

Self-Help Conservatorship Clinic

Quick Reference Guide



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Introduction



Welcome to the Bet Tzedek Self-Help Conservatorship Clinic. This quick reference guide explains some basic things you should know about California probate conservatorships, and describes what to expect when filing for conservatorship in the Los Angeles County Superior Court.

We recommend consulting an attorney for a more in depth understanding of the law or if you have a complicated case. Please note that if the disabled person you are trying to help lives outside Los Angeles County, you should file your petition in that county. Our Clinic can only help if you wish to file a petition for a conservatorship over someone who lives in Los Angeles County.

Bet Tzedek is able to provide Clinic services free of charge through the generous support of individual donors, grants, volunteers, public and private partnerships, the Superior Court, Los Angeles County public libraries, and the pro bono legal community. We are grateful for their contributions and hope our joint effort will be helpful to you on your path for appointment as a conservator.

Katherine H. Chew
Self-Help Conservatorship Program Director

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Section 1: Clinic Services & Important Terms

Clinic Services

The Self-Help Conservatorship Clinic provides assistance to anyone who wants to file for conservatorship without representation by an attorney. We are an equal access clinic, meaning anyone can use our services and we do not take a position as to whether someone should or should not be appointed as a conservator. We can help you in preparing the necessary documents and processing them with the court. You will be responsible for providing accurate and truthful information to the court, and you will appear at the hearing to represent yourself.

The Clinic is also a resource for anyone who needs general information about probate conservatorships in California and the court process. We can provide referrals for legal or social service assistance that may be helpful if you are caring for a disabled adult that needs help. For instance, if the disabled person you are concerned about has been diagnosed with schizophrenia, bi-polar disorder, or a similar mental disability, you may need to file for a different type of conservatorship called an LPS conservatorship. The Clinic can provide you with a referral for LPS conservatorships if this is the case.

Please note that we do not work for the Superior Court or any other organization that hosts the location of our workshops. The Clinic does not give legal advice and we do not represent you as your attorney. There are filing and administrative fees to file for conservatorship in the Superior Court. However, the Clinic services are free.



The Clinic's questionnaire will help you identify the information that the court will need to decide if a conservatorship is necessary and if you should be appointed as conservator. We will help you draft and assemble petition documents through the use of an interactive computer software program. Once the documents are completed, we will guide you in the process of signing the documents and filing them.

If the court decides to appoint you at your hearing, we will help you prepare the documents that are necessary to finalize the conservatorship and obtain certified Letters of Conservatorship. The Letters of Conservatorship is the official document that verifies you have been appointed by the court to care for an adult with a disability who needs your help.

Please note that the Clinic assists with the initial filing of petitions for probate conservatorships. In limited situations, the Clinic may be able to assist with petitions for appointment of a temporary conservator, or proper formatting of simple pleadings related to a conservatorship.

The Clinic is an equal access clinic, meaning anyone can use our services and we do not take a position whether someone should or should not be appointed as a conservator.



Important Terms

It will be helpful for you to become familiar with certain words and terms that will be used throughout the process. Here is a short list of frequently used words and phrases, in alphabetical order, that may be helpful to you:

Bond: A probate bond ensures that an appointed conservator of the estate will manage the conservatee's (disabled person's) property and/or finances honestly, responsibly, and according to the court's expectations. The conservator will need to set aside his/her personal funds in an amount determined by the court to obtain a bond. If the conservator of the estate manages the conservatee's property or money, the court can order the bond funds to be paid to the conservatee. The bonding company will then go to court to recoup any misappropriated funds from the conservator of the estate.

Capacity Declaration: This is a form that must be filled out by the disabled person's doctor and filed with your petition. The doctor's answers will explain to the court what, in his or her medical opinion, the patient can or cannot do, and describes the patient's disability.

Conservatorship: A court case where a judge appoints a responsible person or organization to care for a disabled adult who cannot manage his or her personal care and/or finances

Conservatee: The disabled adult who cannot manage his or her personal care and/or finances.

Conservator: The person or organization whom the judge appoints to care for the conservatee (adult with a disability).

Co-conservator: A person who helps the conservator make decisions about the care of the disabled adult. The law does not place a limit on how many co-conservators can be appointed. However, since all individuals appointed must make joint decisions about what is appropriate in the care and protection of the disabled adult, the more conservators that are appointed the more complicated the decision-making process could be. This is because all co-conservators have equal authority in the decision making. In the event there is a disagreement, it may be necessary to have the court intervene to resolve a dispute if there are several co-conservators with differing opinions.

