

Conservatorship Petition Packet with Instructions

The forms in this packet may be used to request or petition the Court for conservatorship of the **PERSON** over an individual when, for various reasons, they are not able to appropriately make their own decisions regarding their person.

There are different types of Conservatorship. They include Conservatorship of a person, their estate or both. There are also Limited Conservatorships. Conservatorships of the estate and Limited Conservatorships are too complicated for this instruction packet. You may want to consult an attorney if you are seeking Conservatorship of an estate or a Limited Conservatorship.

To Petition for Conservatorship of the Person ONLY:

- Complete this packet.
- Review for completeness.
- Once you have completed and reviewed the packet, make two (2) complete photocopies of all completed documents in the packet. Place the copies of each document in order behind the original of the document.
- Bring the completed originals and two (2) photocopies to the Probate Clerk's Office (B.F. Sisk Courthouse, 3rd Floor).
- The Probate Clerk will file your original packet, provide one copy to the Court Investigator, and return to you one file-stamped copy of the documents in your packet.
Once filed, your copy will have the case number and hearing date filled in.
- Someone over 18 and not party to the case (not you) must personally serve or hand-deliver a copy of the Citation of Conservatorship and a copy of the Petition, and its attachments to the proposed conservatee. Service must be completed at least 15 days before your hearing date.
- If the conservatee is developmentally disabled, then **30** days before the hearing the Director of the Regional Center will also need to be provided notice of the hearing and a copy of the petition. If the proposed conservatee receives or is entitled to receive veteran's benefits, then the Veteran Administration will also need to be served notice and a copy of the petition.
- You will also need to notice of hearing by mail to the spouse or registered domestic partner, if applicable, siblings, all children, grandchildren, and parents when or if applicable of the proposed conservatee. This notice must also include copied of the petition. Service must be completed at least 15 days before your hearing date.
- The person who serves the documents for you must fill out and sign the proof of service on the Notice of Hearing. Then bring the Notice of Hearing back to the Probate Clerk's Office with the proof(s) filled out and file it before your hearing date.

Mandatory Forms Checklist:

- GC-310** Petition for Appointment of Probate Conservator
- GC-020** Notice of Hearing-Guardianship or Conservatorship
- GC-020 (MA)** Attachment to Notice of Hearing proof of Service by Mail
- GC-312** Confidential Supplemental Information (Probate Conservatorship)
- GC-320** Citation for Conservatorship and Proof of Service
- GC-348** Duties of Conservator and Acknowledgment of Receipt of Handbook
- GC-314** Confidential Conservator Screening Form (Probate Conservatorship)
- GC-340** Order Appointing Probate Conservator

- GC-350** Letters of Conservatorship

Additional Mandatory Forms if Situation Warrants:

- GC-079** Pre-Move Notice of Proposed Change of Personal Residence (if plan to move conservatee)
- GC-335** Capacity Declaration-Conservatorship (if seeking Dementia, Medical or Placement Powers)
- GC-335A** Dementia Attachment to Capacity Declaration-Conservatorship
- GC-313** Attachment Requesting Special Orders Regarding Dementia
- GC-080** Post Move Notice of Change of Residence of Conservatee

Additional Conservatorship Forms You May Need

- **GC-080** Change of Residence Notice
For use if the proposed conservatee is to be moved
- **GC-335** Capacity Declaration – Conservatorship
In cases with dementia, this form needs to be completed by a professional treating the proposed conservatee (a medical doctor, psychologist or accredited practitioner). It is filed with the Petition if you are asking the proposed conservatee skip the hearings due to poor health; if you request authority for medical treatment of dementia or seeking placement in a secure facility.
- **GC-380** Petition for Exclusive Authority to Give Consent for Medical Treatment
The conservatee generally retains authority to make their own medical decisions or override the decisions of the conservator, unless the conservator has sole authority to make medical decisions. For use only if conservatorship is already in place and medical powers are now being requested to be added.
- **GC-385** Order Authorizing Conservator to Give Consent for Medical Treatment
Complete this form if you have made the request in GC-380
- **Declaration of Due Diligence**
This is a **Local form**, meaning it is created and used by Fresno Superior Court and can be found on the website at www.fresno.courts.ca.gov or you may pick one up at the Probate Clerk’s Office on the 3rd floor of the Sisk Courthouse, 1130 O Street, Fresno, California. This form is used to show what efforts you diligently made to locate a relative of the proposed conservatee.
- **GC-085** Petition to Fix Residence Outside the State of California
A conservatee may visit or attend personal business out of state for up to four (4) months, over four months requires court permission. The court needs to determine if an agency in the new state should monitor the conservatee’s well-being. If a short-term visit outside of California, it is a good idea to let the court investigator know as they need to be able to check the well-being at any time. If longer visit, use this form for the court to authorize.
- **GC-090** Order Fixing Residence Outside the State of California
Corresponding order to the petition to have the conservatee outside the state for more than four months.

