

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Probate and Mental Health Advisory Committee  
Hon. Don Edward Green, Chair  
Douglas C. Miller, Committee Counsel,  
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DATE: February 28, 2008

SUBJECT: Probate: Changes in the *Petition for Appointment of Temporary Guardian or Conservator* and *Order Appointing Probate Conservator* Required by 2006 and 2007 Legislation (revise forms GC-110 and GC-340; adopt form GC-111) (Action Required)

Issue Statement

The Omnibus Conservatorship and Guardianship Reform Act of 2006 (Omnibus Act) made changes in temporary guardianship and temporary conservatorship procedures that require changes in the Judicial Council mandatory form petition for appointment of a temporary guardian or conservator.<sup>1</sup>

Legislation enacted in 2007 to clarify the Omnibus Act also requires a modification of the Judicial Council mandatory form order appointing a general conservator.<sup>2</sup>

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2008, revise the *Petition for Appointment of Temporary Guardian or Conservator* (form GC-110) and the *Order Appointing Probate Conservator* (form GC-340) and adopt a new form, *Petition for Appointment of Temporary Conservator* (form GC-111).

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<sup>1</sup> Stats. 2006, ch. 490–493 (Senate Bills 1116, 1550, and 1716; and Assembly Bill 1363). This legislation is referred to in this report as the Omnibus Act.

<sup>2</sup> See Stats. 2007, ch. 553 (Assembly Bill 1727), § 6, amending Probate Code section 1800.3(b).

Copies of proposed revised forms GC-110 and GC-340 and new form GC-111 are attached at pages 6–13.

### Rationale for Recommendation

The *Petition for Appointment of Temporary Guardian or Conservator* (form GC-110) is used to petition for the appointment of either a temporary guardian or a temporary conservator. The Omnibus Act included changes in temporary conservatorship and guardianship procedures effective July 1, 2007, that require changes in the petition.

In addition to recommending the mandated changes, the Probate and Mental Health Advisory Committee proposes separate temporary conservatorship and guardianship petitions to avoid unnecessary confusion by removing lengthy information applicable only to temporary conservatorships from the temporary guardianship petition.

Form GC-110 would be modified to become exclusively a temporary guardianship petition; new form GC-111 would be adopted for use exclusively as a temporary conservatorship petition.

### *Form GC-110*

The Omnibus Act amended Probate Code section 2250 to require a noticed hearing on the petition for appointment of a temporary conservator or guardian.<sup>3</sup> Section 2250(j) permits the court to waive the notice for good cause and required the Judicial Council, on or before January 1, 2008, to adopt a rule of court establishing uniform standards for the waiver.<sup>4</sup> The council responded to this mandate by adopting rules 7.1012 and 7.1062, concerning, respectively, temporary guardianships and temporary conservatorships.

Item 1e of form GC-110 calls for a showing in the petition in support of a waiver of notice. But the new rules of court require an application for waiver of notice to be separate from the petition for the temporary appointment (see rules 7.1012(e) and 7.1062(e)). Form GC-110 must therefore be modified to comply with rule 7.1012. Item 1d of revised form GC-110 would state that a request for an exception to notice for good cause is separately filed with the petition.

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<sup>3</sup> See section 2250(c) as amended by section 15 of Assem. Bill 1363.

<sup>4</sup> Subdivision (j) of section 2250, added by the Omnibus Act, was redesignated as subdivision (k) by section 12 of Assem. Bill 1727 in the 2007 Legislature. See footnote 2 above and footnote 7 below.

Item 1c(3) of form GC-110 calls for the amount of the proposed surety bond to be provided, with an instruction requesting an explanation if the amount is different from the maximum required by Probate Code section 2320. This instruction would be modified to refer to the maximum amount of bond under section 2320 as augmented by the additional bond for the cost of recovery on the bond required by rule 7.207(c), a new rule adopted by the council effective January 1, 2008. The calculation of the value of the estate for bond purposes in item 5 also would be revised to add a line for the additional bond required by rule 7.207.