It is also important to remember that if any individual appointed as a conservator dies, the one who is still alive does not automatically assume responsibility. The conservatorship technically ends upon the death of a conservator. If the one who is still alive wishes to continue to be responsible for the disabled person's care, he or she must file additional documents to update the court of the changed situation and request to continue to act as the disabled person's conservator.

Dementia Powers: These are special powers that allow a conservator to place the conservatee in a locked facility that treats dementia patients, and to authorize psychotropic medications to treat the dementia. Probate conservators normally do not have these powers unless the court provides special approval.

Determination of Appropriate Level of Care: This is a document that is sometimes called "the Care Plan." It is a form that is signed and filed by the conservator after being appointed, and describes the type of location where the conservatee resides and the type of care needed.

Duties of Conservator: This is a document that describes the duties of the conservator and any co-conservators. It must be signed by all conservators and co-conservators, and the Clinic files it with the court after the judge appoints the conservators.

Estate: This refers to any assets, or property owned by the conservatee. It can include items such as bank account funds, cash, investments, real estate, furniture, jewelry, income, vehicles, houses, stocks, bonds, or any other thing that has monetary value.

Fee Waiver: This is a court form that requests that the court excuse the petitioner from having to pay the court filing fees and other related fees. If the conservatee receives SSI (Supplemental Security Income), Medi-Cal, Food Stamps, or other similar public benefits, the court can excuse the petitioner from paying the court fees. There are other ways to try to be excused from paying the court fees. The Clinic will assist you in filling out the Fee Waiver form in these cases.

General Conservatorship: This type of conservatorship is for any adult who has become incapacitated and needs a high level of care and assistance. This type of conservatorship is appropriate for someone who has dementia or is mentally incapacitated due to, for example, an injury or disease that occurred during adulthood.

Hearing: This term refers to the date you will go to the assigned department to have your petition heard by a judge. When your case is called, you will stand at the tables in front of the judge, and he or she will decide whether a conservatorship is necessary and whether you should be appointed as the conservator. The judge might ask you questions before reaching a decision, such as what is your relationship to the disabled person, what you do presently to care for him or her, or how you plan to care for the disabled person if you are appointed.

In Pro Per: This term refers to a person who is not represented by an attorney and is instead acting as his or her own attorney. If you use the Clinic services, you may be referred to as "In Pro Per" on the documents to alert the court you are representing yourself in the matter.

Jurisdiction: The law gives different courts authority to make decisions in certain types of legal cases that occur in certain geographical areas. The Los Angeles Superior Court has authority to decide conservatorship matters for conservatees who are residents of California and live within the County of Los Angeles. The Court is therefore said to have “jurisdiction” over the case.

Letters of Conservatorship: This is a document that is signed by the court clerk and the conservator and any co-conservators appointed by the court. It is the official document that explains the specific authority given to the appointed conservators in the management of the conservatee’s affairs. Letters of Conservatorship is the official document that verifies the court has appointed you to serve as the conservator.

Limited Conservatorship: This type of conservatorship is for an adult with a developmental disability such as Autism, Cerebral Palsy, Down Syndrome, or Intellectual Disability. It is specifically for an adult who has been diagnosed with a severe or chronic disability due to a mental or physical impairment that started before the age of 18 and could last indefinitely. It is “limited” to balance the need to protect the individual while at the same time promoting maximum self-reliance and independence. The court requires a Regional Center to submit a report for all petitions for limited conservatorships.

Order Appointing Probate Conservator: This is a document that describes what the judge has decided at the hearing, such as who will be appointed, what authority they will have, and what needs to be done, if anything, after the hearing.

Probate (Court) Investigator: This person is appointed by the court to gather information about the disabled person (conservatee) that may help the judge in deciding whether to grant your petition. The Probate Investigator will also make periodic visits with the conservatee after the appointment to make sure that a conservatorship is still necessary and appropriate.

PVP (Probate Volunteer Panel) Attorney: The court will appoint an attorney to represent the interests of the disabled person (conservatee). This attorney is assigned to act in the best interests of the conservatee, and represents only the disabled person, not you or any of your co-conservators. This attorney will meet with the conservatee in private, and may interview family members or other persons involved in the conservatee’s life. The PVP Attorney will use this information to explain to the court what he or she thinks is in the best interests of the conservatee.

