.

After you resign, the judge will **discharge** you from your responsibilities after you have completed the conservator's **final duties**.

The Court Removes the Conservator

The court may remove you as conservator without your resignation and appoint a new conservator for many reasons, including for not performing your duties, having a serious conflict of interest, or being convicted of a felony.

➢ To review the duties of a conservator of the person, see Chapter 2. To review the duties of a conservator of the estate, see Chapter 3.

The conservatee, their relatives or friends, or any interested person may file a petition to ask the court to remove and replace you as conservator.

Important: If the court orders you removed:

- You may not deduct from, or charge to, the estate your costs of opposing the petition for removal. You are personally responsible for those costs and expenses, and may also need to pay the costs and expenses of the person who asked the court to remove you.
- You must still complete the conservator's **final duties**.

The Conservator Dies

If *you* die before the conservatorship ends, a relative or friend or the person in charge of your estate (called the **personal representative**) should notify the court. The court will appoint a new conservator so the conservatorship can continue as needed. If the conservatee wants to end the conservatorship, they may ask the court to end it as described above.

Exception: If you are the sole limited conservator and you die, the limited conservatorship ends. If the conservatee still needs help, someone else would need to file a petition to start a new conservatorship case.

The person handling your final affairs must complete the conservator's **final duties** before the court will release your estate from responsibility for the conservatorship.

The Conservator's Final Duties

When the conservatorship ends or the court removes you as conservator, you must still complete your final duties. Only then will the court issue an order discharging you.

Final Duties as Conservator of the Person

If you are ***conservator of the person*** and the conservatee dies, you **must**:

➢ Sign and file *Notice of the Conservatee's Death* (form GC-399) with the court, and

➢ Arrange for someone other than you to deliver, electronically if possible, a copy of form GC-399 to the following people and agencies at least **15 days before** the hearing:

- the conservator of the estate (if not you), the conservatee's parents, siblings, spouse or domestic partner, children, grandparents, and grandchildren. If none of the listed relatives are known, the notice must be delivered to the conservatee's stepparents, stepchildren, nieces and nephews, and aunts and uncles or, if none, cousins;
- any person who has requested special notice;

- the Veterans Administration, if the proposed conservatee is receiving or entitled to receive benefits from the Veterans Administration.
- the Director of State Hospitals or Director of Developmental Services, if the proposed conservatee is a patient in or on leave from a state hospital under the direction of one of these agencies.

- The person who delivered the documents to those listed above must fill out and sign the proof of delivery on the second page of form GC-399; and
- File the proof of delivery with the court.

Note: Check with a lawyer or the court to see if you must file the death certificate or other documents. The court will then schedule a hearing to make a decision on the request to end the conservatorship.

Final Duties as Conservator of the Estate

If you are ***conservator of the estate*** and the conservatorship ends or you are being replaced, you **must**:

- Pay the court assessments for investigation costs, if any.
- File a final report and accounting of all assets of the conservatorship estate. If the conservatee died, you will need to make 2 accountings:
  1. One that covers the period from the most recent previous accounting until the date of the conservatee's death, and
  2. Another that covers the period starting the day after the date of the conservatee's death until the date you file the final report and accounting.
- The court will set a hearing to consider whether to approve your final report and accounting(s). Deliver a copy of the report and accounting(s) with notice of the hearing to the conservatee, if they're still alive, and the conservatee's spouse or domestic partner personally, by mail, or electronically.
- If you are being replaced by a successor conservator or the conservatee has died, you must:
  - Deliver the estate's assets to the appropriate person (either the new conservator or the conservatee's personal representative) and get a **receipt** from that person.
  - File the receipt with the court.
  - Deliver a copy of the final report and accounting with notice of hearing personally, by mail, or electronically to the successor conservator.
  - Organize your files and notes and give them to the new conservator or the personal representative.

Once the court has approved your final report and accounting, complete and file an *Ex Parte Petition for Final Discharge and Order* (form GC-395). When the court sends you back a signed copy of this form, that means:

- The court has released your **bond**,
- The court has **discharged** you as conservator of the estate, and
- You no longer have any power or duty to manage the conservatee's estate.

Appendix A: Community Resources

As a conservator, you have many responsibilities and will be called to make many decisions on behalf of the conservatee. There are various organizations that can help you carry out these responsibilities. Assistance can come in different forms and can include delivering meals to a conservatee's home, evaluating health insurance policies for an elderly conservatee, and job training for a conservatee with a developmental disability.

Consider the types of assistance the conservatee may need. Next look to the resources that are available in your community.

Community Resources for Your Conservatee

Many community service agencies provide services to help conservators carry out their duties. Some services are free, while others charge a fee based on how much the conservatee can afford. Below is a list of some of the services that are offered.

Types of Assistance Available

The following community resources may be available:

- Adult day health care programs
- Adult social day care programs
- Care facilities and licensing complaints
- Case management services
- Counseling
- Courses at colleges or park and recreation departments
- Emergency response devices
- Home health services
- Legal assistance
- Meal services
- National Health Organizations
- Personal contact programs
- Programs for people with developmental disabilities
- Senior Centers
- Services for conservatee's that are elders
- Social Security
- Transportation services
- Work training programs

Referral Organizations

For help in locating and connecting with organizations that can assist in providing community assistance, you can look to and contact:

- The court investigator for your conservatorship
- The regional center serving the area where the conservatee lives (see dds.ca.gov/rc/listings/)
- The county agency or department that provides services and protection for elders and adults who depend on others for care (the agency's exact name is different in each county)

Case Management

If you need assistance with managing the conservatorship, there are nonprofit agencies, as well as private case managers, that provide case management services. They can evaluate your conservatee's situation

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and help you make a conservatorship plan that outlines the personal, health, mental health, and social services your conservatee needs. Conservatorship case managers can help you:

- Assess the conservatee's needs and developing a plan to meet those needs
- Arrange services for the conservatee
- Develop a Conservatorship Care Plan (see forms GC-355 and GC-356) and a financial plan
- Coordinate the services of different agencies and individuals helping the conservatee
- Keep track of the conservatee's status to see if changes are needed in the conservatee's care

To find a case manager, contact your local regional center or your County's Agency of Aging and Adult Services and ask for a referral for conservatorship case management services.

Conservatees With Developmental Disabilities

If you are the conservator or limited conservator of an adult with a developmental disability, a **regional center** can help you by providing direct services for the conservatee or locating and getting access to appropriate services. Regional centers are nonprofit private corporations that contract with the Department of Developmental Services to provide or coordinate services and supports for individuals with developmental disabilities. They have offices throughout California. Most services and supports are free.

The types of services regional centers can provide or get access to include:

- Assessment and diagnosis
- Counseling
- Developing a plan for services
- Coordinating and monitoring services and supports
- Lifelong individualized planning and service coordination
- Planning, placement, monitoring for 24-hour out-of-home care

To find your local regional center, see dds.ca.gov/rc/listings/

Resources for Conservatees With Physical and Cognitive Impairments

For relatives of adults with physical and cognitive impairments, such as Parkinson's, stroke, traumatic brain injury, Alzheimer's and other types of dementia, the Family Caregiver Alliance (FCA) provides services which include assessment, care planning, direct care skills, wellness programs, respite services and legal/financial consultation vouchers.

The FCA provides a wide array of services for family members of adults with physical and cognitive impairments. The FCA organizes support groups, produces workshops and seminars, provides referrals to legal and financial consultants, helps find in-home aides along with many other services. Most services are free or on a sliding scale based on income. For more information on the FCA, visit its website at caregiver.org

Resources for Older Conservatees

If you are conservator of an elderly person, the following agencies can assist in providing care and services for the conservatee.

Area Agencies on Aging

Area Agencies on Aging (AAAs) assist adults who are 60 years old or older. AAAs provide information and referral phone services that guide callers to existing resources, which include:

- Home-delivered meals
- Dining rooms that serve meals
- Transportation services
- Health screening programs
- Adult day healthcare programs
- Senior centers
- Patient advocates
- In-home aides

You can find your local AAA here: aging.ca.gov/Find_Services_in_My_County/.

Health Insurance Counseling and Advocacy Program

California's Health Insurance Counseling and Advocacy Program (HICAP) offers counseling on health insurance for elders. HICAP provides free, counseling, and education on Medicare, Long-Term Care insurance, health insurance related issues, and planning for Long-Term Care needs. HICAP counselors can help you understand insurance options to find the best fit for the conservatee. HICAP also provides legal assistance or legal referrals in dealing with Medicare or Long-Term Care insurance related issues.

You can find your local HICAP here: aging.ca.gov/Find_Services_in_My_County/.

Senior Centers, Adult Social Day Care Programs, and Adult Day Health Care

Senior centers offer daily activities, such as card games, movies, dance and exercise classes, and day bus trips to nearby places. Many senior centers provide one or more hot meals each day for a small fee.

Adult social day care provides planned and supervised social, recreational, and nutritional services for adults who need some supervision. Activities may include: cooking; exercise classes; daily living activities; arts and crafts; art, music, poetry, and movement therapies; memory training; and current events discussion groups. Meals or snacks usually are included in the fee. Insurance rarely pays for adult social day care.

Adult Day Health Care (ADHC) services help people like stroke victims who are mobile but need physical, speech, or occupational therapy. Medi-Cal may pay for ADHC services because ADHC centers are staffed by health care professionals.

Care Facilities and Licensing Complaints

The three following California government agencies are charged with licensing, regulating, or overseeing care facilities and their residents.

California Department of Social Services, Community Care Licensing Division

The California Department of Social Services, Community CARE Licensing Division (CCLD) is responsible for licensing care facilities. For contact information for the CCLD Adult and Senior Care regional offices, see cdss.ca.gov/Portals/9/CCLD/ASC.pdf.

Licenses

- If you are looking into a residential care facility for the elderly (RCFE) check to see if the facility is licensed.

- RCFEs and other nonmedical residential care facilities are licensed by the California Department of Social Services, CCLD.
- You can check with a district office to see if the facility you are considering is licensed and also look through licensing reports to see if the facility has been cited for license violations.
- You can search the facility information here: ccld.dss.ca.gov/carefacilitysearch/.

Certificates of Authority

- The CCLD also monitors continuing-care retirement communities through the Continuing Care Branch, which issues required Certificates of Authority for retirement communities.
- Before entering into a contract, with a continuing-care retirement community for your conservatee, check with the Continuing Care Branch (CCB) to find out it if the community has a Provisional Certificate of Authority or Certificate of Authority.
- The CCB can also give you information about the community's financial reports. Because a contract with a continuing care facility is for care in the future, the facility must be financially sound to fulfill its promise of future care.
- You can find more information about Continuing Care Branch at: cdss.ca.gov/inforesources/community-care/continuing-care.

Complaints

- The CCLD also handles complaints about residential care facilities.
- If you believe that the facility is overcrowded or unsafe, that the residents are not being served enough food or are being mistreated, or that residents' personal rights are being violated, you should report these problems to the Centralized Complaint and Information Bureau at 844-LET US NO (844-538-8766) or use their online complaint webpage at complaints.ccld.dss.ca.gov/.

California Department of Public Health, Licensing and Certification Division

The California Department of Public Health, Licensing and Certification Division oversees acute care hospitals and many other health care facilities. This agency is responsible for licensing intermediate care and skilled nursing facilities.

Licenses and Licensing Reports

- If you are looking into an intermediate care or skilled nursing facility You can check with a district office to see if the facility you are considering is licensed and look through licensing reports to see if the facility has been cited for legal violations. Violations will be noted in the licensing report.
- For a list of district offices see: cdph.ca.gov/Programs/CHCQ/LCP/pages/districtoffices.aspx.

Complaints

- You can also make complaints about the facilities to this agency.
- For questions or complaints about nursing homes or facilities, contact your local district office. For a list of the offices see: cdph.ca.gov/Programs/CHCQ/LCP/pages/districtoffices.aspx.

California Department of Aging, Long-Term Care Ombudsman Program

The California Department of Aging, Long-Term Care Ombudsman Program is designed to protect residents of board-and-care homes, nursing homes, and other long-term residential care facilities.

Services Available

Local ombudsman advocate for the rights of long-term care facility residents and investigate complaints of abuse of residents. Ombudsman representatives assist residents in long-term care facilities with issues related to day-to-day care, health, safety and personal preferences. Some of the issues ombudsman representatives assist with include:

- Violation of resident's rights or dignity
- Physical, verbal, mental, or financial abuse
- Poor quality of care
- Medical care, therapy, and rehabilitation issues
- Medicare and Medi-Cal benefit issues
- Improper transfer or discharge of a resident
- Inappropriate use of chemical or physical restraints

Contact Information

- For a list of local ombudsman programs by county, see https://www.aging.ca.gov/Find_Services_in_My_County/
- To make complaints about your conservatee's care in a long term facility, contact the Long-Term Care Ombudsman CRISIS line at 1-800-231-4024.