*Form GC-111*

Item 6c of existing form GC-110 inquires about the proposed temporary conservatee's intention or ability to attend the hearing on the petition. This inquiry would be retained in item 9 of new form GC-111 but would be modified to request the information in all cases, not just those where authority is requested to change the conservatee's residence during the temporary conservatorship. Under the Omnibus Act, the proposed conservatee's attendance at the hearing on the temporary conservatorship petition is now required in all cases unless excused, whether or not he or she will change residence during the period of the temporary appointment.<sup>5</sup>

Item 9 of proposed form GC-111 would also call for statements on information and belief. This change from existing form GC-110 reflects that the primary evidence under the Omnibus Act concerning the conservatee's ability or willingness to attend the hearing is the court investigator's report, not an allegation in the petition.<sup>6</sup>

Items 7 and 8 of proposed form GC-111 would call for information required by the 2007 legislation. The new statute added new subdivisions (c) and (d) to section 2250.<sup>7</sup>

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<sup>5</sup> See Probate Code section 2250.4, added by section 16 of Assem. Bill 1363.

<sup>6</sup> See Probate Code section 2250.6, added by section 17 of Assembly Bill 1363. Section 2250.6 requires a court investigation in all temporary conservatorship cases, and a written court investigator's report before the hearing when feasible or a limited written report after the hearing in some circumstances. The required investigation includes the court investigator's determination that the proposed temporary conservatee is able to attend the hearing, and if able to attend, is willing to do so (see section 2250.6(a)(3)).

<sup>7</sup> See footnote 2 above, and section 12 of Assembly Bill 1727. Subdivisions (c)–(f) and (h)–(j) of section 2250, as added or amended by the Omnibus Act, were redesignated in the 2007 legislation as subdivisions (e)–(h) and (i)–(k), respectively; subdivision (g) of section 2250 (subdivision (f) before the Omnibus Act), which had authorized the filing of applications for appointment of temporary and general conservators in a single petition, was deleted.

Section 2250(c) requires professional conservators—conservators who must be licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs to be appointed by courts on or after July 1, 2008<sup>8</sup>—to disclose in their temporary conservatorship petitions their license information, the circumstances of their engagement, and their prior relationship with the proposed conservatee and his or her family. This information would be requested in item 7 of form GC-111.

Section 2250(d) requires petitioners (other than the proposed conservatee) seeking the appointment of a temporary conservator to show (1) due diligence in finding the proposed conservatee’s relatives or why it is not feasible to find any of them, and (2) the preferences of the proposed conservatee concerning both the appointment of a temporary conservator and concerning the appointment of the person named in the petition or why it is not feasible to ascertain those preferences. This information would be requested in item 8 of form GC-111.

The changes noted above concerning the additional bond required under rule 7.207 would also be carried over to items 1c(3) and 5 in proposed form GC-111.

#### *Form GC-340*

The *Order Appointing Probate Conservator* (form GC-340) would be revised in two respects. First, the new finding required by Probate Code section 1800.3, as amended by AB 1727, would be added as item 3 on page 1:

“Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.”

Second, findings 13 and 14 on page 2 of the existing form, concerning the information statement required to be filed with appointing courts by private professional conservators under Probate Code section 2342, and registration of these professionals with the Department of Justice’s Statewide Registry of Private Conservators, Guardians, and Trustees under sections 2850–2855, would be replaced (as findings 14 and 15) by allegations concerning professional fiduciaries and their licensure, required for court appointments of professional conservators on and after July 1, 2008. As of the latter date, the local statement and Statewide Registry requirements stated in Probate Code sections 2345 and 2856 will sunset.

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<sup>8</sup> See Probate Code section 2340, added by the Omnibus Act effective July 1, 2008 (section 5 of Senate Bill 1550).

### Alternative Actions Considered

The advisory committee considered merely revising current form GC-110 to accommodate the new statutory requirements, while maintaining its use as a petition for appointment of either a temporary guardian or conservator. The committee decided instead to propose separate form petitions for temporary guardians and conservators for the reason stated above.