Regional Center: A non-profit center that provides services for developmentally disabled individuals at each stage of life, regardless of age or degree of disability. There are several throughout Los Angeles County. They provide services such as assessment and diagnosis, counseling, training, lifelong individualized planning, and education. The Los Angeles Superior Court requires a Regional Center Report be submitted if the petition is for a limited conservatorship.

Serve: This is the legal term that means giving a copy of a document to a person, either by sending it in the mail or having someone over the age of 18 other than the proposed conservator physically hand the document to the person.

A Limited Conservatorship is for an adult diagnosed with a developmental disability that started before the age of 18 and can last indefinitely. It is “limited” to balance the need to protect the individual while at the same time promoting maximum self-reliance and independence.

Seven Powers: A Limited Conservator can request seven specific powers to help a developmentally disabled adult. These powers include the following: to decide where the conservatee will live; to have access to confidential records and papers; to consent or withhold consent to marriage or a domestic partnership; to control the right to contract; to give or withhold consent to medical treatment; to control sexual or social contacts; to make decisions concerning education.

Small Estate: The court will not require a bond if it appears likely the estate will meet the requirements of a small estate:

- 1) Assets (items of ownership convertible into cash), not including the home, are valued at \$15,000 or less;
- 2) Monthly Income, not including any public benefit payments, does not exceed \$2000 per month; and
- 3) All income of the estate, if not retained, will be used for the benefit of the conservatee.

The Clinic can assist with small estate cases; we cannot assist with cases requiring a bond.

A General Conservatorship is for any adult who has become incapacitated and needs a high level of care and assistance. It is often appropriate for someone who has developed dementia or suffered an injury after reaching adulthood.

Section 2: Understanding Probate Conservatorships

Do you really need to file for a conservatorship?



All persons, whether able or disabled, should be able to live as independently as possible with the least amount of restrictions. Once we become adults, the law presumes that we have the ability to manage our personal needs and financial affairs without assistance. We each have basic civil and legal rights to make life decisions on our own.

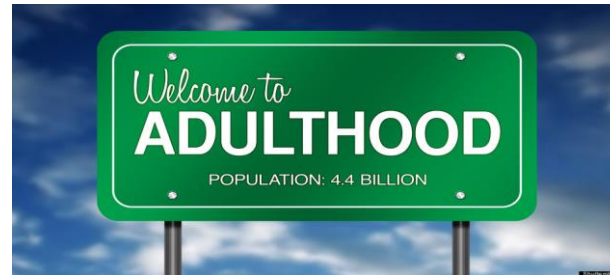
Our society recognizes, however, that someone who is disabled by some incapacity may need extra help with daily living activities or basic life decisions.

Filing a petition to be a conservator means that you are asking the court to give you the authority to make life decisions on behalf of a person with a disability. It is a serious request that will greatly impact and possibly restrict the disabled person's rights. Given this, a judge will first want to know if there is another way of helping the disabled person before appointing you as a conservator.

So before moving forward with a petition, you should first consider whether you really need a conservatorship. If the disabled person *has the capacity to understand* he or she needs help in certain areas, *and can voluntarily give you authority to act on his or her behalf*, you should explore alternatives to a conservatorship. Some possible alternatives include the following:

1. The disabled person accepts formal or informal help from you or other support services in the community in certain life activities;
2. The disabled person understands he or she needs help and communicates what authority to give to you by signing a legal document that specifies things you can do on his or her behalf. This can be done in the form of a general, special, or durable power of attorney.
3. The disabled person understands and is able to communicate his or her wishes for healthcare in the event he or she becomes completely incapacitated, and is able to sign a legal document called an Advanced Healthcare Directive that explains those wishes.
4. The disabled person understands and communicates how his or her property should be handled in the event of death or incapacity by signing a legal document called a trust.
5. The disabled person sets up a joint account with a trusted person to help manage property and finances, and pay bills.

If any of these options are available, you may not need a conservatorship. It is important to remember that the court will follow the law and seek to allow a disabled person to live life with as few restrictions and as much independence as possible. If you believe one of the above alternatives is a possible solution, you should consider talking to an attorney for more advice before filing for conservatorship.



What is a probate conservatorship?

In California, the law considers all people age 18 and older to be adults. Adults are presumed to have the ability, understanding, and maturity to make independent personal decisions about their lives.

With adulthood comes the right to manage our affairs, such as deciding where to live, whether to seek out medical treatment, whom to marry, or how to vote. The law presumes an adult has the capacity to manage his or her finances, or engage in basic living activities such as preparing meals or tending to self-care and personal hygiene.

