

**Invitation to Comment**

<p>Title</p>	<p>Probate—Guardianships and Conservatorships: Responsibility of Institutions and Financial Institutions to Notify the Court Concerning Assets, Accounts, and Safe Deposit Boxes of Wards and Conservatees (adopt rules 7.1011 and 7.1061 of the California Rules of Court; revise <i>Letters of Temporary Guardianship or Conservatorship</i> (form GC-150), <i>Letters of Guardianship</i> (form GC-250), <i>Letters of Conservatorship</i> (form GC-350), and <i>Notice of Taking Possession or Control of an Asset of Minor or Conservatee</i> (form GC-050)).</p>
<p>Summary</p>	<p>The Probate and Mental Health Advisory Committee makes this proposal to increase compliance with the requirements of Probate Code sections 2890–2893 by institutions and financial institutions that hold or control assets, accounts, or safe deposit boxes of wards or conservatees. Proposed new rules of court would require guardians and conservators to deliver to institutions and financial institutions the Judicial Council forms designed to be used by them to comply with the statutory requirements. <i>Letters of Guardianship</i>, <i>Letters of Conservatorship</i>, and <i>Letters of Temporary Guardianship or Conservatorship</i> would be revised by adding instructions to institutions and financial institutions concerning their responsibilities under sections 2890–2893. The form intended for institutions to use to comply with Probate Code section 2890 would also be revised to clarify that the law permits the institution to use a single form for all assets of a particular ward or conservatee held by the institution, and to enable the institution to do so.</p>
<p>Source</p>	<p>Probate and Mental Health Advisory Committee Hon. Don Edward Green, Chair</p>
<p>Staff</p>	<p>Douglas C. Miller 415.865.7535; douglas.miller@jud.ca.gov</p>
<p>Discussion</p>	<p>Probate Code sections 2890–2893 require “institutions” (insurance companies, brokers, and agents; investment companies, banks, and advisors; financial planners; and securities broker-dealers) and “financial institutions” (banks, certain trusts, savings and loan associations, savings banks, industrial banks, and credit unions) that hold or control assets, accounts, or safe-deposit boxes belonging to a ward or conservatee, to report to the court certain actions by the</p>

guardian or conservator to take control of the assets, accounts, or safe-deposit boxes.

Judicial Council forms have been adopted to be used by the institutions and financial institutions for the reports required by sections 2890–2893. Institutions must use *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050); financial institutions must use *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051).

Courts throughout the state report limited compliance by institutions and financial institutions with the requirements of sections 2890–2893 since these sections became law in 2001.<sup>1</sup> The advisory committee seeks to improve this record by proposing new rules 7.1011 and 7.1061 of the California Rules of Court that would require general and temporary guardians (rule 7.1011) or conservators (rule 7.1061) to (1) deliver a certified copy of their *Letters of Temporary Guardianship or Conservatorship*, *Letters of Guardianship*, or *Letters of Conservatorship* to institutions and financial institutions subject to the law when these fiduciaries seek to marshal assets, accounts, or the contents of safe deposit boxes held by the institutions or financial institutions and (2) deliver a blank copy of the appropriate notice form to the institution or financial institution for it to use to comply with the law.

The advisory committee also proposes to revise the Judicial Council forms mentioned above by adding instructions for institutions and financial institutions concerning their responsibilities under sections 2890–2893. These instructions can be found on page 2 of proposed revised forms GC-150, GC-250, and GC-350.

#### *Form GC-050*

Probate Code sections 2891(e) and 2893(d) authorize an institution or a financial institution, respectively, to file a single statement covering all assets, accounts, or safe-deposit boxes held by it concerning a particular ward or conservatee. Form GC-050 does not provide a means by which information can be provided about more than one asset held by an institution. The advisory committee proposes to revise

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<sup>1</sup> Stats. 2001, ch. 563 (Assem. Bill 1286), § 7.

the form to include the following statement in the Note to Institution at the top of the page:

“A single statement may cover all assets of a minor or conservatee held by the institution.”

Item 3 of the form would also be revised to provide for an attachment to contain information about assets held by the institution in addition to the single asset to be identified in the item.

The text of proposed new rules 7.1011 and 7.1061 is attached at pages 4–6.

Copies of proposed revised forms GC-050, GC-150, GC-250, and GC-350 are attached beginning at page 7.

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Attachments

## Rule Proposal

Rules 7.1011 and 7.1061 of the California Rules of Court would be adopted, effective January 1, 2009, to read:

1 **Rule 7.1011. Taking possession of an asset of the ward at an institution or**  
2 **opening or changing ownership of an account or safe deposit box at a**  
3 **financial institution**

4  
5 **(a) Definitions**

6  
7 As used in this rule, the following terms have the meanings stated below:

- 8  
9 (1) An “institution” is an insurance company, insurance broker, insurance  
10 agent, investment company, investment bank, securities broker-dealer,  
11 investment adviser, financial planner, financial adviser, or any other  
12 person who takes, holds, or controls an asset subject to a guardianship  
13 that is not a “financial institution” within the meaning of this rule;  
14  
15 (2) A “financial institution” is a bank; savings and loan association;  
16 savings bank; industrial bank; credit union; or, except as provided in  
17 (d), a trust; and  
18  
19 (3) “Taking possession” or “taking control” of an asset held or controlled  
20 by an institution includes changing title to the asset, withdrawing all or  
21 any portion of the asset, or transferring all or any portion of the asset  
22 from the institution.