### Comments From Interested Parties

This proposal was circulated for comment to a list of judicial officers, probate examiners and attorneys, other court staff interested in probate matters, court self-help center representatives, probate-interest sections of the State Bar and local bar associations, and representatives of other organizations interested in probate matters. It was also circulated to court executive officers, presiding judges, individuals, and organizations with a more general interest in court-related issues.

Twelve comments were received. A copy of the comment chart showing the comments made and the advisory committee's responses is attached beginning at page 14.

Most comments were favorable. Recommendations from Ms. Dee Dee Blackwood, a court investigator from the Superior Court of San Luis Obispo County, were particularly helpful. She pointed out that the draft of form GC-111 circulated for comment did not include the information required by section 2250(c) and (d) as amended by Assembly Bill 1727. The form now requests this information in items 7 and 8.

The Superior Court of Los Angeles County requested the addition of a finding in form GC-340 to give effect to Probate Code section 2321, which requires the court to determine in good faith that the conservatee will not suffer harm if bond is waived. The committee declined to make this change because it concluded that section 2321 does not require an express finding in the order.

### Implementation Requirements and Costs

Revision of forms GC-110 and GC-340 and adoption of form GC-111 will result in the usual costs associated with the revision or adoption of any Judicial Council form.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i>: _____</p> <p>E-MAIL ADDRESS <i>(Optional)</i>: _____</p> <p>ATTORNEY FOR <i>(Name)</i>: _____</p>	<p><i>FOR COURT USE ONLY</i></p> <p><b>Draft 5</b></p> <p><b>March 5, 2008</b></p> <p><b>Not Approved by the Judicial Council</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
TEMPORARY GUARDIANSHIP OF _____ <i>(Name):</i> _____ MINOR	CASE NUMBER: _____
<p style="text-align: center;"><b>PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN</b></p> <p style="text-align: center;"> <input type="checkbox"/> Person*                       <input type="checkbox"/> Estate*                       <input type="checkbox"/> Person and Estate*                 </p>	HEARING DATE: _____ DEPT.: _____ TIME: _____

1. **Petitioner** *(name each):* \_\_\_\_\_ **requests that**

a. *(Name):* \_\_\_\_\_  
*(Address and telephone number):* \_\_\_\_\_  
 be appointed temporary guardian of the PERSON of the minor and Letters issue upon qualification.

b. *(Name):* \_\_\_\_\_  
*(Address and telephone number):* \_\_\_\_\_  
 be appointed temporary guardian of the ESTATE of the minor and Letters issue upon qualification.

c. (1)  bond not be required because petition is for a temporary guardianship of the person only.  
 (2)  bond not be required for the reasons stated in attachment 1c.  
 (3)  \$ \_\_\_\_\_ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.  
*(Specify reasons in Attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).)*  
 (4)  \$ \_\_\_\_\_ in deposits in a blocked account be allowed. Receipts will be filed.  
*(Specify institution and location):* \_\_\_\_\_

d.  a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.  
 e.  the powers specified in attachment 1e be granted in addition to the powers provided by law.  
 f.  other orders be granted *(specify in attachment 1f)*.

2. **The minor is** *(name):* \_\_\_\_\_  
 Current address: \_\_\_\_\_ Current telephone no.: \_\_\_\_\_

3. **The minor requires a temporary guardian** to  provide for temporary care, maintenance, and support  
 protect property from loss or injury because *(facts are*  *specified in attachment 3*  *as follows):*

**\*You MAY use this form or form GC-110(P) for a temporary guardianship of the person. You MUST use this form for a temporary guardianship of the estate or the person and estate.**

TEMPORARY GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

3.  (Facts supporting appointment of a temporary guardian (continued)):

4. **Temporary guardianship is required**

- a.  pending the hearing on the petition for appointment of a general guardian.
- b.  pending the appeal under Probate Code section 1301.
- c.  during the suspension of powers of the guardian.

5.  **Character and estimated value of the property of the estate** (complete if a temporary guardianship of the estate or person and estate is requested):

- a. Personal property: \$ \_\_\_\_\_
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ \_\_\_\_\_
- c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): \$ \_\_\_\_\_
- d. **Total:** \$ \_\_\_\_\_

6. Petitioner believes the minor  will  will not attend the hearing.

7. All attachments to this form are incorporated by this reference as though placed here in this form. There are \_\_\_\_\_ pages attached to this form.

