



Judicial Council of California

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courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-32

Title

Probate Conservatorship: Duties of Conservator and Acknowledgment of Receipt

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 7.1051; revoke form GC-348; adopt forms GC-348-INFO and GC-349

Proposed by

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

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

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Executive Summary and Origin

To conform to changes in conservatorship law, the Probate and Mental Health Advisory Committee proposes revoking one form, adopting two mandatory forms to replace the revoked form, and amending one rule. One proposed form would be a statement of the duties of a conservator for the court to distribute to each newly appointed conservator. A conservator would use the second proposed form to acknowledge receipt of the statement of duties and the Judicial Council's *Handbook for Conservators* as required by Probate Code section 1834. The proposed rule amendment would update form references to use the new form titles and numbers.

Background

Probate Code section 1834(a) requires every conservator, before the court clerk issues letters of conservatorship,¹ to file with the court an acknowledgment of receipt of (1) a statement of the duties of a conservator and (2) the information required by section 1835. These statutes charge

¹ The clerk issues letters of conservatorship to a conservator as evidence of the conservator's appointment, taking of the oath of office, and, if required, filing of a bond. (Prob. Code, § 2310.)

All further statutory references are to the Probate Code unless otherwise specified.

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 It is circulated for comment purposes only.

the Judicial Council with developing the acknowledgment form, the statement of duties, and a package containing the information required by section 1835.²

The Judicial Council adopted form GC-348 by circulating order, effective January 1, 1992, in response to Senate Bill 1022 (Stats. 1991, ch. 1019), which added section 1834 to the Probate Code. The council has revised the form several times, most recently effective January 1, 2011.³

Since 2011, the law governing conservatorships has changed several times. Significant legislation in the past five years alone includes the following:

- Assembly Bill 1663 (Stats. 2022, ch. 894; see Link A), amended the law to clarify a conservator's duty to accommodate the conservatee's preferences, add to the information the council must include in the handbook, and enumerate the conservatee's rights;
- Senate Bill 280 (Stats. 2023, ch. 705; see Link B), amended the law to require 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
- Senate Bill 1106 (Stats. 2024, ch. 455; see Link C), amended the law to expand the notices required of a conservator's proposed change of the conservatee's residence as well as the persons entitled to receive those notices.

The Proposal

To conform to the law and make the forms more user-friendly, the committee proposes the following revisions, effective January 1, 2027:

1. Revoke *Duties of Conservator and Acknowledgment of Receipt of Handbook* for Conservators (form GC-348);
2. Adopt *Duties of Conservator—Probate* (form GC-348-INFO) to provide a statement of a conservator's duties under the law on a plain-language information sheet in language accessible to nonprofessional conservators;
3. Adopt *Conservator's Acknowledgment of Receipt of Information* (form GC-349) for use to complete the acknowledgment of receipt required by section 1834; and
4. Amend California Rules of Court, rule 7.1051 to reflect the replacement of form GC-348 with two separate forms and require the use of form GC-349 by a conservator to acknowledge receipt of form GC-348-INFO and the handbook.

² §§ 1834(a), 1835(c).

³ Judicial Council of Cal., Advisory Com. Rep., *Probate: Statement of Duties and Liabilities of Conservators* (Sept. 25, 2010).

Duties of Conservator and Acknowledgment of Receipt of Handbook for Conservators (form GC-348)

Because of the number of revisions necessary for form GC-348 to comply with current law, the advisory committee proposes revoking this form and replacing it with one form to provide a statement of the duties of a conservator and a second form to acknowledge receipt of that statement of duties and the Judicial Council's *Handbook for Conservators*.

Duties of Conservator—Probate (form GC-348-INFO)

The committee proposes adopting form GC-348-INFO to replace the portion of form GC-348 that explains the conservator's duties. The proposed new statement of duties includes those added to the law since form GC-348's last revision in 2011. The new form also abbreviates many of the existing form's descriptions of duties and instead refers conservators to the *Handbook for Conservators* for more detailed information. The handbook explains all the duties discussed on the form in much greater detail. Because a conservator must obtain both the form and the handbook and will therefore have access to the latter's detailed explanations, the committee's proposal would reduce the overlap in information between the new form and the handbook without depriving a conservator of the resources needed to perform their duties under the law.

In addition, the new form presents information about a conservator's duties in the plain-language format used for information sheets directed to self-represented litigants. This format uses a larger typeface and breaks the text into two columns to increase readability while conserving space.

Conservator's Acknowledgment of Receipt of Information (form GC-349)

The committee proposes adopting form GC-349 for mandatory use in place of the acknowledgment on page 7 of existing form GC-348. The new form would provide a conservator with a simple, one-page form for the single purpose of filing with the court the required acknowledgment of receipt of form GC-348-INFO and a copy of the *Handbook for Conservators*. The separate acknowledgment form would alleviate the need for a conservator to make or obtain multiple copies of the statement of duties to keep one or more for their own reference while filing the signed original with the court to fulfill their statutory duty. Reducing the filed form to one page by removing the informational pages would also promote efficiency for courts and court users.

Rule 7.1051

The committee proposes amending rule 7.1051 to replace the rule's reference to form GC-348 with a reference to form GC-348-INFO, add a reference to form GC-349, and require each conservator to use form GC-349 to acknowledge receipt of form GC-348-INFO and the handbook.