However, if an adult is incapacitated in some way, he or she may not be able to perform these basic activities or make these personal decisions. A person is considered to be incapacitated if he or she cannot understand the consequences of his or her actions, or lacks the ability to make decisions for himself or herself. A person might become incapacitated due to an accident, injury, stroke, dementia, or other condition. Or, a person might be born with a disability-- such as Autism, Cerebral Palsy, Intellectual Disability, or Down Syndrome-- which prevents him or her developing these life skills upon reaching adulthood.

Since some incapacitated adults need help in certain areas of their lives, our laws provide a way to have someone else step in to help in the form of conservatorships. In California, a conservatorship is a court case where a judge appoints a responsible person or organization (called the “conservator”) to care for another adult (called the “conservatee”) who is incapacitated and therefore cannot care for himself or herself. It is important to remember that the judge will decide to appoint a conservator only if there are no other options available, and will base the decision on what can be done so that the disabled person lives in the least restrictive environment with the ability to have maximum independence. The focus, in other words, is on what would be in the best interests of the conservatee.

There are two categories of conservatorships which describe the areas of help needed in a conservatee’s life: a conservatorship over the person and a conservatorship over the estate.

A conservator over the person is someone who has the duty to help the conservatee with life activities related to physical needs. A conservator over the estate is someone who has the duty to help the conservatee with life activities related to property, finances, or money. A person can be appointed as the conservator of the person, the conservator of the estate, or the conservator of the person and estate.

What are the duties of a Conservator of the Person?

The judge will consider the specific physical needs of the conservatee and then, based on those specific needs, decide what types of duties to assign to the conservator of the person. Some examples of the duties that are assigned to a conservator of the person in a typical case are listed below:



- Provide for the care and protection of the conservatee
- Decide where the conservatee will live
- Seek permission from the court to move the conservatee out of state
- Provide healthcare, meals, clothing, & personal care
- Provide housekeeping, transportation, recreation
- If given explicit authority, make medical decisions and make sure treatment is appropriate
- If given authority, place conservatee with dementia in a secured facility that can administer medications to treat dementia
- Notify the court of change of residence
- Report to the court on status of case and conservatee

What are the duties of a Conservator of the Estate?

The judge will consider the conservatee's ability to manage finances and pay bills, as well as how vulnerable he or she is to financial abuse. With this in mind, the judge might assign a conservator of the estate the following duties:



- Manage finances
- Locate and take control of assets
- Prepare a budget
- Collect income
- Pay bills and taxes
- Responsibly invest
- Protect assets
- Report to the court with an inventory and appraisal

What does it mean to post a bond and when is it necessary?

The law requires the judge to take steps to protect a disabled person from anyone who might try to take advantage of him or her. In many cases involving money or assets, the temptation to mismanage or steal from the disabled and incapacitated person is real and strong. Because of this, our conservatorship laws have built in safeguards to try to prevent financial abuse. A bond is one of those safeguards.



If you need to manage assets over \$15,000, the court may require you to post a bond. A bond is like an insurance policy that protects the disabled person's assets. Using your own money, you will need to purchase a bond from a bonding company. The court will determine how large the bond must be, but it would likely be a percentage of the value of the conservatee's estate. The purpose of a bond is to discourage mishandling of the conservatee's estate. If the conservator steals or misuses the disabled person's money, the bonding company will return the amount to the disabled person, and sue the conservator to recover the money.

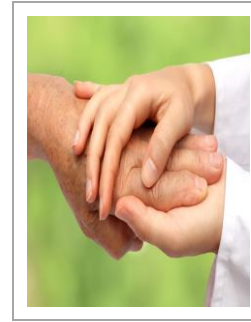
On the other hand, if the conservatee has under \$15,000 in assets, it is likely the court will “waive”, meaning excuse, you from having to post a bond. Usually the court will waive a bond requirement if the conservatee has a small estate. While the Clinic does not handle cases with estates large enough to require a bond, we can assist you if you wish to help manage a disabled person’s small estate.

The court will not require a bond if it appears likely that the estate will meet the requirements of a small estate:

- Assets (items of ownership convertible into cash), not including the home, are valued at less than \$15,000;
- Monthly Income, not including any public benefit payments, does not exceed \$2000 per month; and
- All income of the estate, if not retained, will be used for the benefit of the conservatee.

Does it matter what type of disability a person has and when the disability occurred?

Yes. The type of disability and timing of the disability will affect what kind of petition should be filed and what authority the judge will give you if you are appointed as a conservator. There are two main types of probate conservatorships: a General Conservatorship and a Limited Conservatorship. In both of these types, you can file for conservatorship over the person, over the estate, or over the person and estate.



