

CONSERVATORSHIP Q & A's

What is a conservator?

A conservator is someone who has been appointed by the court to make financial and/or medical decisions on behalf of another person. Conservators are often trusted family members, such as parents of a disabled young adult, or adult children or grandchildren of an incapacitated older person. There are also professionals, known as licensed professional fiduciaries, who may be appointed conservators over proposed conservatees.

What is a conservatee?

A conservatee is someone who has been placed under conservatorship by the court due to an inability to care for himself or herself.

What exactly is a conservatorship?

A conservatorship is a legal proceeding in which a judge grants a person or persons, such as a family member, the authority to make decisions for a person who is unable to make his or her own decisions due to a disability, dementia or some form of cognitive impairment.

How does Conservatorship differ from Power of Attorney?

There are 2 major differences between Conservatorship and Power of Attorney:

- Conservatorships are granted by the court, and are supervised by the court, whereas the court is normally not involved in a Power of Attorney.
- A person who designates another person, such as a family member, to have Power of Attorney over him or herself, must have the mental capacity to do so. If the person no longer has capacity to understand and consent to a legal document, a Power of Attorney cannot be used, and Conservatorship is necessary. Copy and paste the link here to your browser to access a helpful article on this topic:

http://canhr.org/factsheets/legal_fs/html/fs_Incapacity.htm.

How can I get additional information about Power of Attorney?

The Law Library has information about this topic, as well as sample forms. The following link may be helpful in understanding Durable Powers of Attorney:

<https://pueblo.gpo.gov/Publications/pdfs/6142.pdf>

How do I obtain a conservatorship?

A Conservatorship is a legal process which begins by completing specific paperwork (forms) and filing those forms with the court.

Since my disabled family member needing care is my 19-year-old adult child, shouldn't I seek a guardianship?

No. In California, Guardianships normally involve someone other than a parent being granted permission by the court to care for a minor child (under age 18). Once a child turns 18, he or she is legally an adult. A Limited Conservatorship is the legal process for court-granted authority to care for a disabled adult.

Where do I get the forms needed to become a Conservator?

There are 2 ways to obtain the forms.

- Call the Law Library at (925) 646-2783, or visit the Contra Costa County Public Law Library at the main branch in Martinez (M-F 8 a.m.-4:45 p.m.). Forms are also available at the

Richmond branch of the Law Library, but calling first [(510) 374-3019 or (925) 646-2783], is advised because the branch is not open every day.

- Download the forms packets and print them out using this link:
cc-courts.org/forms/packets/GC348-ConservatorshipPacket.pdf

Can anyone help me fill out the forms if I am filing for Limited Conservatorship?

If you are filing a Limited Conservatorship for an individual who is a Regional Center client, and the petition is only for Conservatorship of the person (No Conservatorship of the estate is required), you can contact the Probate Facilitator by phone at (925) 608-2066, or by email at probfac@contracosta.courts.ca.gov for assistance.

Can anyone help me fill out the forms if I am filing for General Conservatorship?

There are currently no workshops or clinics to assist with completing the forms. If you plan to have an attorney represent you (the prospective Conservator), you can ask the attorney about completing the forms for you. If you need assistance in finding an attorney to assist you with Conservatorship, contact the Contra Costa County Bar Association at (925) 686-6900 or (925) 825-5700 or visit their website at <https://www.cccbba.org/>.

I do not plan to use an attorney to file for General Conservatorship. How can I get help with the forms?

The Law Library has sample forms which many people find helpful. Please contact the Law Library for additional information on using our sample Conservatorship forms to complete your paperwork.

I am unable to complete the paperwork myself, and cannot afford an attorney. Is there any other way to get help with completing the Conservatorship court forms?

Licensed Document Preparers (LDA's) can complete legal paperwork. Many families find this is an affordable solution. For information about LDA's who complete Conservatorship paperwork, contact California Association of Legal Document Assistants (CALDA) at (916) 791-9100, or visit their website at <https://www.calda.org>.

Can you explain Fee Waivers?

Fee waivers are court forms by which a person filing court paperwork requests that the court filing fee be waived. There is a special Fee Waiver packet which can be used either for Conservatorship filings or Guardianship filings. You can obtain the packet at the Law Library or download and print it from this link:

cc-courts.org/forms/packets/FW001GC-FeeWavierGuardianshipPacket.pdf.

The general fee waiver packet is used in all other types of cases (civil, family law, decedent estate, name change, etc.,) and is also available at the Law Library or downloadable from this link:

cc-courts.org/forms/packets/FW001-FeeWavierPacket.pdf.

How is eligibility for Fee Waivers determined?

Read the Information Sheet on Waiver of Superior Court Fees and Costs at the beginning of the Fee Waiver packet to answer this question and learn more about the process.

What do I do with the forms once they are completed?

Page 4 of the Conservatorship forms packet contains clear instruction on how to proceed once the forms are completed.

Are there different types of Conservatorships?

Yes. There are 2 types of Probate Conservatorships: General conservatorship, and Limited conservatorship. A third type of Conservatorship is called a Lanterman Petris Short (LPS) Conservatorship. For a more detailed explanation of the types of conservatorships, please consult the Handbook for Conservators at <https://www.courts.ca.gov/documents/handbook.pdf>.

My family member has a serious mental illness. How can I obtain information about an LPS Conservatorship?

Contact the Office of the Public Guardian in the county where the family member lives. The phone number in Contra Costa County is (925) 608-9000.

The proposed conservatee is a family member. Wouldn't Family Court preside over this matter?

No. In California, Probate courts preside over Conservatorship cases.

Does the Law Library offer classes on Conservatorship?

Although the Contra Costa County Public Law Library no longer offers Conservatorship classes, online instruction is available to educate and support you as a Conservator.

I need to complete training on conservatorship. What workshops are available?

Riverside County Court offers an online Conservatorship Orientation training which can be used to satisfy the workshop requirement specified by Contra Costa County Court Local Rule 7.416. The workshop can be accessed by using this link:

<https://www.riverside.courts.ca.gov/SelfHelp/Conservatorship/conservatorship-class.php>

Are there other resources which can help me be a good conservator?

Yes. The Handbook for Conservators, downloadable by copying and pasting this link to a browser is an excellent source of information on the subject of Conservatorship:

<https://www.courts.ca.gov/documents/handbook.pdf>

The state laws pertaining to Probate Conservatorships can be accessed at

[https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PROB&division=4.&title=&part=3.&chapter=&article=.](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PROB&division=4.&title=&part=3.&chapter=&article=)

The state laws pertaining to LPS Conservatorships can be accessed at

[https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=WIC&division=5.&title=&part=1.&chapter=&article=.](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=WIC&division=5.&title=&part=1.&chapter=&article=)

The Contra Costa County Public Law Library has these resources available.

How can the Law Library help persons dealing with Conservatorship issues?

While Law Library staff cannot give legal advice or fill out forms for customers, staff provides many sources of information about Conservatorship. Call us at (925) 646-2783, or email

Reference.questionsCCCPLLIB@gmail.com, or visit us M-F 8 a.m.-4:45 p.m. at the A.F. Bray Courts Building, 1st floor, 1020 Ward Street, Martinez, CA 94553 to obtain forms or information. If you have questions, ask us and we will assist if possible. We are here to help.