Alternatives Considered

The committee did not consider taking no action. Form GC-348 is outdated and overly detailed; the committee needed to update it. In addition, form GC-348 combines the statement of duties with the acknowledgment of receipt of that statement and the handbook, and, as discussed above,

that creates the potential for confusion and inefficiency. Two separate forms, each serving a distinct purpose, will limit that potential.

Fiscal and Operational Impacts

The proposal is expected to result in one-time implementation costs to the courts, including the costs of reprogramming case management systems and training staff to process the new acknowledgment form. Self-help center staff will also need training so they are able to assist self-represented conservators. The benefits of conforming to the law, simplifying and reformatting the information form, and separating the acknowledgment of receipt from the statement of duties justify these costs.

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 procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months 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. Cal. Rules of Court, rule 7.1051, at page 5
2. Forms GC-348 (to be revoked), GC-348-INFO, and GC-349, at pages 6–18
3. Link A: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1663
4. Link B: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB280
5. Link C: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1106

Rule 7.1051 of the California Rules of Court would be amended, effective January 1, 2027, to read:

1 **Rule 7.1051. Conservator's acknowledgment of receipt of Duties of Conservator**
2 **information (Prob. Code, § 1834)**

3
4 Before the court issues letters, each conservator must ~~execute~~ sign and file Conservator's
5 Acknowledgment of Receipt of Information (form GC-349) ~~an acknowledgment of receipt~~
6 ~~of the~~ to confirm they have received Duties of Conservator—Probate (form GC-348-
7 INFO) and Acknowledgment of Receipt of Handbook (form GC-348) and the Judicial
8 Council's Handbook for Conservators.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF _____ (Name): _____ CONSERVATEE	
DUTIES OF CONSERVATOR and Acknowledgment of Receipt of Handbook for Conservators	CASE NUMBER: _____

DUTIES OF CONSERVATOR

When you are appointed by the court as a conservator, you become responsible to the court and assume certain duties and obligations. All of your actions as conservator are subject to review by the court. You should clearly understand the information on this form. You will find additional information in the Judicial Council's *Handbook for Conservators*, receipt of which, in addition to a copy of this form, you are required by law to acknowledge.

I. THE CONSERVATEE'S RIGHTS

Conservatees do not lose all rights or all voice in important decisions affecting their lives. All conservatees have the right to be treated with understanding and respect, the right to have their wishes considered, and the right to be well cared for by their conservators. Conservatees generally keep the right to (1) control their own wages or salary from employment, (2) make or change a will, (3) marry, (4) receive personal mail, (5) be represented by a lawyer, (6) ask a judge to change conservators, (7) ask a judge to end the conservatorship, (8) vote, unless a judge decides they are not capable of exercising this right, (9) control personal spending money if a judge has authorized an allowance, and (10) make their own medical decisions, unless a judge has taken away that right and given it exclusively to their conservators.

II. CONSULT WITH YOUR ATTORNEY

Your attorney will advise you on your duties, the limits of your authority, the conservatee's rights, your dealings with the court, all other topics discussed in this form, and many other matters. He or she will tell you when you must ask for prior court approval to take an action, when you may do so (and why it might be a good idea), and when prior court approval is not required. All legal questions should be discussed with your attorney, not the court staff, which is not permitted to give legal advice. Your attorney will also help prepare your inventories, accountings, petitions, and all other documents to be filed with the court; and will see that the persons entitled to be notified of your actions are given proper notice. He or she will also advise you about legal limits on estate investments, leases and sales of estate assets, loans, lawsuits against others involving the conservatee or his or her property, and many other matters, and can prepare or review documents needed in these matters. You should communicate frequently and cooperate fully with your attorney at all times. **When in doubt, contact your attorney.** Other questions may be answered by calling on local community resources. (To find these resources, see the *Handbook for Conservators* and the local supplement distributed by the court.)

III. CONSERVATOR OF THE PERSON

If the court appoints you as conservator of the person, you are responsible for the conservatee's care and protection. You must decide, within certain limits, where the conservatee will live; and you must arrange for the conservatee's health care, meals, clothing, personal care, housekeeping, transportation, and recreation.

A. DETERMINE THE APPROPRIATE LEVEL OF CARE FOR THE CONSERVATEE

You must determine the conservatee's appropriate level of care. Your determination must be in writing, signed under penalty of perjury, must be filed with the court within 60 days of the date of the court's order appointing you as conservator, and must include:

CONSERVATORSHIP OF (Name): CONSERVATEE	CASE NUMBER:
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- III. A. 1. An evaluation of the level of care existing when the petition for your appointment as a conservator was filed and the measures that would be necessary to keep the conservatee in his or her **personal residence**.

*(Note: The conservatee's **personal residence** is the residence the conservatee understood or believed to be his or her permanent residence on (1) the date the petition for appointment of a conservator was filed in this matter, or (2) on the last earlier date the conservatee could form or communicate an understanding or belief about a permanent residence, whether or not he or she was living there when the appointment petition was filed. See Cal. Rules of Court, rule 7.1063(b).)*

2. A plan to return the conservatee to his or her **personal residence** or an explanation of the limitations or restrictions on a return of the conservatee to that residence in the foreseeable future if the conservatee was not living there when the petition for appointment of a conservator was filed.
3. A reevaluation after a material (important) change in circumstances affecting the conservatee's needs for placement and care after your initial determination.
4. If the conservatee is a limited conservatee who is developmentally disabled, special rules may apply to the determination of his or her level of care and residential placement. See item **VI** below.