Date:

▶ \_\_\_\_\_  
(SIGNATURE OF ATTORNEY\*)

\* (Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr/> <p style="text-align: center;">TELEPHONE NO.: <span style="margin-left: 200px;">FAX NO. <i>(Optional):</i></span></p> <p>E-MAIL ADDRESS <i>(Optional):</i></p> <p>ATTORNEY FOR <i>(Name):</i></p>	<p><i>FOR COURT USE ONLY</i></p> <p><b>Draft 5</b></p> <p><b>March 5, 2008</b></p> <p><b>Not Approved by the Judicial Council</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY CONSERVATORSHIP OF <i>(Name):</i>	CASE NUMBER:
<p style="text-align: right;">CONSERVATEE</p>	HEARING DATE:
<p style="text-align: center;"><b>PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR</b></p> <p style="text-align: center;"> <input type="checkbox"/> Person                        <input type="checkbox"/> Estate                        <input type="checkbox"/> Person and Estate                 </p>	DEPT.: <span style="margin-left: 50px;">TIME:</span>

1. **Petitioner** *(name each):*

**requests that**

- a. *(Name):*  
*(Address and telephone number):*  
be appointed temporary conservator of the PERSON of the proposed conservatee and Letters issue upon qualification.
- b. *(Name):*  
*(Address and telephone number):*  
be appointed temporary conservator of the ESTATE of the proposed conservatee and Letters issue upon qualification.
- c. (1)  bond not be required because petition is for a temporary conservatorship of the person only.  
 (2)  bond not be required for the reasons stated in attachment 1c.  
 (3)  \$ \_\_\_\_\_ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.  
*(Specify reasons in attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).)*  
 (4)  \$ \_\_\_\_\_ in deposits in a blocked account be allowed. Receipts will be filed.  
*(Specify institution and location):*
- d.  a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.
- e.  the powers specified in Attachment 1e be granted in addition to the powers provided by law.
- f.  other orders be granted *(specify in attachment 1f)*.

2. **The proposed conservatee is** *(name):*

Current address:

Current telephone no.:

3. **The proposed conservatee requires a temporary conservator** to  provide for temporary care, maintenance, and support  protect property from loss or injury because *(facts are*  *specified in attachment 3*  *as follows):*

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

4. Temporary conservatorship is required

- a.  pending the hearing on the petition for appointment of a general conservator.
- b.  pending the appeal under Probate Code section 1301.
- c.  during the suspension of powers of the conservator.

5.  Character and estimated value of the property of the estate (complete if a temporary conservatorship of the estate or the person and estate is requested):

- a. Personal property: \$
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$
- c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): \$ \_\_\_\_\_
- d. Total: \$ \_\_\_\_\_

6.  Petitioner requests authority to change the proposed conservatee's residence during the temporary conservatorship

- a.  Petitioner proposes to change the residence of the proposed conservatee to (address):

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (reasons are  specified in attachment 6a  as follows):

- b.  The proposed conservatee must be removed from the State of California to permit the performance of the following nonpsychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment. (Facts and place of treatment are  specified in attachment 6b  as follows):

7.  Petitioner is a professional fiduciary

- a. Petitioner holds license no. (specify): \_\_\_\_\_ from the Professional Fiduciaries Bureau of the Department of Consumer Affairs issued or last renewed on (specify later date of initial issuance or renewal): \_\_\_\_\_
- b. Petitioner was requested to file this petition by (name): \_\_\_\_\_
- c. The circumstances leading to petitioner's engagement to file this petition are described in attachment 7c.
- d. Petitioner had: (1)  No relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition.  
 (2)  A relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition. That relationship is described in  attachment 7d.  the *Petition for Appointment of Probate Conservator (form GC-310)* filed with this petition or an attachment to that petition (specify attachment to general petition): \_\_\_\_\_

TEMPORARY CONSERVATORSHIP OF (Name): _____  <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER:  _____
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**8. Petitioner's contact with persons named in *Petition for Appointment of Probate Conservator***