Counseling

A conservatee's emotional state affects their daily lives. Many conservatees are depressed, and counseling can help them live happier lives. Counseling may be available through community organizations, such as family service agencies, mental health clinics, or hospitals.

Courses at Community College or Park and Rec Department

Check with local community colleges and park and recreation departments to find classes that may benefit or be of interest to the conservatee. Some community colleges and local park and recreation departments offer exercise, art, music and fitness classes that the conservatee may enjoy.

Emergency Response Devices

Emergency response devices allow a person to send a signal about an emergency in their home. If, for example, the person has fallen and can't get up, the device might send a message to first responders or the conservator . Depending on the conservatee's needs and insurance coverage, you may decide to buy a device or rent one on a monthly basis. Check with local hospital social service departments to see if they offer these devices or can tell you where to get one.

Meal Services

Food delivery services, like Meals on Wheels, take food to conservatees' homes if they cannot cook or leave the home. Some communities have group dining rooms that provide meals and social contact. Many also offer rides to these meal sites.

National Health Organizations

Your conservatee may have specific health problems, such as Alzheimer's, cancer, or alcoholism. Learn about their health conditions so you know what to expect and how to help. An organization or local support group can provide information and help. Look for their national or local association online. Or see below for a list of **national health organizations**.

Personal Contact Programs

Some agencies phone people who are confined to their homes. Or they may send a someone on a regular basis, called a "friendly visitor", to make regular contact and see how they are doing. Some agencies do this for free; others charge a fee. You can also ask neighbors and friends to stop by or call.

Social Security

To determine whether the conservatee is eligible for retirement, SSI, disability, or Medicare benefits, you can contact the Social Security Administration (SSA). If your conservatee is already receiving benefit checks, you can contact the SSA to have the conservatee's checks deposited directly into the conservatorship account.

Contact Information

- You can contact the Social Security Administration at 1-800-772-1213 or for more contact information see: ssa.gov/agency/contact/phone.html.
- You can also look to the following site for frequently asked questions: faq.ssa.gov/en-US/.

Transportation

Many communities offer transportation for people who have trouble getting around because of physical or mental problems. Specially equipped vehicles may be available that can be scheduled to pick up the conservatee and take them to and from appointments. Some communities also provide an escort to go with the person. You may be able to use this service when your conservatee has a health care or social service appointment. If your conservatee can get around on their own, buy them a bus pass or taxi coupons so they can be independent without carrying cash.

Work Training Programs

The California Department of Rehabilitation offers services to help people with disabilities work at full-time or part-time jobs. These services include:

- Counseling
- Job placement and training
- Rehabilitation
- Transportation
- Attendants

- Specialized equipment and devices

Legal Assistance

If you need legal assistance during the conservatorship process, you can find an attorney in a variety of ways. You can contact a lawyer referral service certified by the State Bar of California. You can find a directory of certified lawyer referral services here: calbar.ca.gov/Public/Need-Legal-Help/Certified-Lawyer-Referral-Services-Directory.

When looking for an attorney, try to find one experienced with conservatorships. Ask if they are part of the probate volunteer panel in your county. Being on the panel indicates the attorney has probate experience.

Home Health Aides

Hire a Home Health Aide for Your Conservatee

Many conservatees can continue to live at home with extra help and care from in-home aides. An in-home aide may:

- Do some household chores, like laundry, food shopping, or cooking;
- Provide personal care, like feeding, bathing, or dressing;
- Remind the conservatee to take medications as prescribed; and
- Help the conservatee get around and stay stimulated and safe.

This section explains how to hire, work with, and pay an aide.

How to Hire an Aide

Before you hire an aide, the conservator of the person and the conservator of the estate must agree on how to recruit, hire, train, pay, and supervise aides. You can do this *directly*. Or you can work with an *agency* that will do this for you.

Work With an Agency	Hire an aide directly
You can have a home health or personal-care agency recruit, hire, and pay an aide who is an employee of the agency. This can save you time and effort. The agency: ▪ Screens applicants and checks their references and U.S. residency status, ▪ Withholds income and other taxes from the aide's wages, ▪ Provides all required insurance, such as workers' compensation, and bonds the aide, ▪ Supervises the aide, including disciplinary action or firing the employee if needed, and ▪ Sends a temporary replacement aide if the regular aide is sick or unable to work.	You can hire an aide through a registry. You pay the registry a fee for a list of aides to interview. If you hire one, you will be the employer, not the registry. Or you can find an aide through a friend, a community service organization referral, an ad, or some other way. **Be very careful.** The laws about in-home health care workers change frequently. These laws affect how workers are paid, the hours they can work, and overtime. If you hire an aide directly, you will be an employer and will have employer responsibilities.

You pay the agency a fee that covers both the aide's wages and the agency's expenses and profit. The aide is the agency's employee. You may not hire the aide directly without the agency's permission. And the agency may charge you a fee if you want to hire the aide away from the agency.

Note: If you have trouble finding an agency, you can ask a friend or family member who has used home health aides for a referral to an agency.

If you (or the conservator of the person) hires an aide for the conservatee, you will have to:

- Pay the aide,
- Check the aide's immigration status,
- Pay payroll taxes, like Social Security, Medicare, and Unemployment,
- File tax reports, and
- Get workers' compensation insurance.

If you hire an aide through an agency, the agency will do most of these tasks for you.

If you plan to hire an aide directly, **talk to a lawyer about** your responsibilities and liabilities.

Need Help Paying for an Aide?

If the estate is not able to pay for home health services, Medi-Cal or Medicare may pay for some of those services. In-home help is available to low-income people with disabilities free of charge from the In-Home Supportive Services Program of the county Department of Social Services.

Checklist for Hiring and Paying an Aide

Even if you hire an aide directly, you can hire a payroll firm to handle many of the employment records and filing responsibilities, or you can also do that yourself:

☐	**Check the aide's U.S citizenship or legal residency.** The aide must show proof of eligibility for employment. To do this, ask the aide to fill out USCIS Form I-9. If the aide does not complete this form, you can be fined. If you skip this step repeatedly, you can be charged with a crime.
☐	**Get workers' compensation insurance.** An aide who works in the conservatee's home **must** be covered for on-the-job injuries. You can usually add workers' compensation coverage to the conservatee's homeowner's or renter's insurance for an additional fee.
☐	**Get a federal employer identification number (EIN).** Fill out Internal Revenue Service (IRS) Form SS-4, Application for EIN.
☐	**Have the aide complete IRS Form W-4.** If you and the aide agree to withhold income taxes, a W-4 form guides you to know how much tax to withhold from the aide's pay. If the aide asked you to withhold but hasn't completed a W-4 form by the first paycheck, you must withhold the maximum tax (single with no withholding allowances).
☐	**Register with the California Employment Development Department (EDD).** You can fill out EDD Form DE-1HW online. If your aide earns $750 or more in any calendar quarter, you must register within 15 days of hiring.
☐	**Follow all federal and state wage and hour rules.**
☐	**Withhold federal and state employment taxes.** Wages and taxes can be complicated. You can get help from: ▪ IRS Publication 15 to calculate federal income tax, social security tax, and Medicare tax

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	▪ EDD Publication DE-44, *California Employer's Guide,* or Publication DE-8829, *Household Employer's Guide*, to calculate California income tax, California (disability insurance (SDI) tax, unemployment insurance (UI) tax, and employment training (ETT) tax)
☐	**Deposit withheld taxes with the appropriate agency.** At specified times, you must deposit the taxes you withheld (state and federal income taxes, federal social security and Medicare taxes; and state disability insurance, unemployment insurance, and employment training taxes) with the government. Ask the IRS and EDD when the payments are due. Use EDD form DE 88 to deposit California employment taxes.
☐	**File a summary of employment taxes paid.** Four times a year (by April 30, July 31, October 31, and January 31) you must file a summary of state and federal employment taxes that you paid in the previous quarter. Use Form 941-SS for federal taxes and Form DE-9 for California taxes. You must do this even if you didn't employ anyone during that quarter. You may be fined if you don't file. If you stop hiring aides, write "FINAL RETURN" on your last quarterly return.
☐	**Give the aide a W-2 form.** You must give the aide an IRS form W-2 by the end of January each year. Also send a copy of form W-2 to the Social Security Administration by the end of February.
☐	**Report unemployment insurance tax.** Mail your ***federal*** unemployment insurance tax returns for the previous year by January 31 on Form 940. File your California employment tax returns quarterly on Form DE-9.

Resources for Forms and Questions

Internal Revenue Service	irs.gov	1-800-829-1040
Franchise Tax Board	ftb.ca.gov	1-800-852-5711
U.S. Citizenship and Immigration Services	uscis.gov	1-800-375-5283

Keep Records

You MUST keep good employment records for all aides for at least 4 years, including:

- Your employer identification number (EIN)
- The aide's W-4 form
- The aide's dates of employment
- Amounts and dates of all payments to the aide
- The value of noncash compensation, such as meals or lodging
- The aide's name, address, social security number, and a forwarding address
- Amounts and dates of tax deposits you made
- Copies of all employment tax returns and reports that you filed
- The reason for an aide's leaving or being fired
- Records of the aide's job-related illnesses or injuries

Train and Supervise Aides

You must also train and supervise aides to make sure that your conservatee gets the care and help they need to continue living at home.

Tips for Working with Aides

- Make a list of the tasks you want the aide to do. Include the times these tasks should be done.
- Go over the list with the aide to make sure it's clear.
- Check periodically to make sure the tasks are being done correctly and on time.
- Show the aide what to do in an emergency. Provide phone numbers for the conservatee's doctor, the hospital, your work and home, and fire, police, and ambulance services (911).
- Show the aide where to find the conservatee's Medicare card and other health insurance cards.
- Tell the aide what he or she may buy for the conservatee. Ask the aide to keep **receipts** and pay the aide back promptly.
- If the aide works for you, not an agency, pay the aide promptly at the end of the pay period.
- If you hired the aide directly, have a backup plan if the aide is sick or can't work for any reason. Make sure that the aide notifies you and not the conservatee if he or she can't work a particular day or shift.
- Only a licensed nurse or other health professional may *give* prescription medicines. But aides may *help* or *remind* the conservatee to take a medicine.
- Provide a *Communications Notebook* where the aide can see the doctors' instructions, track medicines, and list the conservatee's activities. Ask each aide to read it every day for instructions and make daily entries. See Appendix B for a sample *Communications Notebook*.
- Review the *Communications Notebook* so you know what the aide is doing.

Note: **Do NOT hire your *relative* to care for your conservatee** unless no other provider is available and the court gives approval beforehand. You must be able to show the court that:

- Hiring your relative is better for your conservatee than hiring an independent provider;
- Your relative is qualified and competent; and
- You can control and supervise the relative's work, despite your family relationship.

Protect Your Conservatee's Valuables

Some conservators and conservatees avoid hiring in-home aides because they worry that an aide may steal the conservatee's money or belongings. Some people can feel that anyone with access to their home would steal from them, and they are quick to accuse others of theft even if nothing is missing.

Here are some tips that can help protect the conservatee's valuables

- Put jewelry, silver, art, furs, and other valuables in insured storage unless the conservatee insists on keeping them at home.
- Try to substitute costume jewelry for the conservatee to wear.
- If the conservatee insists on wearing valuable jewelry, tell the conservatee's relatives, friends, and others that you are allowing the conservatee to wear the jewelry.
- Make a list and take photos of all valuables in the home. Keep the list and photos in the conservatorship safe deposit box. Let everyone who goes to the home know about the list in the safe deposit box.
- Go through the house to check your list every year.
- Keep valuables locked up, when possible, in a place such as a home safe or locked closet.
- Insure valuables, no matter where they are kept. Add coverage to homeowners' or tenants' policies. List and describe items individually.
- Engrave ID numbers on the TV and stereo equipment. Use the last 4 digits of the conservatee's social security number. Tell everyone that these items are marked.
- If you hire a home aide directly, be sure to check the aide's references.
- If you hire an aide through an agency, make sure the agency screens, bonds, and insures its employees. Also check the aide's references.

National Health Organizations for Information and Local Support

Your conservatee may have specific health problems, such as Alzheimer's disease, cancer, or alcoholism. Learn about their health conditions so you know what to expect and how to help. An organization or local support group can provide information and help. Look for their national or local association online. Or see the list of health organizations below.