B. DECIDE WHERE THE CONSERVATEE WILL LIVE

1. You must decide where the conservatee will live. You may choose a residence in California without prior approval of the court, but you must choose the least restrictive appropriate residence that is available and necessary to meet the conservatee's needs and that is in his or her best interests.
2. You must file a written notice of any change of the conservatee's residence with the court within 30 days of the move, and you must mail copies of the notice to the conservatee's attorney, the conservatee's spouse or registered domestic partner, and the conservatee's relatives who were mailed copies of the petition for your appointment as conservator, unless the court excuses you from the mailing to prevent harm to the conservatee. (There is a court form you must use for this notice and another form you may use to prove that you have mailed it. The forms are the *Post-Move Notice of Change of Residence of Conservatee or Ward* (form GC-080) and the *Attachment to Post-Move Notice, etc.* (form GC-080(MA)). These forms refer to a "post-move notice" because the notice may be filed and mailed after the date of the move.)
3. The law presumes that the conservatee's **personal residence** (see item **IIIA**) is the conservatee's least restrictive appropriate residence. There must be a reason supported by sufficient evidence to justify a change of residence from the conservatee's personal residence (including a move from a care facility or other temporary placement to a residence that is not the conservatee's personal residence).
4. If you want to move the conservatee from his or her **personal residence**, in addition to the post-move notice described in item 2, you must mail a notice of your intent to change the conservatee's residence to the conservatee, the conservatee's attorney, if any, and to each other person or entity entitled to notice of the hearing on the petition for your appointment as conservator; and then you must file with the court proof that the notice was mailed. Unless there is an emergency requiring a shorter period of notice, this notice must be mailed at least 15 days before the date of the proposed move. (There is a court form you must use for this notice and another form you may use to prove that you have mailed it. The forms are the *Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward* (form GC-079) and the *Attachment to Pre-Move Notice, etc.* (form GC-079(MA)). These forms refer to a "pre-move notice" because the notice must be mailed before the move.)
5. If you want to establish the conservatee's residence outside California, you must petition the court for permission before the move. Notice of the court hearing on this petition, together with a copy of the petition, must be mailed to the conservatee and the other persons and entities that were entitled to notice of the hearing on the petition for your appointment as conservator. There is a court form for this petition, the *Petition to Fix Residence Outside the State of California* (form GC-085). Notice of the hearing and proof of its mailing is given on another court form, the *Notice of Hearing—Guardianship or Conservatorship* (form GC-020).
6. You may not place the conservatee involuntarily in a mental health treatment facility unless he or she has been determined to be gravely disabled as the result of a mental disorder or impairment by chronic alcoholism, you have been appointed as conservator under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5350 et seq.), and then only if the court has authorized the placement. If the court has authorized you to place the conservatee in a secured-perimeter residential care facility or a locked and secured nursing facility because he or she suffers from dementia, you must be sure that the placement is the least restrictive placement appropriate to the conservatee's needs.

CONSERVATORSHIP OF (Name): CONSERVATEE	CASE NUMBER:
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III. C. PROVIDE MEDICAL CARE FOR THE CONSERVATEE

You are responsible for making sure that the conservatee's health care needs are met. But there are special rules you must follow to meet these needs. Two of the most important rules are as follows:

1. Unless the court has given you exclusive authority to consent to the conservatee's medical treatment because the court has determined that the conservatee has lost the capacity to make sound medical decisions, your consent or refusal to consent to such treatment is not sufficient if the conservatee disagrees (except in certain emergency situations). If you do have exclusive medical consent authority, you should be sure that all medical treatment and medications are appropriate.
2. If the conservatee has dementia and has lost the capacity to give an informed consent to the administration of medications for its treatment and care, you must be given specific authority by the court to consent to the administration of these medications. If you do have this authority, you should be sure that the medications are appropriate.

D. WORK WITH THE PERSON(S) RESPONSIBLE FOR MANAGING THE CONSERVATEE'S PROPERTY

If other persons are handling the conservatee's property, such as his or her estate conservator, the conservatee's spouse or registered domestic partner in possession of the couple's marital or partnership property, or the trustee of a trust created for the management of the conservatee's property and for his or her support, you must work together to be sure that the conservatee can afford the care you arrange. Purchases you make for the conservatee must be approved by the person(s) responsible for managing the conservatee's assets or you may not be reimbursed or your reimbursement may be delayed.