- a.  Petitioner is the proposed conservatee. *(If this item is selected, go to item 9.)*
- b.  Petitioner is not the proposed conservatee. All persons other than the proposed conservatee named in the *Petition for Appointment of Probate Conservator* filed with this petition:
  - (1)  Have been found and contacted. All will be given notice of the hearing on this petition.
  - (2)  Have not been found or have not been contacted. Efforts to find the persons who have not been found and the reasons why any person cannot be contacted are described in one or more declarations under penalty of perjury attached to this petition as attachment 8b. *(Attachment 8b is not a request for a good cause exception to notice. See Prob. Code, § 2250(e) and rule 7.1062 of the Cal. Rules of Court.)*
- c.  Petitioner is not the proposed conservatee. Facts showing the preferences of the proposed conservatee concerning the appointment of any temporary conservator, and the appointment of the temporary conservator proposed in this petition, or why it was not feasible to ascertain those preferences, are specified in one or more declarations attached to this petition as attachment 8c.

**9. Petitioner is informed and believes that the proposed conservatee**

- a.  will attend the hearing.
- b.  is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
- c.  is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as attachment 9c.
- d.  is not the petitioner, is out of state, and will not attend the hearing.

10.  Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

11. All attachments to this form are incorporated by this reference as though placed here in this form. There are \_\_\_\_\_ pages attached to this form.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (SIGNATURE OF ATTORNEY\*)

**\* (Signature of all petitioners also required (Prob. Code, § 1020).)**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>Draft 3 3/05/08</b>  <b>Not Approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (Name): _____	CONSERVATEE
<b>ORDER APPOINTING</b> <input type="checkbox"/> <b>SUCCESSOR</b> <b>PROBATE CONSERVATOR OF THE</b> <input type="checkbox"/> <b>PERSON</b> <input type="checkbox"/> <b>ESTATE</b> <input type="checkbox"/> <b>Limited Conservatorship</b>	CASE NUMBER: _____

**WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.**

1. The petition for appointment of  successor conservator came on for hearing as follows (check boxes c, d, e, and f or g to indicate personal presence):
- a. Judicial officer (name): \_\_\_\_\_
  - b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.:  Room:
  - c.  Petitioner (name): \_\_\_\_\_
  - d.  Attorney for petitioner (name): \_\_\_\_\_
  - e.  Attorney for  person cited  the conservatee on petition to appoint successor conservator:  
 (Name): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
 (Address): \_\_\_\_\_
  - f.  Person cited was  present.  unable to attend.  able but unwilling to attend.  out of state.
  - g.  The conservatee on petition to appoint successor conservator was  present.  not present.

**THE COURT FINDS**

- 2. All notices required by law have been given.
- 3. Granting the conservatorship is the least restrictive alternative needed for the protection of the conservatee.
- 4. (Name): \_\_\_\_\_
  - a.  is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
  - b.  is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
  - c.  has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
- 5. The conservatee
  - a.  is an adult.
  - b.  will be an adult on the effective date of this order.
  - c.  is a married minor.
  - d.  is a minor whose marriage has been dissolved.
- 6.  There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.  
 The conservatee is an adherent of a religion defined in Probate Code section 2355(b).
- 7.  Granting the  successor conservator powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and in the best interest of the conservatorship estate.
- 8.  The conservatee is not capable of completing an affidavit of voter registration.

Do NOT use this form for a temporary conservatorship.