Filling Out the Petition for Appointment of Probate Conservator of the Person (GC-310)

- At the top of the form is the caption, this is completed basically the same for all the documents you will file. Print your full name, address, telephone number, fax and e-mail if you have one.

Where the caption requests attorney name, write "In Pro Per" as you are a party without an attorney. **Remember to caption the top of all new pages with the proposed conservatee name in all CAPS.**

- In the box below, if the Court information is not filled in, please fill in:
Superior Court of California
County of Fresno
B.F. Sisk Courthouse
1130 O Street
Fresno, CA 93724
 - Under "Petition for Appointment of ..." check the box for Probate Conservator of the Person (also check Successor if appropriate). Remember if you require conservatorship of the estate or a Limited conservatorship, then these instructions will not help you; you may need to seek the advice of an attorney.
 - The boxes containing the Case Number, Hearing Date, Time and Dept. will be completed by the Probate Clerk when you file your packet.
 - Follow the numbered directions below; they will correspond to the item numbers on the petition for step-by-step assistance.
- ① You are the person who is filing for the conservatorship; put your full name here. (Use the same form for all names requested throughout the forms completed.)

①a: In the space provided, complete your full name, address and telephone number. Then check the box for "conservator" of the person.

①b: Mark this box only if you are seeking conservatorship of the estate. These instructions will not fully assist you in the completion of petitioning for the estate or a Limited conservatorship. If you are also seeking conservatorship of the estate, you may want to seek legal advice for completion of the forms.

①c - f: Skip, this is for estates.

①g: This is not **commonly checked**, however, it is appropriate if the proposed conservatee lacks the legal capacity to make any medical decision and a medical doctor is willing and able to provide written confirmation of the lack of legal capacity (See Capacity Declaration).

①h - j: Skip, these they are for Limited Conservatorships only and are beyond the instructions listed here.

①k: Check this box if you are filing an Attachment Requesting Special Orders Regarding Dementia (See Capacity Declaration).

①l: Skip this item if you are seeking conservatorship of person only. This is if you are interested in conservatorship of the estate or person and estate, which again, is beyond the scope of these instructions.

② Fill in the proposed conservatee's name and address. If an institution or rest home, please include the name of the facility.

③ This is where you will tell the court about the jurisdiction or where the proposed conservatee lives.

③a: check this box if you proposed conservatee does not already have a conservator in the state of California

③a (1): Check the box if the conservatee is a resident of California. If not, you may need an attorney as that is beyond the scope of these instructions.

③a (2): Skip this item, if this is your situation, then you may need the help of an attorney.

③b: Answer items 1 and 2, if you owe the proposed conservatee money or if they owe you money. Then check any other boxes that may apply.

③c: Check one or two boxes in the item.

③c(1-8): Read carefully and check all that apply. Also attach any necessary documents as requested on the form. I.e., box 3c(1) is checked if proposed conservator is nominated **in writing** by either the proposed conservatee or a close relative, then attach the written nomination.

③d: Skip this item.

③e(1-5): Skip these items unless you are petitioning for the estate.

③f: Skip this item.

④ ④a: Check the second, as the proposed conservatee "is not" a patient or on leave from an institution.

④b: Check only if the proposed conservatee is entitled to or receives veteran's benefits.

④c: Check the box that corresponds with whether the proposed conservatee can complete an affidavit of voter registration (can they state where they live, their date of birth, or were they previously registered to vote).

⑤ ⑤a: Check the box if this is the initial petition for a conservatorship (not a successor).

⑤a(1)-(4): Check all that apply and fill in the date under (2) if appropriate.

⑤b: Check this box only if this is a petition as a successor conservator.

⑤c(1): Check this box and state why the conservatee is unable to provide for their personal needs, physical health, food, clothing, or shelter.

⑤c(2): Check this box for estates only.

⑤d: Check only if the proposed conservatee requests the appointment.

⑤e: This MUST be checked unless you are a bank. You will attach form GC-312 (in the packet).

⑤f: Check this box only if the proposed conservatee is developmentally delayed. Notice needs to then be provided 30 days in advance of hearing to Regional Center. The fact this was done will need to be included in the attachment.