IV. CONSERVATOR OF THE ESTATE

The conservatee's property or assets and income are known as the conservatee's "estate." If the court appoints you as conservator of the estate, you will manage the conservatee's finances, protect the conservatee's income and property or assets, make an inventory of the conservatee's property or assets, make sure the conservatee's bills are paid, invest the conservatee's money, see that the conservatee receives all the income and benefits to which he or she is entitled, ensure that the conservatee's tax returns are filed on time and all taxes paid, keep accurate financial records, and regularly report the conservatee's financial condition to the court. *(Note: Property or assets and income in a trust for the conservatee's support and maintenance are usually not considered as part of the conservatee's estate, particularly if the trust was created and funded before the appointment of a conservator. Unless the conservatee's spouse or registered domestic partner consent to its inclusion in the conservatee's estate, the community property of the conservatee and his or her spouse or registered domestic partner under the management and control of the spouse or partner is also not part of the conservatee's estate.)*

A. MANAGING THE ESTATE

1. Prudent management for the benefit of the conservatee; prudent investments

You must manage the estate's property or assets and income for the benefit of the conservatee and with the care of a prudent person dealing with someone else's property. You must not make unreasonably risky investments of money or property of the estate.

2. Prior court approval required for fees, borrowing, loans, and gifts

You must ask and receive the court's permission, after full disclosure of all relevant facts, before you may pay from the conservatee's estate fees to yourself for your services as conservator and to your attorney for his or her services to you; borrow money for or loan money from the conservatee's estate (to yourself or anyone else); or make gifts of estate assets or property.

3. Keep estate money and property separate from your or anyone else's money or property

You must keep the money and property of the conservatee's estate separate from your money or property or from the money or property of any other person. Never deposit estate funds in your personal bank account or otherwise mix them with your or anyone else's funds, even for brief periods. Title to individual stocks, bonds, or other securities; securities broker accounts; mutual funds; and accounts with banks and other financial institutions must show that these assets are property of the conservatorship estate and not your or anyone else's property.

4. Interest-bearing accounts and other investments

Except for a checking account intended for payment of ordinary expenses, estate bank accounts must earn interest. You may deposit estate funds in one or more insured accounts in financial institutions, but you should not put more than the FDIC insurance limit, currently \$250,000, in any single institution. You have authority to make some investments without court approval. Other investments may be made only after court approval has been obtained. Consult with an attorney before making any investments, even those you have authority to make without court approval.

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IV. A. 5. Claims against others on behalf of the conservatee

Pursue claims against others on behalf of the conservatee's estate when it is in the best interests of the conservatee or his or her estate to do so. The court may require you to be represented by a lawyer to proceed with litigation on behalf of the conservatee's estate. Consider requesting prior court authority to pursue or compromise large or complex claims, particularly those that might require litigation and the assistance of legal counsel and those that might result in an award of attorney fees for the other party against the conservatee's estate if you are unsuccessful. You may sign a contingent fee agreement with legal counsel on behalf of the conservatee's estate if such agreements are customary for the type of case involved, but the court must approve the agreement before it is enforceable. You may ask for court approval of a contingent fee agreement before signing it and before legal counsel performs any services under it.

6. Defend against claims against the conservatee's estate

Defend against actions or claims against the conservatee or his or her estate when it is in the best interest of the conservatee or the estate to do so. The court may require you to be represented by a lawyer for your defense of a lawsuit against the conservatee's estate. You may request court approval or instructions concerning the defense or compromise of such a lawsuit.

7. Public and insurance benefits

You must learn about and collect all public and insurance benefits for which the conservatee is eligible.

8. Evaluate the conservatee's ability to manage cash and other assets

You should evaluate the conservatee's ability to manage cash or other assets and take appropriate action, including asking for prior court approval when necessary or appropriate, to enable the conservatee to do so to the level of his or her ability.

9. Locate the conservatee's estate planning documents

You should undertake, as soon as possible after your appointment and qualification as conservator, to locate and take reasonable steps to ensure the safety of the conservatee's estate planning documents, including wills and codicils, living trusts, powers of attorney for health care and finances, life insurance policies, and pension records.

10. Preserve property mentioned in the conservatee's estate planning documents

Make reasonable efforts to identify, locate, and preserve property mentioned in the conservatee's estate planning documents.

11. Guard against inappropriate disclosure of the conservatee's financial information

Subject to your duty of full disclosure to the court and persons entitled under the law to receive it, you must closely guard against unnecessary or inappropriate disclosure of the conservatee's financial information.

12. Conservatee's tangible personal property

If you plan to dispose of any of the conservatee's tangible personal property, inform the conservatee's family members in advance and give them an opportunity to acquire the property, with approval or confirmation of the court.

13. Factors to consider when deciding whether to dispose of any of the conservatee's property

In deciding whether it is in the best interest of the conservatee to dispose of property of his or her estate, consider the following factors, among others, as appropriate in the circumstances:

- (A) The likely benefit or improvement of the conservatee's life that disposing of the property would bring;
- (B) The likelihood that the conservatee would need or benefit from the property in the future;
- (C) The previously expressed or current desire of the conservatee concerning the property, unless accommodating those desires would violate your fiduciary duty to the conservatee or impose an unreasonable expense on the estate;
- (D) The provisions of the conservatee's estate plan concerning the property;
- (E) The tax consequences of disposing of the property;
- (F) The impact of disposition on the conservatee's eligibility for public benefits;
- (G) The condition of the entire estate;
- (H) The likelihood that the property will deteriorate or be subject to waste if kept in the estate; and
- (I) The benefit versus the cost or liability of maintaining the property in the estate.