CONSERVATORSHIP OF (Name):  _____	CASE NUMBER:  _____
CONSERVATEE	

9.  The conservatee has dementia as defined in Probate Code section 2356.5, and the court finds all other facts required to make the orders specified in item 27.
10.  Attorney (name): \_\_\_\_\_ has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ \_\_\_\_\_  
The conservatee has the ability to pay  all  none  a portion of this sum (specify): \$ \_\_\_\_\_
11.  The conservatee need not attend the hearing.
12.  The appointed court investigator is (name): \_\_\_\_\_  
(Address and telephone): \_\_\_\_\_
13.  (For limited conservatorship only) The limited conservatee is developmentally disabled as defined in Probate Code section 1420.
14.  The  successor conservator is a professional fiduciary as defined by Business and Professions Code section 6501(f).
15.  The  successor conservator holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.  
License no.: \_\_\_\_\_ Issuance or last renewal date: \_\_\_\_\_ Expiration date: \_\_\_\_\_
16. (Either a, b, or c must be checked):
- a.  The  successor conservator is not the spouse of the conservatee.
- b.  The  successor conservator is the spouse of the conservatee and is not a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage.
- c.  The  successor conservator is the spouse of the conservatee and is a party to an action or proceeding against the conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage. It is in the best interest of the conservatee to appoint the spouse as  successor conservator.
17. (Either a, b, or c must be checked):
- a.  The  successor conservator is not the domestic partner or former domestic partner of the conservatee.
- b.  The  successor conservator is the domestic partner of the conservatee and has neither terminated nor intends to terminate their domestic partnership.
- c.  The  successor conservator is the domestic partner or former domestic partner of the conservatee and intends to terminate or has terminated their domestic partnership. It is in the best interest of the conservatee to appoint the domestic partner or former domestic partner as  successor conservator.

**THE COURT ORDERS**

18. a. (Name): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
(Address): \_\_\_\_\_  
  
**is appointed**  successor  conservator  limited conservator of the PERSON of (name): \_\_\_\_\_  
and Letters of Conservatorship shall issue upon qualification.
- b. (Name): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
(Address): \_\_\_\_\_  
  
**is appointed**  successor  conservator  limited conservator of the ESTATE of (name): \_\_\_\_\_  
and Letters of Conservatorship shall issue upon qualification.
19.  The conservatee need not attend the hearing.
20. a.  Bond is not required.
- b.  Bond is fixed at: \$ \_\_\_\_\_ to be furnished by an authorized surety company or as otherwise provided by law.
- c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at (specify institution and location): \_\_\_\_\_  
  
and receipts shall be filed. No withdrawals shall be made without a court order.  
 Additional orders in attachment 20c.

CONSERVATORSHIP OF (Name):  _____	CASE NUMBER:  _____
CONSERVATEE	

- 20. (cont.) d.  The  successor conservator is not authorized to take possession of money or any other property without a specific court order.
- 21.  For legal services rendered,  conservatee  conservatee's estate shall pay the sum of: \$  
to (name):  
 forthwith  as follows (specify terms, including any combination of payors):
- Continued in attachment 21.
- 22.  The conservatee is disqualified from voting.
- 23.  The conservatee lacks the capacity to give informed consent for medical treatment and the  successor conservator of the person is granted the powers specified in Probate Code section 2355.  
 The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
- 24.  The  successor conservator of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in attachment 24  subject to the conditions provided.
- 25.  Orders relating to the capacity of the conservatee under Probate Code sections 1873 or 1901 as specified in attachment 25 are granted.
- 26.  Orders relating to the powers and duties of the  successor conservator of the person under Probate Code sections 2351–2358 as specified in attachment 26 are granted. (Do not include orders under Probate Code section 2356.5 relating to dementia.)
- 27.  Orders relating to the conditions imposed under Probate Code section 2402 on the  successor conservator of the estate as specified in attachment 27 are granted.
- 28.  a.  The  successor conservator of the person is granted authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).  
b.  The  successor conservator of the person is granted authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
- 29.  Other orders as specified in attachment 29 are granted.
- 30.  The probate referee appointed is (name and address):
- 31.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the person under Probate Code section 2351.5 as specified in attachment 31 are granted.
- 32.  (For limited conservatorship only) Orders relating to the powers and duties of the  successor limited conservator of the estate under Probate Code section 1830(b) as specified in attachment 32 are granted.
- 33.  (For limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in attachment 33 are granted.
- 34.  This order is effective on the  date signed  date minor attains majority (specify):
- 35. Number of boxes checked in items 18–34: \_\_\_\_\_
- 36. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