Health Organizations List

Organization	Phone Number	Website
AIDS and HIV Information (CDC National AIDS Hotline)	1-800-342-AIDS	*www.ashasexualhealth.org*
Al-Anon	Check local directory & 1-888-425-2666	*www.al-anon.org*
Alcoholics Anonymous	Check local directory	*www.aa.org*
ALS Association (Lou Gehrig's Disease)	1-800-782-4747	*www.alsa.org*
Alzheimer's Association Helpline	1-800-272-3900	*www.alz.org*
American Cancer Society	1-800-227-2345	*www.cancer.org*
American Diabetes Association	1-800-342-2383	*www.diabetes.org*
American Heart Association	1-800-242-8721	*www.heart.org*
American Kidney Fund	1-800-638-8299	*www.akfinc.org*
American Lung Association	1-800-586-4872	*www.lung.org*
American Parkinson Disease Association	1-800-223-2732	*www.apdaparkinson.org*
Arthritis Foundation	1-800-283-7800	*www.arthritis.org*
Brain Injury Association of America	1-800-444-6443	*www.biausa.org*
HICAP (California Department of Aging, Health Insurance Counseling & Advocacy Program)	1-800-434-0222	*www.aging.ca.gov/hicap*
Huntington's Disease Society of America	1-800-345-HDSA	*www.hdsa.org*
Muscular Dystrophy Association	1-800-572-1717	*www.mda.org*
National Kidney Foundation	1-800-622-9010	*www.kidney.org*
National Multiple Sclerosis Society	1-800-344-4867	*www.nationalmssociety.org*
National Parkinson Foundation	1-800-473-4636	*www.parkinson.org*
Veterans Health Administration Veterans Benefits Administration	1-877-222-VETS	*www.va.gov/health; www.va.gov/healthbenefits; www.benefits.va.gov*

Communication and Tracking Logs

Health Care Provider Tracking Sheet (complete one sheet for each provider)	
Provider (name and degree): ______________________	Office address, email, and phone number ______________________
Why does the conservatee visit this provider?	
How often should the conservatee see this provider?	☐ as needed ☐ 6 months ☐ 12 months ☐ other: Date of last visit: ______________ Date of next visit: ______________
Special diet needed?	☐ No ☐ Yes: ______________________
Avoid any foods?	☐ No ☐ Yes: ______________________
What is the treatment plan?	______________________ ______________________ ______________________
Will the provider share the plan with other providers as needed?	☐ No ☐ Yes
Are there any long-term side effects of the treatment plan?	______________________ ______________________ ______________________
What other treatment options did the provider consider?*	______________________ ______________________ ______________________
What medications and dosages are part of the treatment plan?	______________________ ______________________
What is intended effect of each? How long should each be taken?	______________________ ______________________
Likely or serious side effects?	______________________ ______________________
How can we control side effects?	______________________ ______________________
Should side effect(s) be reported to the provider right away?	☐ No ☐ Yes, which one(s)? ______________________ ______________________

* *If you have concerns about the treatment plan, consider getting a second opinion. If needed, and the change won't be harmful to the conservatee, change the conservatee's provider. If you change providers, make sure the new provider receives all the conservatee's medical records.*

Important! Do not agree to any care without being fully informed. Even if the doctor has treated the conservatee for a long time, **you** are legally responsible.

Communications Notebook

You and the conservatee's aide(s) will need to track and share important information about the conservatee's health, condition, and activities, including nutrition. A communications notebook is a good way to do this. Buy a three-ring binder. Divide it into 3 sections:

- Medical Providers' Instructions Log
- Medication Log
- Activity Log

Ask each aide to read the notebook every day and list the medications and activities for each day. Look over the notebook every time you visit the conservatee.

Medical Providers' Instructions Log

Every time you take the conservatee to visit a medical provider, write down the following information:

- The visit date
- The provider's name
- Detailed instructions. Read them back to the provider to make sure they are complete and correct.
- The name or initials of the person who entered the information

Visit Date	Name of Provider	Doctor's Instructions	Entry by

Medication Log

Anyone who gives or helps give prescribed or over-the-counter medicine must write this information on the sheet:

- Date and time given
- Name of medication and dose given
- Name or initials of person who gave medication
- Comments, for example, refused to take, was dizzy & vomiting, did not give because he was sleeping

Date	Time	Medicine & Dose	Given by	Comments

Activity Log

Write down what happens during your shift, including:

- Date and hours you worked
- Name or initials of person making the entry
- Details about conservatee's activities or condition, including time of day, what she or he was doing, what (and how much) he or she ate and drank; bathroom visits and results; and what he or she did during the shift. List things that happened, such as phone calls or visitors. Describe any changes in the conservatee's condition, behavior, or mood.

Date	Shift	Time	Notes	Entry by

Conservatee's Needs Worksheet

Self Care	Yes	No
Eats without help?	☐	☐
Gets in and out of the bathtub or shower safely alone?	☐	☐
Physical problems bathing or taking a shower? If yes, what? ____	☐	☐
Bathes or showers daily? If no, how often? ____________________________	☐	☐
Grooms self (washes hair, combs/brushes hair, brushes teeth, shaves) alone?	☐	☐
Gets dressed and undressed without help?	☐	☐
Gets on and off the toilet without help?	☐	☐
Can control bladder and bowel functions?	☐	☐

Physical and Mental Health	Yes	No
Currently under a doctor's care? Date of last doctor's exam: _____________________________________	☐	☐
Takes the right doses of medications at the right times, without help?	☐	☐
Has trouble sleeping?	☐	☐
Lost appetite?	☐	☐
Lost interest in pleasurable activities?	☐	☐
Has expressed a wish to die?	☐	☐
Has strong unrealistic beliefs, like someone is trying to harm him or her?	☐	☐

Memory	Yes	No
Wanders or gets lost?	☐	☐
Knows the date and time of day?	☐	☐
Sometimes confused about *where* they are?	☐	☐
Sometimes confused about *who* they are?	☐	☐
Sometimes does not recognize people they know well?	☐	☐
Sometimes forgetful, for example, leaves the oven on?	☐	☐

Household Chores	Yes	No
Able to prepare own meals? If yes, willing to do so? ___________________	☐	☐
Does the laundry?	☐	☐

Conservatee's Needs Worksheet (continued)

Financial Decisions	Yes	No
Balances a checkbook?	☐	☐
Makes reasonable, sensible decisions in own best interests?	☐	☐
Getting Around	**Yes**	**No**
Walks steadily without help?	☐	☐
Can shop for groceries and other items? If yes, is transportation available? ______________________________________	☐	☐
Has fallen?	☐	☐
Falls often?	☐	☐
Gets out of bed and into a chair without help?	☐	☐
Needs equipment to get around? If yes, what (cane, walker, wheelchair)? ___________________________________	☐	☐
Contact with others	**Yes**	**No**
Do friends, neighbors, or relatives visit often?	☐	☐
Express interest in group activities, like meals, games, or other events at a senior or other day center?	☐	☐
In danger now?	**Yes**	**No**
Are there home safety hazards, like broken steps, loose throw rugs, poor lighting, a staircase without rails, or bathrooms without grab bars in the home now?	☐	☐
Drives safely (if drives)?	☐	☐
Has hallucinations?	☐	☐
Is there evidence that someone has threatened to steal from or harm the conservatee in any way? If yes, what evidence? ____	☐	☐
Has the conservatee ever been violent or threatening to self or others? If so, how often? ____ Describe situation: ____ (Attach more pages if needed.)	☐	☐

Conservatee's Needs Summary

Activity	Can Do It Alone	Needs Help
Moving around	☐	☐
Bathing	☐	☐
Dressing/grooming	☐	☐
Using toilet	☐	☐
Changing disposable underwear	☐	☐
Taking medications	☐	☐
Preparing meals	☐	☐
Shopping for groceries	☐	☐
Shopping for clothes	☐	☐
Cleaning the house	☐	☐
Doing laundry	☐	☐
Using the phone	☐	☐
Using transportation services	☐	☐
Paying bills/managing money	☐	☐

Conservatee's Mental and Emotional State				
Conservatee's memory	☐ Good	☐ Fair	☐ Poor	☐ May endanger self or others
Conservatee's ability to make decisions	☐ Good	☐ Fair	☐ Poor	☐ May endanger self or others

Conservatee is *(describe severity in each column to right):*	☐ Depressed	☐ Confused	☐ Combative/ Aggressive (fights)	☐ Disoriented
	☐ Not	☐ Not	☐ Not	☐ Not
	☐ Sometimes, but not dangerous	☐ Sometimes, but not dangerous	☐ Sometimes, but not dangerous	☐ Sometimes, but not dangerous
	☐ Sometimes or mild	☐ Sometimes or mild	☐ Sometimes or mild	☐ Sometimes or mild
	☐ Often	☐ Often	☐ Often	☐ Often
	☐ May endanger self or others	☐ May endanger self or others	☐ May endanger self or others	☐ May endanger self or others
	☐ Always or severe	☐ Always or severe	☐ Always or severe	☐ Always or severe

Care Facilities

If the Conservatee Cannot Stay at Home

If you decide the conservatee cannot live at home safely and comfortably, you **must**:

- Find a residence that is the least restrictive appropriate residence available and necessary to meet the conservatee's needs and that is in the best interests of the conservatee; and
- Notify the court and interested persons before and after moving the conservatee.

In deciding where your conservatee should live, think about their:

- financial situation, including medical insurance coverage that may assist with some placements (what kind of residence they can afford);
- desires, tastes and lifestyle (what kind of residence they want);
- personal assistance or care needs; and
- health condition.

Choosing a Care Facility

If the conservatee is no longer able to live at home, you will need to find a facility that can meet the conservatee's needs and is financially affordable for the conservatee. To do this, you must understand the conservatee's needs and the available options in California. This Appendix will help you understand the different kinds of care facilities available, including:

- The kinds of services each facility offers, and
- What to look for when choosing a facility.

➢ Print copies of Checklist: Choosing a Care Facility on pages XXX and fill out a copy for each facility you visit to help you compare the facilities with each other.

Important: You must give notice to the court and the conservatee's family members **before** and **after** you move a conservatee to a care facility. See Notice Before a Move and Notice After a Move in Chapter 2 for more on these requirements.

Note: A judge's approval is required before you sell the conservatee's home or former home. The court must also be involved in the sale process. See Chapter 3 for more information on selling a conservatee's property.

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Types of Facilities

Residential care facility for the elderly. Offers a room, maid service, and meals. Some also offer recreational activities or transportation.

Intermediate care facility. Provides a room, meals, and help with eating; help with dressing, bathing, grooming, other personal hygiene, medications, and other personal-care needs. Nursing care is available every day, but only at certain times of day.

Skilled nursing facility. Offers all services of an intermediate care facility, plus physical and occupational therapy and 24-hour nursing care, supervised by a doctor.

Secured-perimeter residential care facility or locked facility. Designed for people with dementia who may wander off. Provides all services of residential care, intermediate care, and skilled nursing facilities, plus a security system that keeps residents from leaving the facility. Security systems may be simple locked doors, doors that open only after a delay, or gates with complex alarm systems. This option is only available for persons who need a secure environment.

Note: The court must give authority for placement in this type of facility during a hearing where the conservatee has been represented by an attorney appointed by the court.

Continuing-care retirement community (life-care community). Offers a variety of living situations and levels of care. Some may provide maid service and other assisted-living services. They may have independent apartments or cottages with kitchens as well as a skilled nursing facility. While some may have a dining room or meal delivery service for residents in independent units.

Note: The above facilities must be licensed by appropriate state agencies. A license means that the facility meets minimum safety standards. Licensing inspectors visit the facility each year and respond to any complaints about the facility. Always check the license of any facility you choose. See **Community Resources** in Appendix A for contact information for licensing agencies.

Facility Type	Cost	Room, Meals & Maid Services	Personal Care Services	Nursing Services	Licensed by
Residential care for the elderly	$	Room, meals, maid service May have: - recreation activities - transportation			California Department of Social Services
Intermediate care	$$	Room, meals, help with eating	Help with dressing, bathing, grooming, medications, and other personal care needs	Every day, at certain times	California Department of Public Health
Skilled nursing	$$$	Room, meals, help with eating	All residential care and intermediate care services, plus physical therapy and occupational therapy	Every day, 24/7, supervised by a doctor	California Department of Public Health
Secured perimeter residential care (locked)	$$$$	May have: - maid service - help with eating	All skilled nursing services, plus locked doors to keep patients from getting lost	Every day, 24/7, supervised by a doctor	California Department of Social Services or Department of Public Health (if they provide intermediate care or skilled nursing)
Continuing-care retirement community	$$$$–$$$$$	May have: - maid service - rooms, meals, help with eating	All of above plus independent apartments or cottages with kitchens.	Every day, 24/7, supervised by a doctor Also may have assisted living services	California Department of Social Services, Continuing Care Branch (if providing life care for more than 1 year in exchange for an entrance fee, monthly fee or both).

Researching Care Facilities

If your conservatee is no longer able to live at home and you have decided the most appropriate, least restrictive setting for the conservatee is a care facility, research and visit recommended facilities.