General Conservatorships:

A General Conservatorship is appropriate when a person over the age of 18 becomes incapacitated because of an injury or the onset of a disorder or disease. In such a case, the person was not born with a disability; rather, he or she experienced an event or condition that requires a higher level of care and prevents him or her from managing personal needs or finances. This type of conservatorship is often appropriate when an elderly person needs extra help due to advancing age or health issues. However, it can also be appropriate if a younger adult has become seriously impaired.

Limited Conservatorships:

A Limited Conservatorship is appropriate for adults who have a severe or chronic disability due to a mental or physical impairment that started before the age of 18 and can last indefinitely. These adults are said to have a developmental disability such as Autism, Intellectual Disability, Down syndrome, or Cerebral Palsy. The conservatorship is “limited” in order to balance the needs to make sure the person is cared for and not taken advantage of while also encouraging them to develop maximum self-reliance and independence. The person can be a young adult, or maybe an older adult who has had the disability before the age of 18 years. A Regional Center report is required to file for this type of conservatorship.



One way to try to understand a Limited Conservatorship is to remember that the goal is to try to help someone who is developmentally disabled live as independently as possible. To reach this goal, the judge will want to “limit” the number of civil and legal rights that will be taken away from the conservatee.

There are seven (7) main areas of daily living—or seven “powers” for which a conservator can request authority:

- To decide where the person will live
- To access their confidential records and papers
- To consent or withhold consent to the marriage of the person
- To control the person’s right to contract
- To give or withhold consent to medical treatment
- To control social and sexual contacts and relationships
- To make decisions concerning their education

It is important to note that the Los Angeles Superior Court requires the submission of a Regional Center report before it will grant a limited conservatorship. A Regional Center is a nonprofit corporation that has a contract with the California Department of Developmental Services to provide services for each person with a developmental disability at each stage of his or her life, regardless of age or the degree of the disability. Services can include assessment and diagnosis, counseling, advocacy, training, education, lifelong individualized planning, and referrals. If the person you wish to help does not qualify for Regional Center services, and you still wish to file for conservatorship, you may need to file a General Conservatorship which does not require a Regional Center report.

How does a conservatorship end?

A probate conservatorship lasts indefinitely. This means there is no set time that it will end. The court will continue to monitor the conservatorship once it is place. On the other hand, there are several circumstances which might end the conservatorship:

- If someone is a conservator of the estate and there are no more assets left to manage;
- If the court determines that a conservatee is no longer incapacitated, and can now manage his or her affairs;
- If the conservatee dies;
- If the conservator or a co-conservator dies;
- If the court decides to remove the conservator;
- If a conservator or co-conservator resigns.

In all of these circumstances, the court will need to be notified of the change of circumstances. To continue the conservatorship in the event a conservator/co-conservator has died, been removed, or resigned, additional legal documents must be filed with the court. The Probate Investigator’s Office and/or the Clinic can provide information on what needs to be done procedurally in such a case.





Once I get appointed, does the Conservatee keep any rights?

Yes, it is important to remember that the purpose of the conservatorship is to help the conservatee only in the areas where he or she needs the help. The conservatorship does not take away all of their civil and legal rights. Rather, the conservatee will keep basic rights unless the court specifically gives the power to the conservator to manage certain areas of the conservatee's life.

The circumstances of each case will determine what rights the conservatee will keep. Some rights that a conservatee will often keep include the following:

- To be represented by a lawyer
- To ask the judge to replace a conservator
- To ask the judge to end the conservatorship
- To make or change a will
- To directly receive and control wages
- To control an allowance (personal spending money the court has authorized the conservator to pay directly to the conservatee)
- To receive personal mail
- To vote
- To receive visits by family and friends
- To marry or enter into a registered domestic partnership
- To make his or her own medical decisions
- To enter into transactions for necessities of life
- To engage in activities allowed by the court
- If a limited conservatee, to engage in any activity not expressly reserved for the limited conservator

Section 3: The Court Process

What will happen during the court process?

Before the hearing:

Although a conservatorship may help protect the conservatee from abuse or neglect, it also takes away the conservatee's right to live independently. Because of these serious consequences, the law requires that people requesting a conservatorship follow very specific procedures both to show why a conservatorship is necessary and, if so, who is the best person to be conservator. The process can take several months.

There are several court forms that will need to be completed and filed with your petition before the court will set a hearing date. If the court grants your petition, there are also other documents that will need to be filed after the hearing to complete the process. The Clinic will assist you in preparing all the documents that need to be filed before and after the hearing.