- ⑥ Check only if you are the spouse of the proposed conservatee, then complete the questions in section a-b(1-2).
- ⑦ Check only if you are the registered domestic partner of the proposed conservatee, then complete the questions in section a-b(1-2).
- ⑧ a - e: Check all that apply. This pertains to the proposed conservatee attending the hearing and if not, explains why.
- ⑨ Check this box only if you are requesting special medical consent powers. Check each box under a -d that apply and submit a completed Capacity Declaration (GC-335) as directed.
- ⑩ Only check this box if you are also filing a temporary petition.
- ⑪ Check box a, this is common. Less common is box b, but if it applies check this box. Complete with all names, relationships and addresses for the relatives to the first and second degree.
- ⑫ Check this box and complete the Confidential Screening Form (GC-314).
- ⑬ In Fresno County, you do not need to check this box. If you are filing in another county, then you may want to check this box and complete GC-330.

All Petitioners must date, print and sign their names at the bottom of Page 7. By signing the Petition, you are declaring under penalty of perjury that the information provided in the Petition is true and correct.

Remember to attach and complete GC-313 Attachment Requesting Special Orders Regarding Dementia if you are requesting special orders relating to dementia such as the authority to administer dementia medications or for placement of the proposed conservatee in a secured perimeter facility.

Additional tips:

- Be available for calls and visits with the Court Investigator.
- Come to Court on your hearing date.
- If the judge asks for any additional information, you may need to file and serve it separately to all those parties required to receive notice.

Instructions for Capacity Declaration GC-335

Use this form if the proposed conservatee lacks the ability to make any medical decisions, unable to attend the court hearing, or you are requesting special orders regarding dementia.

If you need this declaration, it **MUST** be completed by a licensed physician or psychologist of the proposed conservatee. **Dementia Attachment GC-335A needs to be included when requesting dementia powers only.**

Instructions for Confidential Supplemental Information Form GC-312

This form is about the proposed conservatee.

- # 1 asks for the proposed conservatee's personal information.
- # 2-4 asks about the need for conservatorship.
- # 5 asks about the alternatives to the conservatorship considered and why not appropriate.
- # 6 is regarding the professional services provided to the proposed conservatee over the past year. It also asks about estate management. If provided provide explanation with Attachment 6a(3). Or, check if you have no knowledge of services over past year.
- # 7 check boxes as and if appropriate, attach affidavits as required.
- # 8 if you skipped some areas on the petition, this is where you make those explanations.
- # 9 fill in the number of pages added with your attachments.

Date, type/Print and then sign your name under penalty of perjury to be true and correct.

Instructions for Confidential Screening Form GC-314

- Each proposed conservator must fill out a Confidential Conservator Screening Form.
- This is a confidential document that is about the proposed conservator. It is not open to public viewing and is stored in a confidential area of the case file.
- Be completely honest. If the question asks you to explain, attach a page.
- # 1 asks for the conservator's personal information.
- # 2-6 asks about you and your relationship (personal and/or financial) to the proposed conservatee.
- # 6-20 asks about you and your own personal, financial and/or legal affairs.
- You must sign this form as being truthful under penalty of perjury. Make sure it is true and correct.

Instructions for Duties of the Conservator GC-348

All Petitioners must READ the duties then date, print and sign their names at the bottom of Page 4.

Instructions for Citation for Conservatorship GC-320

The citation will fulfill the law requiring information be provided to the proposed conservatee on how the conservatorship will affect their life. This will be issued by the clerk and will have the court seal. You will need to fill in partial information listed below.

- Item 1a: Leave this blank for now. The court clerk will give you the hearing information when you file the petition, you will complete with this information at that time.
- Item 1b: Check the "same as noted above" box ", then check all that apply.
- Items 2-5: Read and then mark the appropriate boxes that pertain to what you are petitioning (person and/or estate).

Date and Signature line is completed by the court clerk at the time you file the document. Leave the back of the page blank as well, that is the proof of service that will complete as proof of service later.

Instructions for Notice of Hearing–Guardian or Conservatorship GC-020

- Notice is the # 1 reason people have continuances in Court. Please follow the directions closely and refer to Probate Code §1511.
- Complete the first page of the form **BEFORE** you file your documents.
- Fill in the caption box with your name and address
- Check "conservatorship of the Person" and fill in the name of the proposed conservatee.
- ① Notice is given that (name): **Fill in the name(s) of conservator**
has filed (specify): Fill in "Petition for conservatorship of _____ (proposed conservatee name)"
- Read ② and check the appropriate boxes in ③ if you are requesting special powers under Probate Code. Specify in the space provided exactly what is being requested.
- ④ The Probate Clerk will fill in this section with your hearing date, time and dept.
- Check the first box at # 4b that the address of the Court is the same as noted above.
- **AFTER** you file your documents, you will receive a copy back with the hearing date filled in.
- Make as many copies of this Notice of Hearing form as you need to provide a copy of the notice along with a copy of the petition to everyone entitled to be served.
- **ATTACH** a copy of the Petition GC-310 with all Attachments to the Notice of Hearing.
- Someone who is not a party to the case (not you) must personally serve the conservatee. Everyone else can be served by mail.