Visit

Research different facilities online and visit the ones you like the best. When you visit, try to:

- Talk to administrators and staff, observe how residents are cared for.
- Take note of other residents, notice if they are well kept.
- Notice response times and how long it takes staff to respond to residents call lights.
- Take note of the staff to resident ratio.
- Ask to sit in the dining hall, try the food and notice how the staff interacts with residents.
- Ask about activities and how residents stay mentally and physically active and engaged.
- Understand the costs and payment options.

➢ Use Checklist: Choosing a Care Facility to help decide which facility is best for your conservatee.

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Checklist: Choosing a Care Facility

This checklist can help you decide which facility is best for your conservatee.

Facility License, Record & Cost

Ask the Administrator:			Notes
Is the facility licensed?	☐ Yes ☐ No	The license must be posted in an easy-to-see place. Ask to see it. Use this info later to check the facility's record online. *Government agency name on the license:* *Facility name on license:* *License #:*	
For a skilled nursing facility, is the administrator licensed by the state Board of Nursing Home Administrators?	☐ Yes ☐ No	The license must be posted in an easy-to-see place. Ask to see it.	
For a life-care or continuing-care facility, does it have a valid certificate of authority?	☐ Yes ☐ No	Ask to see it. It is issued by the California Dept. of Social Services, Continuing Care Branch.	
Have there been citations?	☐ Yes ☐ No	A citation is a problem that was reported about a risk to a resident's health, safety, or personal rights.	
If there have been citations, have the problems been fixed? How did the facility address the problem?	☐ Yes ☐ No		
What is the basic monthly fee? What services are covered by the fee? What services aren't covered by the fee?			$
If you have to prepay, will they refund any unused days?	☐ Yes ☐ No		
Is the facility certified for Medicare and Medi-Cal payments?	☐ Yes ☐ No	If *Yes:* Is there a minimum period (a private pay period) before they accept Medi-Cal? Ask for a copy of most recent certification report.	

Ask Yourself:		Notes
Ask for a draft copy of a contract between the resident and the facility. Does it explain clearly: - Costs? - Services included in the basic monthly fee? - The admission dates? - Discharge and transfer conditions?	 ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
How does the cost compare with other facilities?	$ ___________	
If the facility is a locked or secured-perimeter facility, do you have the court's permission to place the conservatee in this kind of facility?	☐ Yes ☐ No	

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Health Care

Ask the Administrator:			Notes
If there is a medical emergency, is a doctor available at all times? If yes, on site or on call?	☐ Yes ☐ No	Ask for the doctors' names.	
What if a quick transfer to a hospital is needed? What emergency transportation is available?			
Can residents be treated by their own doctors? Or state a preference for their doctor?	☐ Yes ☐ No		
Can residents be involved in planning their own care?	☐ Yes ☐ No		
How does the facility protect the confidentiality of medical records?			
Do they have a dentist who provides routine or as-needed dental care?	☐ Yes ☐ No	If so, ask for the dentist's names.	
How do they handle pharmacy services?			
Do residents choose their own pharmacy?	☐ Yes ☐ No		
Is there a supervising pharmacist for the facility who keeps records and monitors each resident's medication therapy?	☐ Yes ☐ No	If so, ask for the pharmacist's name.	
Is there a separate room for storing and preparing medications?	☐ Yes ☐ No		
Is there at least one registered nurse (RN) or licensed vocational nurse (LVN) on duty 24/7?	☐ Yes ☐ No		
Who is in charge of nursing services? What are their qualifications?			
Can they provide special services like physical therapy or a special diet, if needed?	☐ Yes ☐ No		

Ask Yourself:			Notes
Is the conservatee's doctor willing go to the facility?	☐ Yes ☐ No		

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Safety

Ask the Administrator:			Notes
Is the furniture comfortable and easy to use for people with disabilities?	☐ Yes ☐ No	If so, ask for a copy of the facility's last certifcation report.	
Is there a portable fire extinguisher in every room?	☐ Yes ☐ No		
Is there a smoke detector and a carbon monoxide detector in each room?	☐ Yes ☐ No		
Is there an automatic sprinkler system? Is it in good working order?	☐ Yes ☐ No		
Is there automatic emergency lighting? Is it in good working order?	☐ Yes ☐ No		
How often do they have fire drills for staff and residents?			
What is the smoking policy for staff, residents, and visitors?			
Are there grab bars on both sides of the hallway?	☐ Yes ☐ No		
Do bathtubs and showers have nonslip surfaces and grab bars?	☐ Yes ☐ No		
Are there nurse call buttons and emergency call buttons: At each resident's bed? Toilet? Bathing facility?	☐ Yes ☐ No		

Ask Yourself:		Notes
Is the facility well-lit and well-ventilated?	☐ Yes ☐ No	
Is the smoking policy enforced?	☐ Yes ☐ No	
Is an emergency evacuation plan posted in an easy-to-see place?	☐ Yes ☐ No	
Is the facility free of obstacles and dangers, like unsteady chairs, area rugs, and poorly lit areas?	☐ Yes ☐ No	
Are hallways wide enough so wheelchairs can pass each other easily?	☐ Yes ☐ No	
Do all rooms open onto a hallway?	☐ Yes ☐ No	
Are exits clearly marked, with exit signs lit? Are exit pathways kept clear?	☐ Yes ☐ No	
Can exit doors be unlocked from inside?	☐ Yes ☐ No	
Are doors to stairways kept closed?	☐ Yes ☐ No	

Services and Activities

Ask the Administrator:			Notes
Does the facility offer…			
rehabilitation services (occupational, physical, and speech therapy)?	☐ Yes ☐ No	If so, ask for a copy of the facility's last certification report.	
social services for residents?	☐ Yes ☐ No		
recreational, cultural, intellectual, or religious activities?	☐ Yes ☐ No		
religious services and visits with clergy in and outside the facility?	☐ Yes ☐ No		
barber and beautician services?	☐ Yes ☐ No		
group and individual activities?	☐ Yes ☐ No	Ask to see a schedule. Ask if staff helps residents get from their rooms to activities.	
Is there an activities coordinator on staff?	☐ Yes ☐ No		
Are residents *encouraged* or *required* to take part in activities?	☐ Yes ☐ No		
Are activities offered to those confined to their rooms?	☐ Yes ☐ No		
Are residents encouraged to take part in activities *outside* the facility?	☐ Yes ☐ No	Ask if transportation is provided for residents.	

Residents' Rights and Ability to Control Environment

Ask the Administrator:			Notes
Are the residents allowed to…			
wear their own clothes?	☐ Yes ☐ No		
decorate their rooms?	☐ Yes ☐ No		
keep some of their own belongings, including furniture?	☐ Yes ☐ No		
choose their own roommate?	☐ Yes ☐ No		
have visitors when they want to?	☐ Yes ☐ No	Ask about visiting hours, and how convenient the visiting hours are for residents and visitors.	
visit privately with family and friends?	☐ Yes ☐ No		

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Residents' Rights and Ability to Control Environment (continued)

Ask the Administrator:			Notes
Are the residents allowed to control the temperature and ventilation of their room?	☐ Yes ☐ No		
Is a list of residents' rights posted in an obvious place?	☐ Yes ☐ No		
Does each resident have a reading **light**, a comfortable **chair**, a **closet**, and a chest of **drawers** for personal belongings?	☐ Yes ☐ No	Ask if transportation is provided for residents.	

Ask Yourself:		Notes
About the facility		
Is the facility close to the conservatee's family and friends? Close to public transportation?	☐ Yes ☐ No ☐ Yes ☐ No	
Is the administrator polite and helpful?	☐ Yes ☐ No	
Is the atmosphere pleasant, and cheerful?	☐ Yes ☐ No	
About the staff: Does the staff…		
seem cheerful, courteous, and enthusiastic?	☐ Yes ☐ No	
show residents real interest and affection?	☐ Yes ☐ No	
seem attentive to residents' needs? (For example, does staff watch TV instead of caring for the residents?)	☐ Yes ☐ No	
keep the rooms well ventilated and at a comfortable temperature?	☐ Yes ☐ No	
seem to treat residents with dignity and respect? (Do they knock before entering a resident's room? Is the facility clean, orderly, and reasonably free of unpleasant odors?)	☐ Yes ☐ No	
About the facilities features: Does the facility have…		
wheelchair ramps that allow residents to move around freely?	☐ Yes ☐ No	
a public computer terminal for residents to use?	☐ Yes ☐ No	
wired or wireless internet access in every room? in common areas?	☐ Yes ☐ No ☐ Yes ☐ No	
bathing and toilet facilities with enough privacy and ease of use for physically impaired residents?	☐ Yes ☐ No	
a curtain or screen to give each bed privacy?	☐ Yes ☐ No	
a suitable space and supplies for recreational activities?	☐ Yes ☐ No	
a yard or outdoor area for residents to get fresh air?	☐ Yes ☐ No	
a lounge where residents can play games or relax away from their room?	☐ Yes ☐ No	
Do the residents look well cared for and content?	☐ Yes ☐ No	
Do the residents have fresh drinking water within reach?	☐ Yes ☐ No	
Do the residents, visitors, and volunteers say good things about the facility? Is there a sense of community?	☐ Yes ☐ No	

Meals

Ask the Administrator:			Notes
Does the facility…			
Offer at least 3 meals every day?	☐ Yes ☐ No		
Serve meals at normal hours and not rush residents to finish?	☐ Yes ☐ No	Ask to see the meal schedule. Visit the dining room during meal time.	
Provide meals that were missed due to off-site appointments?	☐ Yes ☐ No		
Have less than 14 hours between the evening meal and the next day's breakfast?	☐ Yes ☐ No		
Offer healthy snacks and meals?	☐ Yes ☐ No		
Offer snacks between meals and at other times? What times? What do they serve?	☐ Yes ☐ No		
Prepare special food for residents with special diets?	☐ Yes ☐ No		
Allow visitors to join residents for a meal?	☐ Yes ☐ No		
Charge visitors who want to eat meals with residents?	☐ Yes ☐ No		

Ask Yourself:		Notes
Ask to sample a meal. Does the meal match the posted menu?	☐ Yes ☐ No	
Do residents get enough food?	☐ Yes ☐ No	
Do the meals look appetizing?	☐ Yes ☐ No	
Does the food taste good?	☐ Yes ☐ No	
Is food served at the right temperature?	☐ Yes ☐ No	
Is the dining area attractive and comfortable?	☐ Yes ☐ No	
Do residents who need help eating (in the dining room or their own rooms) get it?	☐ Yes ☐ No	
Is the kitchen clean and reasonably tidy?	☐ Yes ☐ No	
Does kitchen staff follow good food handling practices, including refrigeration of perishable foods and proper waste disposal?	☐ Yes ☐ No	

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Appendix D: Sample Documents for Conservators of the Estate

SAMPLE LETTER OF NOTICE OF APPOINTMENT

Here is a sample letter that shows how to notify others that you are the conservator.

[Date]

[Name of Insurance Company]
[Address 1]
[Address 2]

RE: Account No. [XXXX]

Dear [Name of Insurance Company]:

Enclosed please find a certified copy of my *Letters of Conservatorship* indicating that I am the court-appointed conservator of the estate of Mr. Lee Kim.

Please:

- Contact me if there are any questions about Mr. Kim's account and
- Send all future mail to me at the following address:
  - [Your name]
  - [Your mailing address]
  - [Your email address]
  - [Your phone number]

Thank you,

[Your signature]

[Your printed name],
Conservator of the Estate of Lee Kim

Enclosure:
Certified copy of Letters of Conservatorship

SAMPLE LETTER TO COUNTY RECORDER

Here is a sample letter that shows how to record your certified letters.

[Date]

[Name of County Recorder's Office]
[Address 1]
[Address 2]

RE: Conservatorship of the Estate of [name of conservatee]

Dear [Name of County Recorder]:

Enclosed, please find a certified copy of my *Letters of Conservatorship* indicating that I am the court-appointed conservator of the estate of [name of conservatee]. I have also included a regular copy.

Please:

- Record the certified copy. I have enclosed a check for $___ to cover the recording fee.
- Conform the regular copy and return it to me at the address below in the enclosed self-addressed stamped envelope.

Thank you,

[Your signature]

[Your printed name],
Conservator of the Estate of [name of conservatee]
[Address 1]
[Address 2]

Enclosures:

Certified copy of Letters of Conservatorship
Photocopy of Letters of Conservatorship
Check #[_____]
Self-addressed stamped envelope

SAMPLE LETTER TO BANKS REQUESTING ACCOUNT INFO

Here is a sample letter to banks requesting account information and revoking a power of attorney.

[Date]

[Bank name]
[Address 1]
[Address 2]

Dear [Bank name]:

Enclosed please find a certified copy of my *Letters of Conservatorship* indicating that I am the court-appointed conservator of the estate of [name of conservatee].