The court will charge fees to file a petition. However, if the disabled person receives certain public benefits (such as Supplemental Security Income/SSI or Medi-Cal), the court will "waive" (excuse) the need to pay the fees. If the conservatee does not receive public benefits, the court may waive the fees if it can be shown that the conservatee's household income is below a certain range set by the court. A third way to possibly have the court fees waived is to provide information about the conservatee's income and expenses, and to show that the cost of the court fees would cause a hardship because of the conservatee's limited resources. The Clinic can assist you in filling out the Request to Waive Court Fees if you wish to have the fees waived.



Before a conservator can be appointed, the court will want a medical opinion that verifies the proposed conservatee is incapacitated. To get this, you will need to have a court form called a “Capacity Declaration” filled out by the disabled person’s healthcare professional. The professional must be licensed in California, and can be one of the following: a physician; a psychologist; or, if the conservatee follows a religion that relies on prayer alone for healing, an accredited religious healing practitioner. Once you have obtained the completed Capacity Declaration, you will file it with your other petition documents.

When the petition and Capacity Declaration are filed with the court, you will be assigned a hearing date and case number. At that point you will need to let certain individuals know when and where the hearing will take place. The legal phrase for this is procedure is called “serving all the parties.” This is done by giving copies of two documents—the “Citation” and the “Petition”—to the conservatee, and mailing the petition to the following living relatives of the conservatee: father, mother, grandparents (maternal and paternal), spouse, siblings, children, and grandchildren over the age of 12. In the case of a Limited Conservatorship, the Regional Center must also get notice of the hearing.

Next, the court will assign an attorney to represent only the interests of the conservatee. This attorney is called the PVP (Probate Volunteer Panel) Attorney and he or she has the job of making recommendations that are in the best interests of the conservatee. The PVP Attorney will meet with the conservatee before the hearing, speak with other family members to assess the situation, and take any steps necessary to gather important information about the conservatee. The PVP Attorney will then prepare a report of his or her findings and observations, and submit it to the judge before the hearing. The judge will consider the report in deciding whether a conservatorship is necessary and, if so, who should be appointed as conservator. It is important to remember that the PVP Attorney represents only the conservatee, not you as the petitioner and proposed conservator.

The court will also assign a probate court investigator to the case. This person will meet privately with the conservatee to explain the process and determine if the conservatee can go to the hearing. The investigator will also research the backgrounds of any individuals who want to be appointed as conservators or co-conservators. The probate investigator may also contact various family members or others involved in the life of the conservatee to gather facts about the conservatee’s life. Sometimes the court investigator makes an unannounced visit. Visits can take place at the conservatee’s home, day program, or jobsite. The investigator will also prepare a report about his or her findings and submit it to the court before the hearing.

The PVP attorney represents the conservatee and makes recommendations to the court concerning what he or she believes is in the best interest of the conservatee.

If the petition involves a Limited Conservatorship, and the conservatee receives services from a Regional Center, the court will request a report from the Regional Center that details the conservatee's needs, abilities, and any other information helpful to evaluate the need for a conservator. The law requires that the Regional Center mail a copy of the report to you and give a copy to the court before the hearing so that the judge can have this information before making a decision.

The Hearing:

As a general rule, judges prefer to have the conservatee at the hearing if he or she is physically able to attend. This gives the judge an opportunity to meet the conservatee, and also allows the conservatee to voice any preferences about the conservatorship if he or she is able to do so. Also, the judge will want all co-conservators in attendance unless they have been previously excused by creating, signing and filing a pleading called a Waiver and Consent to Act.



A disabled person may feel uncomfortable in the unfamiliar setting of a busy courthouse. If you have such a concern about the conservatee, feel free to mention your concerns to the judge's assistant when you check in at the court clerk's desk. Court personnel will make an effort to try to make the conservatee as comfortable as possible.

When you arrive at the courtroom, there will be a list of cases posted outside the door. The cases to be heard that day will be listed in the order they will be called by the clerk. You should look for your name and note the number assigned to your case. When the clerk calls your number, you should walk up to the desk that is in front of the Judge and wait to be acknowledged by the court. There will likely be a court reporter who will be taking notes word-for-word about what is said at the hearing.

The judge will want you to state and spell your name for the court reporter. The judge then will lead the discussion. The PVP Attorney will also be there to represent the conservatee, and will likely be the first to explain to the court what he or she has learned about the case and what he or she believes is in the best interest of the conservatee. After the judge is satisfied with all the information provided, he or she will determine if your petition will be granted and what authority you will be given as the conservator.