Required by 2006 and 2007 Legislation (revise forms GC-110 and GC-340; adopt form GC-111)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Advisory Committee Response</b>
1.	Ms. Grace Andres Court Services Program Manager Superior Court of Solano County Fairfield, California	A	N	Agree with proposed changes.	No response necessary.
2.	Ms. Dee Dee Blackwood Court Probate Investigator Superior Court of San Luis Obispo County San Luis Obispo, California	A	N	Stats. 2007, ch. 553 (AB1727), § 12 amended the requirements for a temporary conservatorship petition effective January 1, 2008. (See amended Probate Code, §§ 2250(c) and (d).) Please consider adding questions to <i>Petition for Appointment of Temporary Conservator</i> (form GC-111) that will cue the petitioner and the court, in those instances where the new provisions apply, that specific statements/declarations are required and are included with the petition.	The advisory committee agrees with this comment. The form has been modified to include requests for the additional information required by Probate Code sections 2250(c) and (d) (form GC-111, pages 2 and 3, items 7 and 8).
3.	Mr. Edward J. Corey, Jr. State Bar of California Trusts and Estates Section Sacramento, California	A	Y	Agree with proposed changes. Approval unanimous.	No response necessary.
4.	Mr. Paul T. Gaulke Hromadka & Gaulke Attorneys at Law Los Angeles, California	A	N	Agree with proposed changes.	No response necessary.
5.	Mr. Jose O. Guillen	A	N	I agree with proposed form changes.	No response necessary.

Required by 2006 and 2007 Legislation (revise forms GC-110 and GC-340; adopt form GC-111)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Advisory Committee Response</b>
	Executive Officer Superior Court of Imperial County, El Centro, California				
6.	Mr. John V. Hager Attorney at Law Santa Barbara, California	N	N	Do not agree with proposed changes.	No response is possible because no specific comments concerning the new or revised forms were made.
7.	Ms. Lorraine Dias Herbon Administrative Services Officer II Superior Court of Sacramento County Sacramento, California	A	Y	Agree with proposed changes. We have reviewed the proposal and have no comments at this time.	No response necessary.
8.	Ms. Cheryl Kanatzar Deputy Executive Officer Superior Court of Ventura County Ventura, California	AM	N	Agree with proposed changes if modified.  The forms need to be revised. Form names at the bottom of each page need to be amended to reflect just conservatorship or guardianship.  Also, a form for Orders Appointing Guardian is needed, in addition to the form ordering the appointment of a conservator.	The form names in parentheses at the bottom of each page of the forms, “(Probate—Guardianships and Conservatorships),” are the names of the form family to which the form is assigned. These names do not signify that a conservatorship form may be used in a guardianship, or vice versa.  The existing <i>Order Appointing Guardian of Minor</i> (form GC-240) is the appropriate form for the order appointing a guardian.
9.	Legal Research Department Superior Court of San Bernardino	A	N	Agree with proposed changes.	No response necessary.

**W08-05**

Probate: Changes in the *Petition for Appointment of Temporary Guardian or Conservator* and *Order Appointing Probate Conservator* Required by 2006 and 2007 Legislation (revise forms GC-110 and GC-340; adopt form GC-111)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Advisory Committee Response</b>
	County San Bernardino, California				
10.	Ms. Tina Rasnow Senior Attorney Superior Court of Ventura County SHLA Center Ventura, California	A	Y	Agree with proposed changes.  I think the new temporary guardianship petition and conservatorship petition forms are good, easy to read and understand, and much better than the current ones, particularly for self-represented litigants.	No response necessary.
11.	Mr. Michael M. Roddy Executive Officer Superior Court of San Diego County San Diego, California	A	Y	Agree with proposed changes.	No response necessary.
12.	Superior Court of Los Angeles County Los Angeles, California	A	Y	Regarding: Order Appointing Probate Conservator A provision could also be added at paragraph 20 regarding bond waivers. The findings section of that order should then include a provision “that the conservatee will not suffer harm as a result of the waiver of bond” (Prob. Code, § 2321).	Section 2321 requires a good faith determination by the court that the conservatee will suffer no harm if the bond is waived or reduced. However, the statute does not require an express finding in the order.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.