I hereby revoke to the fullest extent allowed by law any signature authorization and nondurable power of attorney applicable to any account held by [name of conservatee].

Please let me know right away if a **durable power of attorney** applies to any account held by [name of conservatee].

I also request:

- A list of all accounts the conservatee has at your institution;
- How the conservatee's name appears on each account;
- The current balance of each account; and
- The balance of each account on the date I was appointed conservator, (MM/DD/YYYY), and an account statement for that same period.

Please send all future mail to me at the following address:

- [Your Name]
- [Your mailing address]
- [Your email address]
- [Your phone number]

Thank you,

[Your signature]

[Your printed name],
Conservator of the Estate of [Name of Conservatee]

Enclosures:
Certified copy of Letters of Conservatorship

SAMPLE LETTER FOR STOCKS AND BONDS

Here is a sample letter that you can use to ask a brokerage house
to transfer stocks and bonds into the conservatorship account.

[Date]

[Brokerage House or Investment Company]
[Address 1]
[Address 2]

RE: Account No. [XXXX]

Dear [Brokerage house or investment company]:

Enclosed please find a certified copy of my *Letters of Conservatorship* indicating that I am the court-appointed conservator of the estate of [name of conservatee].

Please:

- advise me of the securities (stocks, bonds, or mutual funds) owned by [name of conservatee] and the number of shares of each;
- advise me of your requirements for transferring ownership of these securities to the conservatorship estate; and
- send all future communication and mail to me at the following address:
    - [Your name]
    - [Your mailing address]
    - [Your email address]
    - [Your phone number]

Please contact me if you have any questions about [name of conservatee]'s account.

Thank you,

[Your signature]

[Your printed name],
Conservator of the Estate of [Name of Conservatee]

Enclosures:
Certified copy of Letters of Conservatorship

SAMPLE LETTER TO CREDIT CARD COMPANY

Here is a sample letter that you can use to ask a credit care company
to cancel the card account and not allow future charges.

[Date]

[Credit card company]
[Address 1]
[Address 2]

RE: Account No: [XXXXXXXXXXXXXXXX]

Dear [Credit card company]:

Enclosed, please find a certified copy of my *Letters of Conservatorship* indicating that I am the court-appointed conservator of the estate of [conservatee's name].

Please immediately:

- Cancel the account specified above; and
- Do not allow any future charges to this account.

Contact me if there are any questions about [name of conservatee]'s account.

Thank you,

[Your signature]

[Your printed name],
Conservator of the Estate of [name of conservatee]
[Address 1]
[Address 2]
[Phone number]
[Email address]

Enclosures
Certified copy of Letters of Conservatorship

SAMPLE LETTER REQUESTING TAX RETURNS

[Date]

Internal Revenue Service
Fresno, CA 93888

- or -

Franchise Tax Board
Sacramento, CA 94267

RE: Conservatorship of the Estate of [name of conservatee]
Conservatee's Social Security Number: 111-22-3333

Dear Conservatorship Coordinator:

Enclosed, please find a certified copy of my *Letters of Conservatorship* indicating that I am the court-appointed conservator of the estate of [name of conservatee]. [If sending the letter to the IRS, include the following sentence:] Also enclosed are Form 4506, *Request for Copy of Tax Form,* and Form 56, *Notice Concerning Fiduciary Relationship*.

Please send all future correspondence concerning the conservatee to the address below. Please also send me a copy of the last two income tax returns filed by the conservatee or a copy of any form necessary to obtain these returns.

Thank you,

[Your signature]

[Your printed name],
Conservator of the Estate of [name of conservatee]
[Address 1]
[Address 2]
[Phone number]
[Email address]

Sample Record of Conservator's Time

Conservatorship of John Jones Lucy Jones, Conservator		2025 SERVICES
DATE	**DESCRIPTION**	**Hours of Service**
4/02/25	Took John grocery shopping at Safeway	0.75
4/03/25	Phoned attorney's office about accounting	0.2
4/05/25	Reviewed bills, wrote and mailed checks for payment	0.9
4/06/25	Sorted through mail and documents, filed them, paid bills	2.5
4/08/25	Inventoried furniture in John's house	6.0
4/10/25	Phoned Social Security Administration re late checks	0.3
4/12/25	Took John shopping at Target	1.75
4/13/25	Prepared for income tax preparation appointment	1.5
4/16/25	Took John to appointment with Dr. Leone	1.8
4/17/25	Met with accountant for income tax preparation	1.5
4/20/25	Phoned John's sister to report his wishes for birthday party	0.3
4/21/25	Picked up completed income tax forms from accountant	0.4
4/23/25	Took John to dentist appointment with Dr. Marshall	1.8
4/24/25	Discussed rental of John's house with property manager	0.7
4/28/25	Cleaned and repaired John's residence in preparation for rental	5.0
4/30/25	Phoned attorney regarding lease signing	0.25
	Total hours:	**25.65**

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SAMPLE CHECKBOOK REGISTER

PLEASE BE SURE TO DEDUCT ANY PER-CHECK CHARGES OR SERVICE CHARGES THAT MAY APPLY TO YOUR ACCOUNT

CHECK NO.	DATE	CHECKS ISSUED TO OR DESCRIPTION OF DEPOSIT	(-) AMOUNT OF CHECK		✔	(-) CK FEE	(+) AMOUNT OF DEPOSIT		BALANCE	
									229	73
-	4/1	Social Security (April)					540	00	769	73
401	4/2	Pacific Bell for 3/2	26	00					743	73
-	4/3	Hamilton Federal Bank Interest (1st Quarter)					85	90	829	63
402	4/3	Ben Casey, MD (3/15) Office Visit - earache	53	00					776	63
-	4/5	Rental Income 110 Church Street #B (Mar.)					995	00	1,771	63
-	4/5	Rental Income					875	00	2,646	63
403	4/7	Millard Fillmore Savings Mortgage Payment (4/2)	850	00					1,796	63
-	4/8	ABC Mfg. Co. Pension (Feb.)					320	00	2,116	63
404	4/9	Clerk of Superior Court - Certified Letters	4	00					2,112	63
405	4/10	Cash to housekeeper for misc. personal ex. (3/2)	20	00					2,092	63
-	4/11	Medicare Reimbursement for Ben Casey, MD (2/5 visit)					41	00	2,113	63

Appendix E: Conservatorship Forms

Below is a list of Judicial Council forms for use in conservatorship cases, with hyperlinks included. You ***must*** use the forms that are shown with an asterisk (*) after the form number whenever they apply; these forms are mandatory. You ***may*** use the other forms not shown with an asterisk when they apply; those forms are optional.

> The forms listed in this appendix are current as of the date that this handbook was posted on the California Courts website. However, the Judicial Council may adopt or approve new forms from time to time and may revise any form as needed. The links below should take you to the latest versions of all listed forms, but you should check the website at courts.ca.gov/rules-forms/court-forms to find out whether the council has issued any new forms that address your situation since posting. If you don't have internet access, check the list of the effective dates of the latest forms in the court clerk's office. Compare that date with the effective date of your form shown in the lower lefthand corner.

Notices and Other Forms for Use During Conservatorship

Number	***Title and link***
GC-005	*Application for Appointment of Counsel,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc005.pdf
GC-006	*Order Appointing Legal Counsel,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc006.pdf
GC-010	*Certification of Attorney Qualifications,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc010.pdf
GC-015*	*Notice of Hearing on Petition to Determine Claim to Property,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc015.pdf
GC-020*	*Notice of Hearing,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc020.pdf
GC-020(C)*	*Clerk's Certificate of Posting Notice of Hearing—Guardianship or Conservatorship,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc020c.pdf
GC-020(MA)	*Attachment to Notice of Hearing Proof of Service by Mail,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc020ma.pdf
GC-020(P)	*Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc020p.pdf
GC-021*	*Order Dispensing with Notice,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc021.pdf
GC-022*	*Order Prescribing Notice,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc022.pdf

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GC-035* *Request for Special Notice,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc035.pdf

GC-040* *Inventory and Appraisal,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc040.pdf

GC-041 *Inventory and Appraisal Attachment,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc041.pdf

GC-042* *Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc042.pdf

GC-042(MA) *Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc042ma.pdf

GC-045 *Objections to Inventory and Appraisal of Conservator or Guardian,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc045.pdf

GC-050* *Notice of Taking Possession or Control of An Asset of Minor or Conservatee,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc050.pdf

GC-051* *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe Deposit Box,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc051.pdf

GC-060* *Report of Sale and Petition for Order Confirming Sale of Real Property,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc060.pdf

GC-065* *Order Confirming Sale of Real Property,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc065.pdf

GC-070* *Ex Parte Petition for Authority to Sell Securities and Order,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc070.pdf

GC-075* *Ex Parte Petition for Approval of Sale of Personal Property and Order,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc075.pdf

GC-079* *Notice Before Proposed Change of Residence of Conservatee or Ward,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc079.pdf

GC-079(MA) *Attachment to Notice Before Proposed Change of Residence of Conservatee or Ward,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc079ma.pdf

GC-080* *Notice After Change of Residence of Conservatee or Ward,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc080.pdf

GC-080(MA) *Attachment to Notice After Change of Residence of Conservatee or Ward,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc080ma.pdf

GC-085* *Petition to Fix Residence Outside the State of California,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc085.pdf

GC-090*	*Order Fixing Residence Outside the State of California*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc090.pdf
GC-100*	*Petition for Appointment of Guardian Ad Litem—Probate*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc100.pdf
GC-101*	*Order Appointing Guardian Ad Litem—Probate*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc101.pdf

Conservatorship Forms

Number	***Title and link***
GC-309*	*Petition Requesting Appointment of a Limited Conservator Over a Person With a Developmental Disability—Probate*, {link when available}
GC-309B/GC-310B*	*Estate Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate*, *{link when available}*
GC-309C/GC-310C*	*Joint Conservator Attachment to Petition Requesting Appointment of Conservator or Limited Conservator—Probate*, *{link when available}*
GC-310*	*Petition Requesting Appointment of a Conservator—Probate*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc310.pdf
GC-310(A-PF)*	*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc310apf.pdf
GC-312*	*Confidential Supplemental Information*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc312.pdf
GC-313*	*Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc313.pdf
GC-314*	*Confidential Conservator Screening Form*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc314.pdf
GC-320*	*Citation for Conservatorship*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc320.pdf
GC-322*	*Citation—Probate*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc322.pdf
GC-325*	*Confidential Declaration on Medical Ability to Attend Hearing—Probate Conservatorship*, courts.ca.gov/sites/default/files/courts/default/2024-12/gc325.pdf
GC-330	*Order Appointing Court Investigator*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc330.pdf

GC-331	*Order Appointing Court Investigator (Review and Successor Conservator Investigations),* courts.ca.gov/sites/default/files/courts/default/2024-11/gc331.pdf
GC-333*	*Ex Parte Application for Order Authorizing Completion of Capacity Declaration—HIPAA,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc333.pdf
GC-334*	*Ex Parte Order re Completion of Capacity Declaration—HIPAA,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc334.pdf
GC-335*	*Confidential Capacity Assessment and Declaration—Probate Conservatorship,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc335.pdf
GC-335A	*Everyday Activities Attachment to Confidential Capacity Assessment and Declaration—Probate Conservatorship,* courts.ca.gov/sites/default/files/courts/default/2024-12/gc335a.pdf
GC-336*	*Ex Parte Order Authorizing Disclosure of (Proposed) Conservatee's Health Information to Court Investigator-HIPAA,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc336.pdf
GC-339*	*Order Appointing Limited Conservator—Probate*, {link when available]
GC-339B/GC-340B*	*Additional Orders Regarding Conservatorship of the Estate*, {link when available}
GC-339C/GC-340C*	*Additional Orders Regarding Joint Conservators*, {link when available}
GC-340*	*Order Appointing Conservator—Probate*, courts.ca.gov/sites/default/files/courts/default/2024-11/gc340.pdf
GC-341*	*Notice of Conservatee's Rights,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc341.pdf
GC-341(MA)	*Attachment to Notice of Conservatee's Rights,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc341ma.pdf
GC-342	*Personalized Information for Conservatee—Probate,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc342.pdf
GC-346-INFO	*Duties of Conservator—Probate,* {link when available}
GC-348*	*Conservator's Acknowledgment of Receipt of Information,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc348.pdf
GC-349*	*Letters of Limited Conservatorship* {link when available}
GC-350*	*Letters of Conservatorship,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc350.pdf
GC-355*	*Confidential Conservatorship Care Plan—Part 1,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc355.pdf

GC-356*	*Confidential Conservatorship Care Plan—Part 2 (Medical Information),* courts.ca.gov/sites/default/files/courts/default/2024-12/gc356.pdf
GC-380*	*Petition for Exclusive Authority to Give Consent for Medical Treatment,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc380.pdf
GC-385*	*Order Authorizing Conservator to Give Consent for Medical Treatment,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc385.pdf
GC-395*	*Ex Parte Petition for Final Discharge and Order,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc395.pdf
GC-399*	*Notice of Conservatee's Death,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc399.pdf