The probate investigator will prepare a report for the court after meeting privately with the conservatee, interviewing family members, and gathering information about the proposed conservator(s).

After the Hearing:

If the court appoints you, it will be necessary for you and any co-conservators to complete three post-hearing documents that the Clinic will help you prepare. These are (1) the Letters of Conservatorship, (2) the Duties of Conservator, and (3) the Conservatee's Appropriate Level of Care (sometimes called "the Care Plan"). The PVP Attorney will also approve the form and content of a form called the Order Appointing Probate Conservator. The Order is a form that explains what the judge ruled at the hearing. You will need to turn all of the post-hearing documents into the Clinic so we can assist you in the final processing of your case.

The Clinic will submit all the post-hearing documents to the appropriate department for final approval by the court. Once everything is approved, and the judge signs the Order, the Clinic will mail you a letter telling you and explaining the final steps. The letter will include specific instructions on how to serve a document called the Notice of Conservatee's Rights, and how to obtain certified Letters of Conservatorship. The Letters of Conservatorship is the document that verifies you and any co-conservators have been appointed by the court. It will have an official court seal to prove it is an authentic court document.

Since a conservatorship lasts indefinitely, the court investigator will continue to monitor the case as the years go by. The court investigator will visit the conservatee one year after you are appointed as conservator. After that, the investigator typically visits the conservatee every two years around the time the Letters of Conservatorship were issued. These visits are to make sure things are going well and a conservatorship is still necessary. They can take place at the conservatee's home, school, or jobsite.



The Probate Court oversees conservatorships and the Probate Investigations Office will make sure that the conservatorship is in the conservatee's best interest. At each visit, the court investigator will check whether:

- the conservatee wants the conservatorship to end;
- the conservatorship is still necessary
- the conservator is acting in the conservatee's best interest; and
- the care, including physical and mental treatment, provided to the conservatee, is suitable.

If necessary, the court investigator can bring any concerns to the court's attention and a hearing may be set to allow the judge to order certain things be done to address any concerns.

“Letters of Conservatorship” is the official document that verifies you have been appointed by the court to serve as the Conservator.



Section 4: Your Path To Appointment

A Ten Step Checklist

To help you keep track of each phase of the conservatorship process, this checklist can be your guide. We suggest you either check off each step once it is completed, or enter the date of completion, in the space provided. This will give you an overall picture of how far you have come and how far you must go to reach your destination—obtaining your certified Letters of Conservatorship!

_____ **Step 1: Visit the Clinic.** At this time you will receive an orientation, and complete questionnaires for you and any co-conservators. A volunteer will review the questionnaires, have you sign a Disclosure and Disclaimer, and give you a Capacity Declaration to take to the conservatee's doctor. You will be given an appointment to return to prepare and sign your petition documents.

_____ **Step 2: Visit the conservatee's doctor.** You will take the Capacity Declaration to the conservatee's doctor and have the doctor complete it. Please remember to have the doctor date and sign the document on the first and third page. If your case involves a person who has dementia, your Capacity Declaration will have a fourth page that will need to be completed and signed by the doctor.

_____ **Step 3: Go to your signing appointment at the Clinic.** Remember to bring the completed Capacity Declaration with you to this appointment. If you have a co-conservator who will help you make decisions about the care of the conservatee, the co-conservator must also attend this appointment. Depending on the location of your appointment, you may be preparing your petition documents on the computer with the assistance of a volunteer. When the documents are complete, you and the co-conservator(s) will sign the documents that will need to be filed in court.

Step 4: Get a copy of the filed petition documents with a court-assigned case number and hearing date. The documents will have colored cards with instructions attached.

The Clinic will help you file your signed documents and the Capacity Declaration with the court. Depending on the location of your appointment, you may be the one who files the documents at the courthouse, or the Clinic may electronically file the documents for you. Either way, once filed, your case will be assigned a hearing date and case number. The Clinic will provide you with copies of the filed documents, and attach colored cards with specific instructions on what to do with each document. The Clinic will serve by mail all necessary parties with your filed documents.