- Whoever serves the copies should fill out the appropriate Proof of Service. The back side of the form is for service by mail and the next page is for personal service.
- **Remember to check box 5 to show that a copy of the Petition was included with the service.**
- Whoever serves the copies, fills out on their own form, the details it asks for – their address, how they served the documents, when and where they served the documents, and must sign under penalty of perjury that they served the documents as they have stated.
- Everyone entitled to notice must be served **15 days** before the hearing date. Except the Director of the Regional Center, whom must be served **30 days** before the hearing date.
- When the above is done, file the completed Notice of Hearing at the Probate Clerk’s Office 10 days before your hearing.

Additional tips:

- You may have used more than one Notice of Hearing form because people were served on different dates or by different people. Make sure to file them all.
- If someone is being personally served, it doesn’t have to be at their residence address. They can be served anywhere they can be found. For example, if they are served at the coffee shop, the person serving the documents should make a note of the coffee shop address for the proof of service.
- If someone can be served by mail, like siblings or parents of proposed conservatee, just use regular First Class mail with the U.S. Postal Service. A stamped envelope addressed to the person at their residence is enough. **Don’t** use “certified” mail or other delivery services.
- If someone entitled to notice is outside California or even outside the U.S., notice requirements still apply. You may need to make arrangements to get the person served if they are entitled to personal service.
- You must do your part to identify and locate the relatives to give them notice. If you can’t find somebody, you will need to explain to the Court what efforts you made in a Declaration of Due Diligence.

Instructions for Declaration of Due Diligence

- The Court understands that sometimes people can’t be found. This form will give you some ideas of how to find someone and then also to report back to the court your *diligent* efforts to find people entitled to notice.
- Read the questions, make an effort to search for information, and if you can’t find them, write down how you searched and why you couldn’t come up with anything. *For example: Did you search places where you know the person goes? His/her job? Did you ask his/her neighbors or other relatives? Did you follow up on any leads?*
- You must sign under penalty of perjury that the information you provided here is true.

- **You are not quite done with notice yet,** If anything changes, or you receive new information, continue to try to give notice before the hearing.

Instructions for Order Appointing Conservator GC-340 and Letters of Conservatorship GC-350

- If the judge grants your petition at the hearing, he or she will sign the Order.
- You need to complete the caption information in the boxes at the top with your name, address and case name on both the Order and the Letters. These are completed just the same as the captions on all the other documents you have completed.
- At # 1, leave "a" and "b" alone. Check box "c" and write your name(s). Skip to "f" and check the appropriate box regarding if the proposed conservatee attends the hearing or the reason they were not present. Check box "g" (only if the petition is for a successor conservator); then also check whether the proposed conservatee was present or not.
- Skip to #4. Write the name of the proposed conservatee and then check box "a". Also read and check "b" and "c" if appropriate.
- For #5 check "a".
- Check box #6 and then if the conservatee is adherent of a religion as defined in Probate Code 2355(b) (this is not common).
- Skip to # 16 and check one of the three choices a,b or c.
- Skip to number 34 check the box in front of "date signed".
- # 35 requires you to fill in the number of boxes you have checked between boxes 18-34.
- If you have additional pages attached, write the number in the space provided in # 36.
- If granted, the judge will sign.
- Once the judge has signed the order, the Probate Clerk can issue your Letters.

Letters of Conservatorship

- On the Letters, complete the caption, and also complete # 1 with your name and the proposed conservatee's name. Check the box for conservatorship of the "person."
- Check the box at # 3 if you have requested any of the special powers listed. Check the appropriate boxes as you have requested in the petition.
- If the court signs the order, the clerk will sign and prepare the letters of conservatorship. In Fresno, you may typically pick up a copy of your order after 1:30 in the afternoon of the day your petition is granted and the orders signed. There is a fee for "certified" copies.

One More Thing...

Conservatorship Video Viewing Certificate

Before the conservatorship can be granted, the conservator(s) will need to view the "Conservatorship Video" at the probate clerk's office PRIOR to your appointment as a conservator. This video is approximately 20 minutes long and the court shows the video on Tuesday mornings at 8:15. You will need to have a certificate of viewing on file with the courts prior to the conservatorship hearing.