Temporary Conservatorship Forms

Number	***Title and link***
GC-111*	*Petition For Appointment of Temporary Conservator,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc111.pdf
GC-112	*Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc112.pdf
GC-112(A-1)	Declaration in Support of Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator, courts.ca.gov/sites/default/files/courts/default/2024-11/gc112a1.pdf
GC-112(A-2)	*Declaration Continuation Page,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc112a2.pdf
GC-115	*Order on Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc115.pdf
GC-141*	*Order Appointing Temporary Conservator,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc141.pdf
GC-150*	*Letters of Temporary Guardianship or Conservatorship,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc150.pdf

Registration and Transfer Forms

Number	***Title and link***
GC-360*	*Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc360.pdf
GC-361*	*Notice of Intent to Register Conservatorship,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc361.pdf

GC-362*	*Conservatorship Registrant's Acknowledgment of Receipt of Handbook for Conservators,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc362.pdf
GC-363	*Petition for Transfer Orders (California Conservatorship Jurisdiction Act),* courts.ca.gov/sites/default/files/courts/default/2024-11/gc363.pdf
GC-364	*Provisional Order for Transfer (California Conservatorship Jurisdiction Act),* courts.ca.gov/sites/default/files/courts/default/2024-11/gc364.pdf
GC-365	*Final Order Confirming Transfer (California Conservatorship Jurisdiction Act),* courts.ca.gov/sites/default/files/courts/default/2024-11/gc365.pdf
GC-366	*Petition for Orders Accepting Transfer (California Conservatorship Jurisdiction Act),* courts.ca.gov/sites/default/files/courts/default/2024-11/gc366.pdf
GC-367	*Provisional Order Accepting Transfer (California Conservatorship Jurisdiction Act),* courts.ca.gov/sites/default/files/courts/default/2024-11/gc367.pdf
GC-368	*Final Order Accepting Transfer (California Conservatorship Jurisdiction Act),* courts.ca.gov/sites/default/files/courts/default/2024-11/gc368.pdf

Accounting Forms

Number	***Title and link***
GC-400(A)(1)	*Schedule A, Receipts, Dividends—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400a1.pdf
GC-400(A)(2)	*Schedule A, Receipts, Interest—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400a2.pdf
GC-400(A)(3)	*Schedule A, Receipts, Pensions, Annuities, and Other Regular Periodic Payments—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400a3.pdf
GC-400(A)(4)	*Schedule A, Receipts, Rent—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400a4.pdf
GC-400(A)(5)	*Schedule A, Receipts, Social Security, Veterans' Benefits, Other Public Benefits—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400a5.pdf
GC-400(A)(6)	*Schedule A, Receipts, Other Receipts—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400a6.pdf
GC-400(A)(C)	*Schedule A and C, Receipts and Disbursements Worksheet—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400ac.pdf

GC-400(AP)	*Additional Property Received During Period of Account—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400ap.pdf
GC-400(B)	*Schedule B, Gains on Sales—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400b.pdf
GC-400(C)(1)	*Schedule C, Disbursements, Conservatee's Caregiver Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c1.pdf
GC-400(C)(2)	*Schedule C, Disbursements, Conservatee's Residential or Long-Term Care Facility Living Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c2.pdf
GC-400(C)(3)	*Schedule C, Disbursements, Ward's Education Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c3.pdf
GC-400(C)(4)	*Schedule C, Disbursements, Fiduciary and Attorney Fees—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c4.pdf
GC-400(C)(5)	*Schedule C, Disbursements, General Administration Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c5.pdf
GC-400(C)(6)	*Schedule C, Disbursements, Investment Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c6.pdf
GC-400(C)(7)	*Schedule C, Disbursements, Living Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c7.pdf
GC-400(C)(8)	*Schedule C, Disbursements, Medical Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c8.pdf
GC-400(C)(9)	*Schedule C, Disbursements, Property Sale Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c9.pdf
GC-400(C)(10)	*Schedule C, Disbursements, Rental Property Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c10.pdf
GC-400(C)(11)	*Schedule C, Disbursements, Other Expenses—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400c11.pdf
GC-400(D)	*Schedule D, Losses on Sales—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400d.pdf
GC-400(DIST)	*Distributions to Conservatee or Ward—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400dist.pdf
GC-400(E)(1)	*Cash Assets on Hand at End of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400e1.pdf

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GC-400(E)(2) *Non-Cash Assets on Hand at End of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400e2.pdf

GC-400(F) *Schedule F, Changes in Form of Assets—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400f.pdf

GC-400(G) *Schedule G, Liabilities at End of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400g.pdf

GC-400(NI) *Net Income From a Trade or Business—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400ni.pdf

GC-400(NL) *Net Loss From a Trade or Business—Standard Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400nl.pdf

GC-400(OCH) *Other Charges—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400och.pdf

GC-400(OCR) *Other Credits—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400ocr.pdf

GC-400(PH)(1) *Cash Assets on Hand at Beginning of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400ph1.pdf

GC-400(PH)(2) *Non-Cash Assets on Hand at Beginning of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400ph2.pdf

GC-400(SUM)* *Summary of Account—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc400sum.pdf

GC-405(A)* *Schedule A, Receipts—Simplified Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405a.pdf

GC-405(AP) *Additional Property Received During Period of Account—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405ap.pdf

GC-405(B) *Schedule B, Gains on Sales—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405b.pdf

GC-405(C)* *Schedule C, Disbursements—Simplified Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405c.pdf

GC-405(D) *Schedule D, Losses on Sales—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405d.pdf

GC-405(DIST) *Distributions to Conservatee or Ward—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405dist.pdf

GC-405(E)(1) *Cash Assets on Hand at End of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405e1.pdf

GC-405(E)(2)	*Non-Cash Assets on Hand at End of Account Period —Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405e2.pdf
GC-405(F)	*Schedule F, Changes in Form of Assets—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405f.pdf
GC-405(G)	*Schedule G, Liabilities at End of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405g.pdf
GC-405(OCH)	*Other Charges—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405och.pdf
GC-405(OCR)	*Other Credits—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405ocr.pdf
GC-405(PH)(1)	*Cash Assets on Hand at Beginning of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405ph1.pdf
GC-405(PH)(2)	*Non-Cash Assets on Hand at Beginning of Account Period—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405ph2.pdf
GC-405(SUM)*	*Summary of Account—Standard and Simplified Accounts,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc405sum.pdf
GC-410	*Request and Order for Waiver of Accounting,* courts.ca.gov/sites/default/files/courts/default/2024-11/gc410.pdf

Fee Waiver Forms

Number	***Title and link***
FW-001-INFO	*Information Sheet on Waiver of Superior Court Fees and Costs,* courts.ca.gov/sites/default/files/courts/default/2024-11/fw001info.pdf
FW-001-GC*	*Request to Waive Court Fees (Guardian or Conservator),* courts.ca.gov/sites/default/files/courts/default/2024-11/fw001gc.pdf
FW-002-GC*	*Request to Waive Additional Court Fees (Superior Court) (Guardian or Conservator),* courts.ca.gov/sites/default/files/courts/default/2024-11/fw002gc.pdf
FW-003-GC*	*Order on Court Fee Waiver (Superior Court) (Guardian or Conservator),* courts.ca.gov/sites/default/files/courts/default/2024-11/fw003gc.pdf
FW-005-GC*	*Notice: Waiver of Court Fees (Superior Court) (Guardian or Conservator),* courts.ca.gov/sites/default/files/courts/default/2024-11/fw005gc.pdf
FW-006-GC*	*Request for Hearing About Court Fee Waiver Order (Superior Court) (Guardian or Conservator),* courts.ca.gov/sites/default/files/courts/default/2024-11/fw006gc.pdf

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FW-007-GC*	*Notice on Hearing About Court Fees (Superior Court) (Guardian or Conservator)*, courts.ca.gov/sites/default/files/courts/default/2024-11/fw007gc.pdf
FW-008-GC*	*Order on Court Fee Waiver After Hearing (Superior Court) (Guardian or Conservator)*, courts.ca.gov/sites/default/files/courts/default/2024-11/fw008gc.pdf
FW-010-GC*	*Notice to Court of Improved Financial Situation (Guardian or Conservator)*, courts.ca.gov/sites/default/files/courts/default/2024-11/fw010gc.pdf
FW-011-GC*	*Notice to Appear for Reconsideration of Fee Waiver (Guardian or Conservator)*, courts.ca.gov/sites/default/files/courts/default/2024-11/fw011gc.pdf
FW-012-GC*	*Order on Court Fee Waiver After Reconsideration Hearing (Superior Court) (Guardian or Conservator)*, courts.ca.gov/sites/default/files/courts/default/2024-11/fw012gc.pdf
FW-015-INFO	*Information Sheet on Waiver of Appellate Court Fees—Supreme Court, Court of Appeal, Appellate Division*, courts.ca.gov/sites/default/files/courts/default/2024-11/fw015info.pdf
FW-016-GC	*Order on Court Fee Waiver (Court of Appeal or Supreme Court) (Guardian or Conservator)*, courts.ca.gov/sites/default/files/courts/default/2024-11/fw016gc.pdf

Other Forms

Number	***Title and link***
MC-020	*Additional Page* [may be attached to any form or other court paper], courts.ca.gov/sites/default/files/courts/default/2024-11/mc020.pdf
MC-025	*Attachment* [may be attached to any Judicial Council form], courts.ca.gov/sites/default/files/courts/default/2024-11/mc025.pdf
MC-030	*Declaration*, courts.ca.gov/sites/default/files/courts/default/2024-11/mc030.pdf
MC-031	*Attached Declaration*, courts.ca.gov/sites/default/files/courts/default/2024-11/mc031.pdf
MC-040	*Notice of Change of Address or Other Contact Information*, courts.ca.gov/sites/default/files/courts/default/2024-11/mc040.pdf
MC-050*	*Substitution of Attorney—Civil (Without Court Order)*, courts.ca.gov/sites/default/files/courts/default/2024-11/mc050.pdf
MC-355*	*Order to Deposit Funds in Blocked Account*, courts.ca.gov/sites/default/files/courts/default/2024-11/mc355.pdf
MC-356*	*Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account*, courts.ca.gov/sites/default/files/courts/default/2024-11/mc356.pdf

MC-357*	*Petition to Withdraw Funds From Blocked Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/mc357.pdf
MC-358*	*Order Authorizing Withdrawal of Funds from Blocked Account,* courts.ca.gov/sites/default/files/courts/default/2024-11/mc358.pdf
MC-410	*Disability Accommodation Request,* courts.ca.gov/sites/default/files/courts/default/2024-11/mc410.pdf
MC-410-INFO	*How to Request a Disability Accommodation for Court,* courts.ca.gov/sites/default/files/courts/default/2024-11/mc410info.pdf

Appendix F: Glossary

A list of terms used frequently in this handbook and during the conservatorship process.