CONSERVATORSHIP OF (Name): CONSERVATEE	CASE NUMBER:
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IV. A. 14. **Property, casualty, and liability insurance**

Determine the appropriate kinds and adequate levels of property, casualty, and liability insurance covering the property, assets, risks, and potential liabilities of the conservatee and his or her estate. Maintain the insurance in force during the entire period of the administration (except for assets after they are sold).

15. **Communicate with conservator of the person and trustee**

You should communicate as necessary and appropriate with the conservator of the conservatee's person, if any, and with the trustee of any trust of which the conservatee is a beneficiary.

16. **Other limitations or restrictions**

There are many limitations or restrictions on your authority to deal with estate assets not mentioned here. If you do not obtain the court's permission when it is required before taking an action, you may be removed as conservator or you may be required to reimburse the estate from your own personal funds, or both.

B. INVENTORY OF ESTATE PROPERTY

1. **Locate and take possession of the estate's property and prepare an inventory**

You must identify, locate, take possession of, and protect all the conservatee's property, assets, and income that will be or become part of the conservatorship estate. You must change the record title or ownership of most property and assets of the estate to reflect the conservatorship. You must record a copy of your *Letters of Conservatorship* (form GC-350) with the county recorder in each county where the conservatee owns real property. You must then prepare an inventory, or a list, of all of the real and personal property of the estate. There are court forms that must be used for the inventory. These consist of a two-page cover sheet, *Inventory and Appraisal* (form DE-160/GC-040) and one or more pages to be attached to the cover sheet containing the list of property, *Inventory and Appraisal Attachment* (form DE-161/GC-041). The property is separated into two categories, cash and cash-equivalent items, listed on Attachment 1; and all other types of real and personal property, listed on Attachment 2.

2. **Determine the value of the estate's property**

You must arrange to have a **probate referee** appointed by the court appraise, or determine the fair market value of, the noncash property of the estate shown in Attachment 2 of your inventory unless the referee's appointment is waived by the court. You, rather than the referee, may appraise the value of the cash and cash-equivalent items of property listed in Attachment 1, such as bank accounts.

3. **File and mail copies of the inventory and appraisal and notice of how to object**

Within 90 days after your appointment as conservator, unless the court gives you more time, you must file with the court your inventory containing the appraisals of estate property, signed by you and, if the probate referee has appraised assets, by the referee. You must also mail copies of the completed inventory and appraisal to the conservatee, the conservatee's attorney, if any, and the conservatee's spouse or registered domestic partner, parents, and children, and must give them written notice of how to file an objection to the inventory and appraisal. There is a court form that must be used for this notice, the *Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* (form GC-042).

C. RECORD KEEPING AND ACCOUNTING

1. **Keep records and prepare accountings**

You must keep complete and accurate records of each financial transaction affecting the estate, including all receipts of income, changes in assets or property held in the estate, and expenditures. The checkbook for the conservatorship checking account is your indispensable tool for keeping records of income and expenditures. You should also save original bills or invoices paid, records of property sale transactions, receipts for money spent, and bank or other institutions' statements showing income received and money spent. You must prepare periodic accountings of all money and property you have received, what you have spent, the date of each transaction, and its purpose. Your accountings must describe in detail what you have left after you pay the estate's expenses. There are court forms you may, or in some situations must, use for your accountings. You will have to file original statements from banks and other institutions with your accountings.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

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

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

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

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

VI. LIMITED CONSERVATOR (for the developmentally disabled only)

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

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

B. DUTY TO HELP LIMITED CONSERVATEE DEVELOP SELF-RELIANCE

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

C. DETERMINATION OF LEVEL OF CARE FOR CERTAIN LIMITED CONSERVATEES

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

VII. TEMPORARY CONSERVATOR

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

Sign the *Acknowledgment of Receipt* on page 7.

CONSERVATORSHIP OF (Name): <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:
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VIII. JUDICIAL COUNCIL FORMS

This form identifies a number of Judicial Council forms used for court filings in conservatorship proceedings. This form, the petition for your appointment as conservator, and the order that appoints you as conservator are examples of Judicial Council forms. Judicial Council forms are either mandatory or optional. If a mandatory form applies to a situation or proposed action, it must be used. Optional forms may be used, at the option of the person preparing and filing the form or, in some situations, at the option of the court. Each form is identified on the bottom left side of its first page as optional or mandatory. Judicial Council forms are not available for every situation where a document may or must be filed with the court, but the forms address the most common and important matters that occur during a conservatorship. The *Handbook for Conservators* has additional information about Judicial Council conservatorship forms.

Your attorney will select and prepare the appropriate Judicial Council forms. However, if you do not have an attorney, you can prepare them yourself. All Judicial Council forms are posted on the California courts' public website, www.courts.ca.gov. Select "Forms" at the top of the site's home page, then select the form group in the drop-down menu in the middle of the page. All conservatorship forms are collected in the Probate—Guardianships and Conservatorships form group. They are designated with the prefix "GC," followed by a three-digit number. Forms shown in the drop-down list with an asterisk are mandatory forms.

The forms are posted on the website in both unfillable and fillable versions, as PDF files. The unfillable versions are designed to be completed by typewriter or, in some cases, by hand. Fillable forms may be filled out online, then printed out ready for signing and filing with the court, and they may also be saved to your computer and completed in more than one sitting. Go to the "Forms and Information" page at the Web site's Self-Help Center for more information on accessing the forms.

