

Chapter 1. ESTABLISHMENT OF A CONSERVATORSHIP

ARTICLE 1. PERSONS FOR WHOM A CONSERVATOR MAY BE APPOINTED

§ 1800. Purpose of chapter

It is the intent of the Legislature in enacting this chapter to do the following:

- (a) Protect the rights of persons who are placed under conservatorship.
- (b) Provide that an assessment of the needs of the person is performed in order to determine the appropriateness and extent of a conservatorship and to set goals for increasing the conservatee's functional abilities to whatever extent possible.
- (c) Provide that the health and psychosocial needs of the proposed conservatee are met.
- (d) Provide that community-based services are used to the greatest extent in order to allow the conservatee to remain as independent and in the least restrictive setting as possible.
- (e) Provide that the periodic review of the conservatorship by the court investigator shall consider the best interests of the conservatee.
- (f) Ensure that the conservatee's basic needs for physical health, food, clothing, and shelter are met.
- (g) Provide for the proper management and protection of the conservatee's real and personal property.

1800.3. Conservatorship for adults and married minors.

- (a) If the need therefore is established to the satisfaction of the court and the other requirements of this chapter are satisfied, the court may appoint:
 - (1) A conservator of the person or estate of an adult, or both.
 - (2) A conservator of the person of a minor who is married or whose marriage has been dissolved.
- (b) No conservatorship of the person or of the estate shall be granted by the court unless the court makes an express finding that the granting of the conservatorship is the least restrictive alternative needed for the protection of the conservatee.

1801. Conservator of person or estate or person and estate; limited conservator; appointment; standard of proof

Subject to Section 1800.3:

- (a) A conservator of the person may be appointed for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter, except as provided for the person as described in subdivision (b) or (c) of Section 1828.5.

- (b) A conservator of the estate may be appointed for a person who is substantially unable to manage his or her own financial resources or resist fraud or undue influence, except as provided for that person as described in subdivision (b) or (c) of Section 1828.5. Substantial inability may not be proved solely by isolated incidents of negligence or improvidence.
- (c) A conservator of the person and estate may be appointed for a person described in subdivisions (a) and (b).
- (d) A limited conservator of the person or of the estate, or both, may be appointed for a developmentally disabled adult. A limited conservatorship may be utilized only as necessary to promote and protect the well-being of the individual, shall be designed to encourage the development of maximum self-reliance and independence of the individual, and shall be ordered only to the extent necessitated by the individual's proven mental and adaptive limitations. The conservatee of the limited conservator shall not be presumed to be incompetent and shall retain all legal and civil rights except those which by court order have been designated as legal disabilities and have been specifically granted to the limited conservator. The intent of the Legislature, as expressed in Section 4501 of the Welfare and Institutions **Code**, that developmentally disabled citizens of this state receive services resulting in more independent, productive, and normal lives is the underlying mandate of this division in its application to adults alleged to be developmentally disabled.
- (e) The standard of proof for the appointment of a conservator pursuant to this section shall be clear and convincing evidence.

1802. Subject to Section **1800.3**, a conservator of the person or estate, or both, may be appointed for a person who voluntarily requests the appointment and who, to the satisfaction of the court, establishes good cause for the appointment.

1803. A conservator of the estate may be appointed for a person who is an absentee as defined in Section 1403.

1804. Subject to Section **1800.3**, a conservator of the estate may be appointed for a person who is missing and whose whereabouts is unknown.