Term	Definition
401(k) plan	A retirement plan, sponsored by an employer, in which an individual employee contributes a portion of their salary for investment for retirement. Employers often contribute matching funds to employee 401(k) plans.
account, accounting, report and account	In this handbook, the terms *account* and *report and account* refer to the entire document that must be filed with the court, including both a narrative report of the ***conservatee's*** current circumstances and the schedules of income and expenses and property on hand that show the financial condition of the conservatee's estate. The term *accounting* refers to the schedule portion of the report and account. *Account* is also used as a verb, as in "the ***conservator*** has a duty to *account* to the court."
account current	An account filed by a ***conservator of the estate*** that is *not* the account filed at the end of the conservator's service or at the end of the ***conservatorship***. An account current shows the state of the conservatee's income, expenses, and property on hand at the time it is prepared and filed. Compare ***final account***.
advance health care directive	A directive or instructions by a patient for future decisions about their own health care. Generally, there are ***two types*** of directives. The first is an ***individual health care instruction***, which may be oral or in writing. See also ***living will***. The second, a ***power of attorney for health care***, must be in writing and meet other requirements. A written *advance health care directive* may include a nomination of the person the patient wants to be their ***conservator***.
aide	This handbook uses the term *aide* to refer to any person hired to help a person with dressing, grooming, bathing, shopping, cooking, eating, moving around, washing clothes, or remembering to take medication. An aide may not directly give medication to a person under their care. These persons may be referred to elsewhere as attendants, health aides, in-home aides, in-home assistants, caregivers, care providers, companions, companion aides, housekeepers, live-ins, and nurse's aides. See ***nurse***.
allowable charge	An expense that may be paid using funds from the conservatee's ***estate***.
allowance	An amount of cash that the court has authorized the ***conservator*** of the estate to provide to the ***conservatee*** periodically, usually monthly. Once the allowance has been paid to the conservatee, the conservator is no longer responsible for it and does not have to give an accounting to the court for

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	what the conservatee did with the allowance money.
assessment	An evaluation of a person's needs for care and assistance performed by a team of professionals with specialties such as health care, aging, and social work. The team may evaluate the person's memory, the conservatee's capacity to make decisions, and their ability to carry out activities of daily living.
assets	A ***conservatee's*** property, including bank accounts, stocks, bonds, cars, furniture, jewelry, other personal belongings, and real property (land and buildings).
Attorney-in-fact; agent	A person appointed by a ***principal*** in a written ***power of attorney*** to act for the principal.
beneficiary	A person or organization legally entitled to receive benefits under a legal document such as a ***will***, a ***trust***, or a life insurance policy.
blocked account	A special kind of bank account often set up in a ***conservatorship***. No one is allowed to withdraw money from a blocked account unless a court has authorized it. A court sometimes requires a ***conservator of the estate*** to establish one or more blocked accounts to hold all or part of a ***conservatee's*** cash assets. A ***conservator*** may also, with the permission of the court, place all or some of the conservatee's cash assets in a blocked account. A conservator may do this to reduce the amount and cost of a bond. Money in a blocked account is not counted in setting the amount of the bond.
bond	A promise to the court by a special kind of insurance company, called a ***surety company*** or just *surety*, to reimburse a conservatee's ***estate*** for losses resulting from intentional wrongdoing or mismanagement by the ***conservator***. The surety company reimburses the estate for those losses up to the amount of the bond and then seeks to recover the amount paid from the ***conservator's*** personal assets. The judge **must** require a ***conservator of the estate*** to provide a bond unless a statutory exception applies.
care facility	Rest homes, group homes, nursing homes, and convalescent hospitals are care facilities. There are several types of care facilities, each offering a different level of services. The most common care facilities are (1) board-and-care homes, which provide a room, meals, and personal-care assistance and supervision, and (2) skilled nursing facilities, which provide a room, meals, personal hygiene assistance, and round-the-clock nursing services.
case management, case manager	Case management is a service, often performed by a social worker, gerontologist, nurse, or other professional called the case manager. The service includes assessing a person's social, mental, emotional, health, and personal care needs; helping a caregiver find and arrange services to meet those needs; and working to coordinate the services of various agencies and individuals.

cash; cash equivalent	Cash is currency (bills or coins). A cash equivalent is a check, draft, money order, or similar written instrument whose fair market value is stated on its face and that can be immediately converted into cash; an account in a bank or other financial institution; and a cash deposit or money market mutual fund wherever it is held, including a brokerage cash account.
certified copy	A copy of a document in a court's file that the court has affirmed to be a true and correct copy of the original. Certification of a copy is often required by government agencies, financial institutions, and other service providers to prove that the original document exists in the court files and says the same things as the copy. The court clerk charges a fee for providing the copy or comparing a copy provided by someone else with the original, completing the certificate, and affixing the court's seal to the copy. The seal is either a crimp seal or is in purple ink so a photocopy of a certified copy can be detected.
commissioner	A judicial officer appointed by the court to perform a variety of functions. Commissioners often conduct hearings, supervise the probate court's staff, and act as temporary judges in conservatorships and other proceedings.
community property	A type of joint and equal ownership of property by married persons in California. The most common type of community property is property acquired while the spouses are married to each other and living together in California. However, the term can also include property that a married couple has agreed to treat as community property. Community property is not separate property. See also ***separate property****.*
consent, consent to medical treatment, informed consent	A patient's agreement to a proposed medical treatment after a qualified person has given the patient sufficient information about the procedure and its risks. Doctors and hospitals may ask a patient to sign a consent form to show that a full explanation of a proposed treatment or procedure has been given and that the patient has agreed to the treatment or procedure. A court may decide that a patient who is a conservatee does not have the capacity to give informed consent to a medical treatment or procedure. In that event, consent to the treatment or procedure may be given by the patient's conservator of the person, and they may sign a consent form on behalf of the patient/conservatee. See ***exclusive authority***.
conservatee	A person whom a judge has decided is unable to care for themselves or unable to manage their own financial affairs and for whom a conservator has been appointed.
conservator	A person appointed by a court to arrange for a conservatee's personal care, to manage the conservatee's finances, or both.
conservator of the estate	A person appointed by a court to manage the financial affairs of another person (the ***conservatee***) after the court has decided the other person is substantially unable to do so themselves.
conservator of the person	A person appointed by a court to provide for the personal care and protection of another person (the ***conservatee***) after the court has decided the other person is unable to do so themselves.

conservatorship	A legal relationship between a person whom the court has found unable to provide properly for their own health, food, clothing, shelter ***or*** substantially unable to manage their own finances or to avoid fraud or undue influence (***or*** both) and a person appointed by the court as a fiduciary to act or make decisions on the first person's behalf.
conservatorship estate	A ***conservatee's*** income and ***assets*** managed by a conservator of the estate. The estate does not include property held in ***trust***. It also does not include wages or salary received directly by the conservatee during the conservatorship. See ***estate***.
conservatorship care plan	A confidential written form completed by a conservator and filed with the court. The plan must identify the ***conservatee's*** needs for personal and medical care, describe the conservatee's current care, and document any changes to that care made to meet the conservatee's needs. The plan should also include an estimate of the monthly expenses necessary to meet the conservatee's needs if the conservator has the information.
county recorder	A county officer who accepts written documents, including evidence of legal ownership of real property located in the county, for recording.
court investigator	A court employee who assists judges in conservatorship cases. The investigator visits the conservatee after a petition is filed and, if the court appoints a conservator, regularly during the conservatorship. After they finish each investigation, they file a report of their findings and recommendations with the court. A court investigator is also called a *probate investigator*.
decedent	A person who has died; a deceased person.
decedent's estate	The property owned by a ***decedent*** at the time of their death except for property that passes automatically at death and property in a trust. Also, a judicial proceeding in ***probate court*** in which a decedent's debts and taxes are paid and their remaining property is distributed to the persons or organizations entitled to it under their will, or, if there is no will, as provided by law. Decedent's estate proceedings are sometimes called probate proceedings, estate administration proceedings, or, simply, probates.
deferred compensation	A type of retirement plan in which an employee agrees to defer receipt of a portion of their compensation (e.g., wages or salary) in return for the employer's promise to pay the employee at some time in the future.
dementia	A type of major neurocognitive disorder usually brought on by disease or trauma, in which the ability of a person to think, remember, perceive, or understand their circumstances is impaired. Alzheimer's disease, Lewy body dementia, and vascular dementia are common types of dementia. Sometimes dementia is also used to refer to the symptoms of the disorder.
developmental disability	A condition that begins before age 18, continues indefinitely, and causes significant functional limitations in multiple areas of major life activity. Intellectual disability, cerebral palsy, epilepsy, and autism are types of developmental disabilities. A disabling condition that is solely physical is not

	a developmental disability unless the condition is closely related to intellectual disability or requires similar treatment.
disbursement	A payment from the ***conservatorship estate***.
discharge	A court order formally releasing a ***conservator of the estate*** from their duties and ending their liability on the ***bond***.
domestic partner	One of two persons who have chosen to join together in a relationship that meets all of the requirements of Family Code section 297, including the filing of a Declaration of Domestic Partnership with the California Secretary of State. Domestic partners have the same legal rights, protections, and benefits, and are subject to the same legal responsibilities, obligations, and duties as spouses.
durable power of attorney	A kind of ***power of attorney*** in which the powers granted to the ***attorney-in-fact*** or agent remain in effect if the ***principal*** loses decisionmaking capacity. In some cases, the powers granted become effective only if the principal loses capacity. A conservator needs court approval to revoke or end a durable power of attorney assignment created by a ***conservatee*** before the ***conservator*** was appointed.
durable power of attorney for health care	A specific kind of ***power of attorney*** in which the ***principal*** authorizes the ***attorney-in-fact*** to make health care decisions for the principal. Because it is a durable power of attorney, it continues to be in effect, or becomes effective, when the principal loses capacity to make a health care decision. It is a type of advance health care directive subject to strict requirements for format, content, and execution.
estate	All ***assets*** owned by a ***conservatee*** that a ***conservator of the estate*** collects, manages, and is responsible for. The estate includes all income and benefits to which the conservatee is entitled, such as social security, public assistance, or a pension. The estate does not include salary or wages paid to a conservatee for their personal services, the community property of a married conservatee under the management of their capable spouse, or property held by the ***trustee*** of a trust.
exclusive authority	The power a ***conservator of the person*** may be granted by the court to make health care decisions for the ***conservatee*** without the conservatee's consent. The court will grant the conservator the exclusive authority only if it finds that the conservatee has lost the capacity to give informed consent to health care treatment. If the court has not granted exclusive authority to the conservator, the conservator or the conservatee make health care decisions together. The conservatee can make decisions independently, and the conservator's decision is effective only if the conservatee does not object.
executor	A person named in a will to carry out the will's directions and requests after the death of the person who signed the will (the ***testator***), usually under the supervision of the probate court in a ***decedent's*** estate proceeding. The executor's main responsibilities are collecting and managing the testator's estate, paying their debts and death taxes, and distributing the remaining money and other property as directed by the will.

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file *(verb)*	To give a document to the court clerk's office to be added to the court's case file. The court's file in a ***conservatorship*** case contains the court's records of that case. When someone files an original document, they usually also provides a copy of it to the clerk. The clerk stamps the copy with a stamp that says "Filed" with the current date and returns it to the person who provided it. The copy, referred to as a *conformed* copy, is evidence that the original document was filed. A conformed copy of a document is often sufficient proof that the original has been filed, but when more formal proof is required, a certified copy must be used.
final account	The last account and report filed by a ***conservator of the estate*** after their administration of the ***conservatorship*** has ended because of the ***conservatee's*** death, the ***conservator's*** voluntary resignation approved by the court, the conservator's removal, or a court order terminating the conservatorship and restoring the conservatee's authority to handle their own affairs. See ***account current***.
guardianship	A California court proceeding in which a judge appoints someone to care for a person under 18 years of age, to manage their property, or both. In some states, ***conservatorship*** of an adult is called *guardianship,* but not in California. In some special cases, the court may appoint a guardian of the person of an individual after their 18th birthday or extend an existing guardianship of the person of an individual until they reach age 21.
income	Money or property paid to a ***conservatorship estate*** from any source on a one-time or periodic basis. This includes pension, public assistance, and social security payments; interest on savings accounts, notes, and bonds; rent on real property owned by the estate; and dividends on stock. It does not, however, include salary or wages from the ***conservatee's*** employment or earnings from any asset that is not part of the ***conservatorship estate***.
individual retirement account (IRA)	An account set up by an individual with an institution, including a financial institution, such as a bank, or another kind of institution, such as a stockbroker, into which money or property is placed for retirement. The money or property is placed in, or contributed to, the account, the individual gets an income tax deduction for the contribution, and they are not required to pay taxes on any income earned by the contributed money or property until it is withdrawn after retirement. The contributions to the IRA or the income earned in the IRA can't be withdrawn from the account before the individual reaches retirement age without severe tax penalties.
inventory and appraisal	A list of all the assets owned by a ***conservatee*** at the time a ***conservator*** was appointed and an appraisal of their value on that date. The Inventory and Appraisal must be prepared by the ***conservator of the estate*** and filed with the court no later than 90 days after the conservator's appointment.
joint tenant	A form of joint ownership of assets—including bank accounts, stocks, and real estate—by two or more persons, each of whom is called a *joint tenant.* If one joint tenant dies, their ownership interest in the property passes automatically to the remaining joint tenants, no matter what their will says. This feature is called the *right of survivorship* and is a means of avoiding a

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	decedent's estate proceeding to transfer the property following the death of the first joint tenant.
Judicial Council	A state government body, chaired by the Chief Justice of California, charged with improving the administration of justice in California's courts by performing a number of tasks. Prominent among them are development of the rules of practice and procedure known as the California Rules of Court, and creation and adoption of the official practice forms known as Judicial Council forms.
Keogh plan	A type of retirement plan, similar to an IRA, available to self-employed individuals.
Letters of Conservatorship; Letters	A Judicial Council form that identifies an appointed ***conservator***, states that the conservator is authorized to act on the ***conservatee's*** behalf, and indicates that the conservator has qualified for the position. Often referred to simply as Letters.
Letters of Temporary Conservatorship	A Judicial Council form that identifies an appointed ***temporary conservator*** and indicates that the temporary conservator has qualified for the position, states that the temporary conservator is authorized to act on the conservatee's behalf until the specified termination date, and identifies any additional powers granted to or restrictions placed on, the temporary conservator. Often referred to simply as Temporary Letters.
life care	A term referring to personal and health care provided under a contract to a person for a period longer than a year in exchange for an entrance fee or a monthly fee. Life-care contracts are regulated by the Continuing Care Branch of the California Department of Social Services.
limited conservatee	An adult with a developmental disability for whom a limited conservator has been appointed.
limited conservator	The person appointed as conservator in a limited conservatorship.
limited conservatorship	A type of conservatorship available only for an adult with a developmental disability who is unable to provide for some of their personal needs or manage some of their financial affairs.
living will	A written advance health care directive in which a person with legal capacity gives instructions concerning their end-of-life care to be followed if, at the time such care is needed, the person lacks legal capacity to make those decisions or is unable to communicate them.
local court rules	A superior court's procedural instructions and requirements. These rules supplement statutes and the California Rules of Court. Local court rules apply only in the superior court that adopted them.
nondurable power of attorney	A power of attorney that terminates if the ***principal*** loses the capacity to contract. Unless a power of attorney states that it is durable, it is nondurable. A ***conservator of the estate*** may revoke a nondurable power of attorney created by the ***conservatee*** without court approval.
nurse	A licensed medical professional authorized to provide medical care, including medication, to a patient.