**ACKNOWLEDGMENT OF RECEIPT
of Duties of Conservator and Handbook for Conservators
(Probate Code, § 1834)**

I acknowledge that I have received this statement of the duties and liabilities of the office of conservator, the Duties of Conservator (form GC-348), and the Handbook for Conservators adopted by the Judicial Council.

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

Date: _____	▶	_____ <small>(SIGNATURE OF (PROPOSED) CONSERVATOR)</small>
<small>(TYPE OR PRINT NAME)</small>		
Date: _____	▶	_____ <small>(SIGNATURE OF (PROPOSED) CONSERVATOR)</small>
<small>(TYPE OR PRINT NAME)</small>		
Date: _____	▶	_____ <small>(SIGNATURE OF (PROPOSED) CONSERVATOR)</small>
<small>(TYPE OR PRINT NAME)</small>		

NOTICE

This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a conservator is governed by the law itself and not by this summary or by the Judicial Council's *Handbook for Conservators*. When in doubt, consult your attorney.

To the conservator:

This form gives a brief description of your legal duties as a conservator, including differences if you were appointed as a limited or temporary conservator. It is accurate as of the effective date below, but it is not a substitute for the law itself. You should also read the Judicial Council's *Handbook for Conservators*. The handbook explains the duties stated on this form.

The court that appointed you should have given you a link to the free online handbook, available at courts.ca.gov/documents/handbook.pdf, or sold you a paper copy for \$20. Most conservators use the online version of the handbook. If you would like to buy a paper copy, ask the probate clerk.

Follow these steps:

- Once you have received this form and the handbook, sign form GC-349 (*Conservator's Acknowledgment of Receipt of Information*) and file it with the court.
- Sign the affirmation on page 2 of form [GC-350](#) (*Letters of Conservatorship*), post a bond if you are a conservator of the estate, and meet any other requirements adopted by your local court.
- File form GC-350 and buy several certified copies from the clerk. You'll need to give this form to service providers to prove the court gave you authority to act for the conservatee.
- Read the handbook as well as this form. The handbook explains how to perform the duties that are only stated or briefly described on this form.

1 Important terms

- **Conservator:** A person appointed by a court to make decisions and act for another person who cannot take care of their own needs for personal care, food, clothing, or shelter; manage their own financial resources; or both. The court can appoint one conservator to take care of the conservatee's personal needs and health care and a different conservator to manage the conservatee's finances, or it can appoint one conservator to do both.
- **Conservatee:** The person who is not able to take care of their own needs for personal care, food, clothing, shelter, physical health, and safety or to manage their financial resources without a conservator's help.

- **Conservator of the person:** A person appointed by the court who is responsible for making sure the conservatee receives goods and services that meet their needs for personal care, food, clothing, shelter, physical health, and safety.
- **Conservator of the estate:** A person appointed by the court who is responsible for managing the conservatee's financial resources—that is, their money and property.
- **Limited conservator:** A conservator with limited powers and duties appointed for an adult with a developmental disability. A limited conservator has only the powers and duties specified in the court's appointment order.

If you are not the only conservator appointed for a conservatee—for example, if you are the conservator of the person, and another person or company is the conservator of the estate—you need to communicate and work together with the other conservator.

To find full definitions of these and other important terms, look in Appendix F of the *Handbook for Conservators*.

2 Your General Duties

- a. You have a duty to respect the rights of the conservatee and protect those rights if someone else tries to limit them. This duty requires you to treat the conservatee with understanding and respect and do what the conservatee wants unless that would violate your other legal duties to the conservatee or cost the conservatee too much money. As much as you can, in light of any limits to the conservatee's ability to understand and communicate, you need to:
 - Help the conservatee to be as independent as possible;
 - Find out whether the conservatee agrees with your planned decisions and actions for them;
 - Consider what the conservatee wants you to do and whether you can do it; and
 - Regularly inform the conservatee of the decisions you have made.



- b. You have a duty to act only in the conservatee's interest, not in the interest of anyone else, and especially not in your own interest. This is called the duty of loyalty.
- c. You have a duty to take care of the conservatee, the conservatee's money and property, or both. If you are a conservator of the estate, you must use care and diligence in managing the conservatee's money and property.

3 Rights of Conservatee

A conservatee has many rights. In addition to this section and the linked forms, Chapter 1 of the *Handbook for Conservators* also discusses a conservatee's rights.

- a. A conservatee has the right to:
 - Receive from you a copy of your appointment order and pages 1 and 2 of form [GC-341](#) (*Notice of Conservatee's Rights*);
 - Receive from the court a copy of form [GC-342](#) (*Personalized Information for Conservatee—Probate*);
 - Have a lawyer represent them in court;
 - Have the court appoint a lawyer for them if they cannot hire one;
 - Ask the court to change conservators;
 - Ask the court to end the conservatorship; and
 - Buy goods and services to meet their own basic needs and the basic needs of their spouse and children younger than 18 years old.
- b. Unless the court has limited or taken away the right, a conservatee also has the right to:
 - Receive visits from family and friends;
 - Receive personal mail, email, and phone calls;
 - Decide whom to have social and sexual relationships with;
 - Make their own medical decisions;
 - Refuse placement in a locked residential facility;
 - Receive and control money they earn from work;
 - Make or change their will;
 - Get married; and
 - Vote.