Step 5: Someone helps you serve the conservatee. The conservatee has the constitutional right to “due process.” This means that the conservatee has the right to receive notice of the court hearing on your petition for appointment and an opportunity to be heard. To make sure this happens, the law requires that you have someone over the age of 18 give a copy of the Citation (a form that has information about the hearing) and a copy the Petition to the conservatee. The person who gives the conservatee these documents CANNOT be you or any of your co-conservators. The person who gives the documents to the conservatee will then fill out the original Citation with his or her contact information and the date and time he or she gave the conservatee the documents. The person must then date and sign the document, verifying under oath that he or she gave the documents to the conservatee. The Citation should then be mailed to the Probate Clerk. The Clinic will provide you with a pre-addressed envelope to do this.

Step 6: The PVP Attorney meets with the conservatee and others.

The court will assign a PVP Attorney to represent the interests of the conservatee. The PVP Attorney will meet with the conservatee and any other relevant individuals. He or she will then prepare a report for the court about the conservatee’s needs, any relevant issues to consider, and make recommendations whether an appointment would be appropriate for the conservatee. The PVP will submit the report to the court before the hearing.

Step 7: The Probate Court Investigator meets with the Conservatee and others.

The court will have an investigator contact the conservatee and any other relevant individuals to gather important information for the court. The investigator will prepare a report for the court and submit it before the hearing.

Step 8: (Only Limited Conservatorships) The Regional Center submits a report for the court.

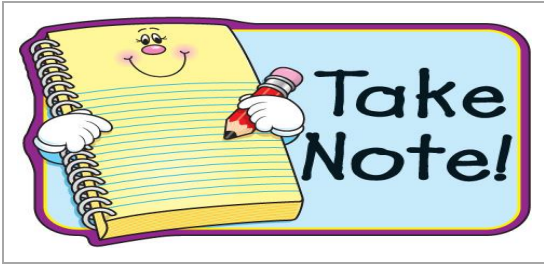
After receiving notice of the petition, the Regional Center will conduct an assessment of the conservatee’s abilities and needs. It will submit a report describing the nature and degree of the conservatee’s disabilities, make recommendations whether a conservatorship is necessary, and possibly comment on the suitability of the proposed conservator to meet the needs of the conservatee.

Step 9: The hearing. You will need to attend the hearing on the date assigned. Make sure to take your post-hearing documents – the Order Appointing Probate Conservator, Duties of Conservator, Letters of Conservatorship, and Determination of Conservatee’s Appropriate Level of Care – with you to the hearing. If you have co-conservators, they will need to attend as well unless they have created, signed and filed a Waiver and Consent to Act pleading. The PVP Attorney will also attend the hearing. Generally, the court prefers to have the proposed conservatee attend the hearing. However, this is something you can discuss in advance with the PVP Attorney if you are concerned about the proposed conservatee’s ability to come to the hearing due to a medical condition. At the hearing, the judge may ask you, the co-conservators, the proposed conservatee, and the PVP Attorney questions about the case. The judge will then decide whether to grant a conservatorship and whether you and any co-conservators should be appointed. If you get appointed, you and any co-conservators must complete the post-hearing documents by dating and signing the Letters of Conservatorship, the Duties of Conservator, and the Determination of Conservatee’s Appropriate Level of Care. The PVP Attorney must complete the Order Appointing Probate Conservator by signing on the line “Approved as to Form and Content.” *It is very important that you turn these post-hearing documents into the Clinic for further processing once you are appointed.*

Step 10: You receive final instructions in a closing letter. The Clinic will process the completed post-hearing documents for you by submitting them to the Probate Clerk’s office. After the Clinic has received notice that all documents have been approved and the judge has signed the Order Appointing Probate Conservator, we will send you a closing letter with instructions on the final steps. The final steps include:

- 1) serving the conservatee and others with copies of the Order and a document called Notice of Conservatee’s Rights;
- 2) filing the original Notice of Conservatee’s Rights at the courthouse Probate Filing Office;
- 3) picking up your certified Letters of Conservatorship at the courthouse.

Visit the Clinic at a courthouse location if you have any questions about your final instructions or the last steps.



Bet Tzedek Legal Services

Bet Tzedek Legal Services is a non-profit, public interest law center which provides free legal services to all eligible needy residents throughout Los Angeles County regardless of their racial, religious or ethnic background.

Founded in 1974, we act upon a central tenet of Jewish law and tradition: “Tzedek, tzedek tirdof—Justice, justice you shall pursue.” This doctrine establishes an obligation to advocate the just causes of the poor and helpless.

The Self-Help Conservatorship Clinic

The Bet Tzedek Self-Help Conservatorship Clinic provides basic assistance to any individual who does not have an attorney but wishes to file for a probate conservatorship. Services are offered at no cost and there are no income eligibility requirements to use our services.

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