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ombudsman	An advocate employed by the state for the rights of a person under the care and control of another person or organization. The California Department of Aging sponsors a Long-Term Care Ombudsman Program with offices that serve each county. The ombudsman program advocates for the rights of people in long-term care facilities and responds to complaints about abuse.
pay-on-death (POD) account	A kind of bank account that has a named payee who will be entitled to collect whatever is in the account when the person who established the account dies, but who has no rights in the account during that person's life. If a ***conservatee*** created the account, the named payee does not own the account or any of the money or other assets in it during the conservatee's lifetime. However, the ***conservator*** should not remove the named payee's name or withdraw any money or property from a POD account without the named payee's permission or a court order, because to do so might interfere with the conservatee's intended estate plan.
personal property	Anything that can be owned except for land or buildings (***real property***). Personal property can include cash, securities, bank accounts, cars, furniture, jewelry, and other personal belongings.
personal residence	The place where the ***conservatee*** lived when the petition for appointment of their ***conservator*** was first filed in the case or—if temporarily located elsewhere, such as for medical or convalescent care—the place that the conservatee understood or believed, or reasonably appeared to understand or believe, to be their permanent residence when the petition for appointment was first filed.
petition	A formal, written request, filed with a court, asking a judge to make a particular decision authorized under the Probate Code. For example, a petition may ask the court to appoint a conservator, authorize a conservator to sell the ***conservatee's*** home, authorize a conservatee to receive medical treatment, or settle an account and approve a report of a conservator. The term is also used as a verb, as in, to ***petition*** the court for an order.
petition and report	The narrative portion of an ***report and account***, containing a description of the ***conservatee's*** circumstances and any requests made for approval of the court but not including the accounting portion of the account and report.
power of appointment	Authority given to one person by a will or a ***trust*** to decide who will receive a benefit under the will or the trust.
power of attorney	A written document in which a person (the ***principal***) authorizes someone else (the ***agent*** or ***attorney-in-fact***) to act for the principal. A general power of attorney authorizes the agent to manage all of the principal's affairs. A limited power of attorney is more restrictive. For example, it could state the date when it terminates or authorize the agent only to perform specific actions or manage specific property. Powers of attorney are durable or nondurable. A nondurable power of attorney ends if the principal becomes legally incapacitated. A durable power of attorney stays in effect if the principal becomes incapacitated, or it can be set up to take effect only when the principal becomes incapacitated.

	Unless a power of attorney states that it is durable, it is nondurable. There are two types of durable powers of attorney: a durable power of attorney to manage financial affairs and a durable power of attorney for health care. See ***durable power of attorney***.
powers	The authority granted to a ***conservator*** to take actions or make decisions for the benefit of the ***conservatee*** or the conservatee's estate.
principal	A person who creates a ***power of attorney*** that authorizes another person, the ***attorney-in-fact*** or ***agent***, to act or make decisions for the principal in financial matters or concerning the principal's health care. The term is also used to refer to the assets held in a trust to distinguish them from the income earned by the ***trust***. See also ***trustee***.
probate conservatorship	The most common type of ***conservatorship***, so called because it is defined and governed by the California Probate Code.
probate court	The division of the superior court that deals with probate conservatorships, guardianships, decedent's estates, and certain other matters governed by the Probate Code.
probate estate, probate	See ***decedent's estate***.
probate investigator	See ***court investigator***.
probate referee	A professional appointed by the California State Controller and assigned by a judge in the ***probate court*** to appraise the value of a conservatee's noncash assets listed on the ***inventory and appraisal***.
psychotropic drugs; psychotropic medication	Prescription medications that alter a person's cognition, mood, or behavior. Some of these medications may be used to treat dementia. A conservator must get a specific court order based on a strong showing before you are allowed to authorize the use of these drugs to treat the ***conservatee*** for that purpose. You may be able to obtain a list of psychotropic drugs from your county mental health department.
public guardian, public conservator	A county agency authorized to accept appointment and to serve as ***conservator*** of a person living in the county. The public guardian is sometimes also called the *public conservator*.
qualify	The term applied to the steps a proposed conservator must complete after they are appointed in order to receive letters of conservatorship. A ***conservator*** must take an oath, sign a receipt for a statement of duties and this handbook, and satisfy any local court requirements before they qualify. A ***conservator of the estate*** must usually obtain a ***bond*** as ordered by the court and file it with the court.
real property	Land and buildings owned by one or more natural (a human being) or legal (a corporation, trust, or other entity) persons.
receipts	Cash or other assets received by a ***conservatorship estate*** other than those listed on the ***Inventory and Appraisal***. Receipts must be reported to the court in periodic accounts. Receipts generally include all estate income.
reconcile, reconciliation	The process of comparing your record of a bank account's transactions with the bank's records to verify the balance in the account as of a certain date.

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record *(verb)*, **recording**	Delivery of a document concerning real property to a county recorder to make it part of the official record concerning that property. Recording a document gives the public some notice of its contents. Recording is generally used to establish who owns an interest in a piece of real property. Recording ***Letters of Conservatorship*** in a county where the ***conservatee*** owns an interest in real property gives notice of the existence of the conservatorship to any person attempting to deal with the real property and imposes a duty on that person to inquire further. The person is treated under the law as though they knew about the conservatorship even if they had no actual knowledge of it. See ***county recorder***.
regional center	A nonprofit agency that contracts with the State of California to provide or find services for people with ***developmental disabilities***. These services include assessment, case management, advocacy for the rights of a person with a disability, job training, counseling, recreation, and personal care. There are 21 regional centers across the state.
register; registration	Method by which a conservator appointed by a court of another state or jurisdiction can gain authority to act in this state on behalf of a nonresident ***conservatee***.
removal	A judge's revocation of a ***conservator's*** appointment. The court then appoints another person as successor conservator. The court can replace the removed conservator without the conservator's agreement because the court has determined that the conservator is not doing, or is not capable of doing, the job properly.
respite care	Temporary care provided to the ***conservatee*** to relieve their caregiver for brief periods.
revocable living trust	See ***trust***.
secured-perimeter residential care facility	A specialized kind of care facility designed for the treatment of persons with dementia, featuring secure outer fencing or locked exit doors. To place a ***conservatee*** in this kind of facility, the ***conservator*** must first establish and the court must find that the conservatee suffers from dementia, lacks capacity to consent to placement, and needs or would benefit from placement in this type of facility, as well as that this type of facility is the least restrictive placement appropriate for the conservatee's care.
separate property	Separate property is property that a person acquired before marriage or that a spouse receives as a gift or inheritance during marriage. Separate property also includes property that a married couple has agreed is the separate property of one of them. A married couple can agree to change community property into separate property, and vice versa, but their agreement must be in writing and must satisfy other legal requirements.
settlor	A person or entity that creates a ***trust***. Also called a ***trustor***.
special needs trust	A trust established under specific legal requirements for a person with a disability who qualifies for public benefits. Placement of income or other assets in a trust allows their use to supplement the public benefits while preserving the person's eligibility for those benefits.

SSI	Supplemental Security Income. SSI is a federal aid program, administered by the Social Security Administration, for seniors with very low income, persons with a disability, or blind persons.
substituted judgment petition	A ***petition*** in a conservatorship proceeding in which the ***conservator*** or another person interested in the conservatorship asks the court to authorize or require the conservator to take certain actions on the conservatee's behalf without consulting the conservatee for the benefit of the ***conservatee***, the estate, or those persons or organizations the conservatee would be likely to provide for or make gifts to. This kind of petition is used in a wide variety of situations. For example, a conservator may be authorized to sign a will or an amendment to a will for the conservatee, to revoke or amend a ***trust*** the conservatee had the authority to revoke or amend, or to make a gift from the conservatee's estate.
surety company	A specific kind of insurance company authorized by law to issue a ***bond*** to secure proper performance of the duties of a ***conservator of the estate***. If the court finds that the estate has suffered a loss because of the intentional or negligent misconduct of its conservator, it can order the surety company to make good the loss to the estate, up to the face amount of the bond. The surety company then seeks to collect the amount it has paid from the ***conservator's*** personal assets.
temporary conservator	A person or organization appointed by the court to handle the personal care or financial affairs of a ***conservatee*** for a limited period of time while a ***petition*** for the appointment of a ***conservator*** is pending. The temporary conservator and the proposed conservator are usually the same person, but different people can also hold the two offices. The proposed conservator is sometimes referred to as a *permanent* or *general* conservator to distinguish from the temporary conservator, but the conservator is only as permanent as the law allows and is always subject to removal by the court or to termination of the conservatorship. A court may appoint a temporary conservator of the person, the estate, or both.
temporary conservatorship	A temporary conservatorship is granted for a specified time frame, usually 30 to 60 days, to help meet the proposed conservatee's immediate needs until the court can hold a hearing to decide whether to appoint a limited or general conservator.
Temporary Letters	See ***Letters of Temporary Conservatorship***.
Totten trust account, trustee bank accounts	A bank account in which a person is named as ***trustee*** for the benefit of one or more persons who will own the account when the ***conservatee*** dies. If the conservatee created the Totten trust account, its ***beneficiary*** doesn't own the account until the conservatee dies. As with a ***POD*** account, and for the same reason, the ***conservator*** should not change the account or withdraw money from it without the beneficiary's permission or a court order. Also known as a *trustee bank account*.
transfer	To move the conservatorship from one court to another court, either in California or another state.

trust	A legal instrument that enables one party, a ***settlor*** or ***trustor***, to give another party, a ***trustee***, the right to hold ***real property*** or ***other assets***, for the benefit of a third party, the ***beneficiary***. A ***revocable living trust*** is the most common type of trust seen today. It is a trust intended to take effect during the life of the person creating it (the *settlor* or *trustor*). The settlor or trustor can cancel or modify the trust at any time as long as they have the legal capacity to do so. A ***conservatee*** with a conservatorship of the estate is usually considered to lack the capacity to cancel or modify a living trust, even though they keep the right to make a will or to amend an existing will. Revocable living trusts are created to avoid a decedent's estate proceeding after the settlor's death. The trust is, in effect, a substitute for a will. The settlor is often also the original trustee and is usually also a beneficiary of the current ***income*** from the ***assets*** held in the trust during their lifetime. Most revocable living trusts also authorize the trustee to provide for the settlor's support directly from the assets of the trust (the trust's principal), not just from the income earned by the assets. Many trusts also give the settlor the power to demand that the trustee pay or distribute all or parts of the trust's principal to the settlor. A properly drafted trust agreement, or declaration of trust, appoints a successor trustee if the original trustee becomes incapable of handling their affairs and establishes a method of changing trustees without going to court. By the time a conservator is appointed, the successor trustee of the conservatee's revocable living trust may have already taken over management of the trust. If they have not yet done so, the conservator may be able to help them complete the steps necessary to become the acting trustee of the trust. Check with your ***lawyer*** first. If the conservatee created a revocable living trust, assets held in the trust to which the trustee holds title are *not* part of the ***conservatorship estate***. The conservator has no power or duty to manage them; the trustee handles them as the trust instrument directs. However, the successor trustee will most likely owe duties to the conservatee as a beneficiary of the trust. The trust may be the main source of the conservatee's support. The conservator should develop a close working relationship with the trustee of any trust of which the conservatee is a beneficiary. Under some circumstances, the ***conservator of the estate*** can, with prior approval of the court, exercise the conservatee's power as settlor of the trust to revoke or modify it or to compel distributions of principal from it. Steps of this kind require close consultation with your lawyer.
trustee	A person or an institution, such as a bank, that holds legal title to the assets held in a ***trust*** and manages them for the benefit of the trust's ***beneficiaries***.
trustor	A person or entity that creates a ***trust***. Also called a ***settlor***.