

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT SPR15-29

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<b>Title</b>	<b>Action Requested</b>
Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act	Review and submit comments by June 17, 2015
<b>Proposed Rules, Forms, Standards, or Statutes</b>	<b>Proposed Effective Date</b>
Revise form GC-310; adopt forms GC-360, GC-361, and GC-362	January 1, 2016
<b>Proposed by</b>	<b>Contact</b>
Probate and Mental Health Advisory Committee Hon. John H. Sugiyama, Chair	Douglas C. Miller, 818-558-4178 <a href="mailto:douglas.c.miller@jud.ca.gov">douglas.c.miller@jud.ca.gov</a>

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### Executive Summary and Origin

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

### Background

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

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

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

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

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

- (1) A cover sheet for registration of a conservatorship under Section 2011 (conservatorship of the person), 2012(conservatorship of the estate), or 2013 (conservatorship of the person and estate).
- (2) A form for an attestation to prove registration of a foreign conservatorship which gives the foreign conservator eligibility to act in this state. The statute also permits the Judicial Council to include this attestation in the registration cover sheet.
- (3) A form for providing advance notice of intent to register a conservatorship; and
- (4) A form for a conservator to acknowledge receipt of the *Handbook for Conservators*.

### **The Proposal**

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

### **Form GC-310**

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

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

*(If you answered “is,” complete the following item):*

- (1) Name of Tribe
- (2) Location of tribe *(if the tribe is located in more than one state, the state that is the tribe’s principal location):*
- (3) The proposed conservatee [ ] does [ ] does not reside on tribal land.\*

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

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

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

\* “Tribal land” is land that is, with respect to a specific Indian tribe and the members of that tribe, “Indian country,” as defined in 18 U.S.C. § 1151. (See § 2031(c).)

### **Form GC-360**

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

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

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

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

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

### **Form GC-361**

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

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

### **Form GC-362**

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

### **Alternatives Considered**

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

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

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

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

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

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

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

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

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

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

## Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

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

### Attachments and Links

1. Proposed new and revised forms GC-310, GC-360, GC-361, and GC-362, at pages 6–20
2. The California Conservatorship Jurisdiction Act, Senate Bill 940, at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB940&search\\_keywords=](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB940&search_keywords=)

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

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

1. **Petitioner (name):**

**requests that**

- a. (Name):
- (Address):

(Telephone):

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

- b. (Name):
- (Address):

(Telephone):

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

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

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

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

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

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

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

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

\* See item 5b on page 4.

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

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

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

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

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

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

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

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

(3) Annual gross income from

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

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

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

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

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

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

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

**4. (Proposed) conservatee**

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

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

c.  is  is not able to complete an affidavit of voter registration.

d.  is  is not, so far as is known to petitioner, a member of a federally recognized Indian tribe.

*(If you answered "is," complete items (1)–(4)):*

(1) Name of tribe:

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

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

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

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

(1)  is an adult.

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

(3)  is a married minor.

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

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

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

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



CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

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

CONSERVATORSHIP OF <i>(name)</i> :   <div style="text-align: right; padding-right: 20px;">CONSERVATEE</div>	CASE NUMBER:   
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10.  **Temporary conservatorship**

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

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

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

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

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

Continued on Attachment 11.

CONSERVATORSHIP OF <i>(name)</i> :   <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:
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12.  **Confidential conservator screening form**

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

13.  **Court investigator**

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

14. Number of pages attached:

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)

▶

\_\_\_\_\_

(SIGNATURE OF ATTORNEY FOR PETITIONER)

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

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

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME OF PETITIONER)

▶

\_\_\_\_\_

(SIGNATURE OF PETITIONER)

\_\_\_\_\_

(TYPE OR PRINT NAME OF PETITIONER)

▶

\_\_\_\_\_

(SIGNATURE OF PETITIONER)

CALIFORNIA ATTORNEY OR REGISTRANT WITHOUT CALIFORNIA ATTORNEY (*Name, address, and State Bar number*):

TEL NO.:

FAX NO.:

E-MAIL ADDRESS:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

PLAINTIFF:

DEFENDANT:

CALIFORNIA REGISTRATION NUMBER

CONSERVATORSHIP OF THE  PERSON  ESTATE OF  
(*Name*):

CONSERVATEE

FOR COURT USE ONLY

**CONSERVATORSHIP REGISTRATION COVER SHEET AND  
ATTESTATION OF CONSERVATEE'S NONRESIDENCE IN CALIFORNIA  
(California Conservatorship Jurisdiction Act)**

JURISDICTION WHERE CONSERVATORSHIP OR ADULT GUARDIANSHIP CASE FILED:

COURT:

DEPT.:

CASE NUMBER:

TITLE OF PROCEEDING:

**Draft  
Not Approved by the  
Judicial Council**

**INFORMATION AND INSTRUCTIONS FOR REGISTRANTS**

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

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

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

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

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CONSERVATORSHIP OF <i>(name)</i> :    <p style="text-align: center;">CONSERVATEE</p>	CALIFORNIA REGISTRATION NUMBER:
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Registration may be available if **all** of the following facts are true:

1. The *conservatee* is over the age of 18 years (*place your initials here*): \_\_\_\_\_ ;
2. Under the law under which his or her *conservator* was appointed, the *conservatee* may not be involuntarily committed to a mental health facility or subjected to other involuntary mental health care that is similar to the California mental health proceedings listed in section 1981(b) (*place your initials here*): \_\_\_\_\_ ; and
3. There is no petition pending in a California state court for the appointment of a *conservator* for the *conservatee*.

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

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

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

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

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

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

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

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

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF REGISTRANT)

CALIFORNIA ATTORNEY OR INTENDED REGISTRANT WITHOUT CALIFORNIA ATTORNEY <i>(name, address, and State Bar number)</i> :		
TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR <i>(Name)</i> : _____		
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(Name)</i> : _____ CONSERVATEE		
<b>NOTICE OF INTENT TO REGISTER CONSERVATORSHIP*</b> <b>(California Conservatorship Jurisdiction Act)</b>		
JURISDICTION WHERE CONSERVATORSHIP OR ADULT GUARDIANSHIP CASE FILED:		
COURT:	DEPT.:	CASE NUMBER:
TITLE OF PROCEEDING:		

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

\* Prepare and serve (deliver) a separate *Notice of Intent to Register Conservatorship* for each court in which you intend to register this conservatorship.  
 \*\* The date of registration must be 15 or more days after this notice is mailed or personally delivered (Prob. Code, § 2014(a)) .







