

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SHASTA
1500 COURT STREET REDDING, CA 96001

GENERAL INFORMATION FOR SELF-REPRESENTED LITIGANTS

The following information is intended to answer general questions a self-represented litigant may have about conservatorships of the person. This is not a complete reference or procedural guide, nor is it intended to take the place of legal advice from an attorney. It is your responsibility to read and comply with the applicable laws, use current forms, and be prepared to present your case.

What is a conservatorship?

A Conservatorship is a court proceeding in which a judge appoints a family member, friend, private professional fiduciary, or other responsible person to act as a “conservator” to care for another adult (the conservatee) who cannot care for himself/herself and/or his/her finances.

Conservatorship of the Person

When the court appoints you as the conservator, you will:

1. Arrange for the conservatee’s care and protection; and
2. Decide where the conservatee will live
3. You are in charge of the following:
 - health care;
 - food, clothing, shelter;
 - personal care;
 - housekeeping; and
 - transportation and recreation.

Conservatorship of the Estate

When the court appoints you to be the conservator of an estate, you will:

1. Manage the conservatee’s finances;
2. Protect the conservatee’s income and property;
3. Make a list (inventory) of everything in the estate;
4. Make sure the conservatee’s bills are paid;
5. Invest the conservatee’s money;
6. Make sure the conservatee gets all the benefits he or she is eligible for;
7. Make sure the conservatee’s taxes are filed and paid on time;
8. Keep exact financial records; and
9. Make regular reports of the financial accounts to the court as required.

Note: If you are petitioning for a conservatorship of the estate, this packet may be useful but the information contained may not be applicable.

Limited Conservatorship

A “limited conservatorship” is established for adults with developmental disabilities who cannot fully care for themselves, but who do not need the higher level of care or help given under a general conservatorship. In most cases, a limited conservator has less authority than a general conservator. A limited conservator has authority to do only those things that are granted by the court. The judge decides which responsibilities the conservatee will keep and which ones the conservator will have.

What do I have to do to become a conservator of the person?

To become the conservator of the person, you first have to file a petition and other forms with the court. You must fill out the following forms included in this packet and any additional forms needed available online at www.shasta.courts.ca.gov.

Included in the Conservatorship Packet:

- Petition for Appointment of Probate Conservator
- Referral for Court Information
- Confidential Screening Form
- Citation for Conservatorship
- Order Appointing Court Investigator
- Capacity Declaration
- Notice of Conservatee's Rights
- Duties of Conservator and Acknowledgment of Receipt of Handbook for Conservators
- Notice of Hearing
- Proof of Service on Notice of Hearing
- Order Appointing Probate Conservator
- Letters of Conservatorship

What do I have to do after I fill out the forms?

- ✓ Make at least 2 copies of each document; and
- ✓ File your forms with the court.
- ✓ The clerk will keep the original set of forms along with one copy. The second set of copies will be returned to you for your records, along with the scheduled hearing information.
- ✓ Serve a copy of the filed Petition for Appointment of Probate Conservator on the proposed conservatee and all those entitled to notice as required by probate code.

Is there a fee to file a conservatorship?

Yes. There are court costs – filing fee and the investigation fee, if required. The current fee amounts can be found online.

What if I don't have enough money to pay the fee?

If you cannot afford the fees, you can request a fee waiver from the court. All of the required forms can be found online. If your request is granted, all court related fees will be waived.

Serving the Proposed Conservatee and Required Parties:

The law requires that the proposed conservatee, certain relatives, and agencies be served (given) a copy of the Petition for Appointment of a Probate Conservator, along with the related hearing information. This is sometimes referred to as “giving notice”. **Someone else – NOT YOU – must serve the documents. You must follow the rules for service carefully, otherwise notice may be deemed insufficient.**

- **Personal Service:** The proposed conservatee must be personally served. This means someone else - not you - personally hands them a copy of the Petition for Appointment of Probate Conservator along with a copy of the Citation for Conservatorship that was returned to you after filing your paperwork with the court. Personal service must be given at least **15 days** before the hearing.

- **Service by Mail:** The following parties must be served:
 - Proposed Conservatee’s spouse or registered domestic partner;
 - All relatives listed in the Petition for Appointment of Probate Conservator; and
 - Any other agencies, or appropriate persons as deemed necessary by California Probate Code.

This means someone else – not you – mails them a copy of the Petition for Appointment of Probate Conservator along with the Notice of Hearing – Conservatorship. Service by mail must be given at least **15 days** before the hearing.

Once mailed the person who did the mailing must complete the proof of service on page 2 of the Notice of Hearing – Conservatorship. The completed proof of service must be filed with the court prior to the hearing date.

What if I don’t know where the proposed conservatee’s relatives are?

If you do not know where the proposed conservatee’s relatives are, including the spouse or registered domestic partner, you must make a reasonable and diligent effort to locate them. Some suggestions might include:

- ✓ Asking all family members, friends, acquaintances, and employers;
- ✓ Searching the real and personal property indexes in the recorder’s and assessor’s offices in the county where the person last resided;
- ✓ Looking in the phone book;
- ✓ Calling telephone information; and
- ✓ Searching the Internet and social media.

If you have done everything you can to locate a party and you still cannot find them, you can ask the court to allow you to proceed without giving notice. To do this, you must complete the appropriate forms located online. These documents must be filed with the court.

What happens before the court hearing date?

Before your court hearing date, a probate court investigator will review the paperwork submitted by you and conduct an investigation into the petition. You will be contacted by the court investigator prior to your hearing date. A report of the court investigator’s findings will be sent to the judge.

What happens after the hearing?

If the court grants your petition for conservatorship at the hearing, submit the Order Appointing Probate Conservator and Letters of Conservatorship to the court. Once processed, these forms are evidence of your authority to act on behalf of the conservatee. Obtaining a certified copy of the Letters of Conservatorship is advisable.

After the court issues your Letters of Conservatorship additional dates will be set to allow you to file the following:

- Determination of Conservatee’s Appropriate Level of Care;
- Conservatorship Care Plan; and
- Inventory and Appraisal (If conservatorship of the estate).

A date will also be set for the first annual review of the conservatorship.