- c. A conservatee may do some things only if the court has given them that right. These may include the right to:
 - Decide where to live;
 - Make their own educational decisions; and
 - Receive and spend money from an allowance if the court ordered you to pay the conservatee an allowance.

Note: You need to keep records that show you paid the allowance, but you don't need to account for how the conservatee spends it.

Check your appointment order, your letters of conservatorship, and form GC-342 to find out if the court limited any of your conservatee's rights or granted them any additional rights. Read form GC-341 to learn more about a conservatee's general rights.

- d. If the court appointed you as a **limited conservator**, your conservatee keeps the right to make a decision or take an action **unless** the court has specifically taken away that right. In addition, you do not have the power to do something for the conservatee unless the court has given you that specific power in a written order.

Sometimes, the court will take away a limited conservatee's right and not give you the power to exercise that right. For example, if a limited conservatee has no money or property, the court may take away their right to make a contract. But because there is no money or property to manage, the court will not give that power to the limited conservator.

4 Duties of a Conservator of the Person

Your three most important duties as conservator of the person are:

- Completing a care plan for the conservatee, filing it with the court, and then acting to implement it;
- Deciding where the conservatee will live; and
- Making sure that the conservatee gets the medical care they need and can afford.

This section describes each of those duties. More details are provided in Chapter 2 of the *Handbook for Conservators*.



- a. You must complete a conservatorship care plan and file it with the court within 120 days of your appointment. The care plan outlines the conservatee’s needs and how you will make sure those needs are met. Use mandatory forms [GC-355](#) (part 1) and [GC-356](#) (part 2) to complete the plan. Those forms state all the information the plan must include.

After you complete and file the plan, you need to deliver copies to the persons listed on form GC-355, but there are some exceptions. Read the instructions on the forms and in Chapter 2 of the *Handbook for Conservators*. If you still have questions, talk to a lawyer or visit your court’s self-help center.

- b. You must decide where the conservatee will live. The place that you choose must be:
- In California, unless you asked for authority to move the conservatee to a residence outside of California and the court gave you that authority;
 - In the best interests of the conservatee; and
 - The least restrictive appropriate residence that is available and necessary to meet the conservatee’s needs. This means that the place must allow the conservatee the greatest possible freedom and independence while also supporting their treatment or care needs. The conservatee’s own long-term home (personal residence) at the time the conservatorship petition was filed is usually the least restrictive appropriate residence. For more information about requirements related to the conservatee’s personal residence, read Chapter 2 of the *Handbook for Conservators*.

(1) *Changing where the conservatee lives*

If you want to move the conservatee out of their current home, including a care facility or other temporary home, you must give notice of the proposed move both before the move (on form [GC-079](#)) and afterward (on form [GC-080](#)). In the notice after the move, you must include a declaration stating that the new residence is the least restrictive appropriate residence that is available and necessary to meet the conservatee’s needs and that the change of residence is in the conservatee’s best interests.

Unless the court orders you not to, you must give both notices to all the persons who were entitled to receive notice of the petition for appointment of a conservator and anyone who asked for special notice. For a more detailed explanation of the requirements, read Chapter 2 of the *Handbook of Conservators*.

(2) *Placing the conservatee in a locked facility*

You may not place the conservatee in a locked facility unless the conservatee has a major neurocognitive disorder (such as dementia) and the court gave you this power. Look at your appointment order (form GC-339 or [GC-340](#)) to find out if you have the power.

Note: As a probate conservator, you may never place the conservatee in a mental health treatment facility.

- c. Ensure that the conservatee receives medical treatment appropriate to meeting their health care needs as specified in the care plan.

You must make sure that the conservatee’s health care needs are met. There are special rules for how you must meet these needs. Two of the most important rules are:

- (1) In general, you must not authorize or consent to the conservatee’s medical treatment if the conservatee objects. But there are exceptions:
- (a) If the court gave you authority in a written order to make decisions about medical treatment, even if the conservatee objects, because the conservatee is not able to make those decisions. If the court gave you this authority, you must make decisions about medical treatment in the conservatee’s best interests and consistent with their known preferences and instructions.
 - (b) If the court made an order specifically authorizing the treatment.
 - (c) In an emergency. That means you believe, based on medical advice, the treatment is required either (1) to relieve severe pain or (2) to address a medical condition that, if not immediately diagnosed and treated, will lead to serious disability or death.



- (2) Even if the court has given you the power to authorize medical treatment when the conservatee objects, you do not have the power to consent to giving the conservatee medication for care and treatment of a major neurocognitive disorder (such as dementia) unless the court gave you this power. Look at your appointment order (form GC-339 or GC-340) to find out if you have the power.

For more about the duties of a conservator of the person, read Chapter 2 of the *Handbook for Conservators*.

5 Duties of a conservator of the estate

The conservatee's money, property, and income are called their "estate." Estates can include things like houses, land, and financial accounts.

a. As conservator of the estate, you must:

- Manage the conservatee's finances (for more guidance, see 5b below);
- Protect the conservatee's estate from losing value or being damaged;
- Make a list (inventory) of what is in the conservatee's estate;
- Make sure that the conservatee's bills are paid;
- Invest the conservatee's money and property, as appropriate
- Make sure that the conservatee gets all the income and benefits that they should;
- Make sure that the conservatee's tax returns are filed and that their taxes are paid;
- Keep accurate financial records; and
- Update the court regularly about the conservatee's financial condition.

b. When performing the duties in item 5a, you must:

- Act prudently and use care and diligence in managing the estate and making investments.
- Get permission from the court before you receive any payment from the conservatee's estate, give a gift of the conservatee's money or property, borrow money, or take out a loan using the conservatee's property as collateral.

- Keep the conservatee's money and property separate from your own money and property and from anyone else's.
- Use interest-bearing accounts and investments.
- File a claim against a person who harms the conservatee or the estate, as appropriate.
- If anyone makes a claim against the conservatee, defend the estate against that claim.
- Find out whether the conservatee qualifies for any public benefits or insurance. If you think they qualify for something that would help them, apply for it for them.
- Figure out if the conservatee is able to manage any of their own money.
- Find the conservatee's estate-planning documents (for example, a will or a trust), keep the documents confidential if appropriate, and protect and maintain the property described in them.
- Make sure that the only people who have access to the conservatee's financial information are the people who should have that access.
- As appropriate, get and keep insurance for property, casualty, and liability for the estate.
- Let family members know and get permission from the court before giving away or getting rid of the conservatee's belongings.

Note: The law places many other limits on what you can do with the estate that are not stated here. For more detailed descriptions of your powers and duties as conservator of the estate, read Chapter 3 of the *Handbook for Conservators*. Pay special attention to whether you need to get court approval for a planned action and, if you do, whether you need to get court approval before you do it or can wait until afterward.

If you were required to get the court's approval before acting and you did not, the court may:

- (1) Undo (rescind) your action;
- (2) Remove and replace you as conservator; and
- (3) Order you to pay money back to the estate from your own personal funds if your act caused the estate to lose value.



6 Duties of a limited conservator

If the court appointed you as limited conservator of an adult with a developmental disability, the court granted you some but not all of the powers of a conservator of the person, estate, or both. Your appointment order and letters of conservatorship state your exact powers. If the order and letters don't state a power, you don't have that power, and you don't have a duty to use it. You still have the general duties described in section 2, as well as duties to exercise your specific powers as needed and in the conservatee's best interests.

In addition to your other duties, you must also help the limited conservatee become as independent and self-reliant as possible. You must help them get the treatment, training, services, and education that will help them to take care of their own needs as much as they can.

NOTE: Your duty to help the limited conservatee become self-reliant may require you to go back to the court and ask it to give you one or more additional powers or to take away one or more of your powers.

For more about the duties of a limited conservator, read Chapter 4 of the *Handbook for Conservators*.

7 Duties of a temporary conservator

A temporary conservator has the same kinds of powers and duties as a conservator but must use them only as needed to care for the conservatee or protect their property from loss or damage until the court can decide whether appointing a conservator is necessary. The powers and duties will end on the date the court appoints a conservator or dismisses the petition for appointment.

Because the powers and duties are temporary, you should avoid making long-term decisions or changes that can safely wait until after the court's decision.

Except in an emergency, you may not move a conservatee out of their home unless the court finds, after a hearing, that the move is needed to prevent harm that cannot be fixed and there is no other way to prevent the harm that is less restrictive of the conservatee's freedom.

You may not sell or give away the conservatee's home or any property in the home without first getting specific court approval after a noticed hearing and court findings that the conservatee will not be able to return to live in the home and the proposed action is needed to prevent harm that cannot be fixed.

For more about the duties of a temporary conservator, read Chapter 5 of the *Handbook for Conservators*.

8 Special rules if the conservatee is married or has a domestic partner

- a. **If you are married to the conservatee**, and you file for divorce, legal separation, or annulment, you must let the probate court, everyone in the case, and other people who have an interest in the case (see Prob. Code, §§ 48, 1424) know within 10 days of filing. The court can set a hearing to consider removing you as conservator and appointing a new conservator.
- b. **If you are the conservatee's domestic partner** and you end the domestic partnership, you must let the probate court know within 10 days of the date the domestic partnership ends. The court can set a hearing to consider removing you as conservator and appointing a new conservator.
- c. **If someone else is married to, or the domestic partner of**, the conservatee, and they file for divorce, legal separation, or annulment or end the domestic partnership, they must let you know in writing within 10 days of filing the papers or ending the partnership. You must then take reasonable steps to protect the conservatee's interests. For more information, see Chapter 1 of the *Handbook for Conservators*.

9 Help understanding your duties

A conservator's legal duties are complicated, and it's important for you to understand them. If you violate your duties because you don't know what you're doing, the court can remove you as conservator and make you pay the estate back for any loss you caused. If you have questions about the duties described in this form and explained in the *Handbook for Conservators*, or you don't understand what the law requires you to do, talk to your lawyer if you have one.

If you don't have a lawyer, your court's self-help center may be able to help you. You can find the court's self-help center location and hours at selfhelp.courts.ca.gov/self-help/find-self-help. If the self-help center helps with conservatorship cases, it will help you for free and give you legal information but not legal advice.

Your court also may have information about other places, such as public law libraries, where you can find legal information in your area.