23  
24 **(b) Responsibilities of the guardian when taking possession or control of an**  
25 **asset of the ward at an institution**

26  
27 When taking possession or control of an asset in the name of the ward held  
28 by an institution, the temporary or general guardian of the estate must  
29 provide the following to the institution:

- 30  
31 (1) A certified copy of the guardian’s *Letters of Temporary Guardianship*  
32 *or Conservatorship* (form GC-150) or *Letters of Guardianship* (form  
33 GC-250) containing the Notice to Institutions and Financial Institutions  
34 on the second page; and  
35  
36 (2) A blank copy of a *Notice of Taking Possession or Control of an Asset*  
37 *of Minor or Conservatee* (form GC-050).

1 **(c) Responsibilities of the guardian when opening or changing the name on**  
2 **an account or a safe-deposit box at a financial institution**

3  
4 When opening or changing the name on an account or a safe-deposit box in a  
5 financial institution, the temporary or general guardian of the estate must  
6 provide the following to the financial institution:

7  
8 (1) A certified copy of the guardian’s *Letters of Temporary Guardianship*  
9 *or Conservatorship* (form GC-150) or *Letters of Guardianship* (form  
10 GC-250) containing the Notice to Institutions and Financial Institutions  
11 on the second page; and

12  
13 (2) A blank copy of a *Notice of Opening or Changing a Guardianship or*  
14 *Conservatorship Account or Safe-Deposit Box* (form GC-051).

15  
16 **(d) Application of this rule to trust arrangements**

17  
18 This rule applies to Totten trust accounts, but does not apply to any other  
19 trust arrangement described in Probate Code section 82(b).

20  
21  
22 **Rule 7.1061. Taking possession of an asset of the conservatee at an institution**  
23 **or opening or changing ownership of an account or safe deposit box at a**  
24 **financial institution**

25  
26 **(a) Definitions**

27  
28 As used in this rule, the following terms have the meanings stated below:

29  
30 (1) An “institution” is an insurance company, insurance broker, insurance  
31 agent, investment company, investment bank, securities broker-dealer,  
32 investment adviser, financial planner, financial adviser, or any other  
33 person who takes, holds, or controls an asset subject to a  
34 conservatorship that is not a “financial institution” within the meaning  
35 of this rule;

36  
37 (2) A “financial institution” is a bank; savings and loan association;  
38 savings bank; industrial bank; credit union; or, except as provided in  
39 (d), a trust; and

40  
41 (3) “Taking possession” or “taking control” of an asset held or controlled  
42 by an institution includes changing title to the asset, withdrawing all or

1                    any portion of the asset, or transferring all or any portion of the asset  
2                    from the institution.

3  
4    **(b) Responsibilities of the conservator when taking possession or control of**  
5    **an asset of the conservatee at an institution**

6  
7    When taking possession or control of an asset in the name of the conservatee  
8    held by an institution, the temporary, general, or limited conservator of the  
9    estate must provide the following to the institution:

10  
11    (1) A certified copy of the conservator’s *Letters of Temporary*  
12    *Guardianship or Conservatorship* (form GC-150) or *Letters of*  
13    *Conservatorship* (form GC-350) containing the Notice to Institutions  
14    and Financial Institutions on the second page; and

15  
16    (2) A blank copy of a *Notice of Taking Possession or Control of an Asset*  
17    *of Minor or Conservatee* (form GC-050).

18  
19    **(c) Responsibilities of the conservator when opening or changing the name**  
20    **on an account or a safe-deposit box at a financial institution**

21  
22    When opening or changing the name on an account or a safe-deposit box in a  
23    financial institution, the temporary, general, or limited conservator of the  
24    estate must provide the following to the financial institution:

25  
26    (1) A certified copy of the guardian’s *Letters of Temporary Guardianship*  
27    *or Conservatorship* (form GC-150) or *Letters of Conservatorship* (form  
28    GC-350) containing the Notice to Institutions and Financial Institutions  
29    on the second page; and

30  
31    (2) A blank copy of a *Notice of Opening or Changing a Guardianship or*  
32    *Conservatorship Account or Safe-Deposit Box* (form GC-051).

33  
34    **(d) Application of this rule to Totten trust accounts**

35  
36    This rule applies to Totten trust accounts, but does not apply to any other  
37    trust arrangement described in Probate Code section 82(b).

NAME OF INSTITUTION: ADDRESS: CONTACT PERSON: TITLE: _____ TELEPHONE NO: _____	<b>FOR COURT USE ONLY</b>  <b>Draft 3</b>  <b>April 10, 2008</b>  <b>Not Approved by the Judicial Council</b>   <b>NO FILING FEE</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP    OF (Name): _____  <div style="text-align: right;"> <input type="checkbox"/> MINOR    <input type="checkbox"/> CONSERVATEE                 </div>	
<b>NOTICE OF TAKING POSSESSION OR CONTROL OF AN ASSET OF MINOR OR CONSERVATEE</b>	CASE NUMBER: _____

**NOTE TO INSTITUTION**

**When a guardian or conservator of the estate of a minor or conservatee takes possession or control of an asset of the minor or conservatee held or controlled by an institution, Probate Code section 2890 requires the institution to file a statement with the court having jurisdiction over the guardianship or conservatorship and identified in the Letters of Guardianship or Letters of Conservatorship. The statement must contain the information specified below concerning the institution, the minor or conservatee, and the asset. The statement must be on this form and must be signed by an authorized officer of the institution. A single statement may cover all assets of a minor or conservatee held by the institution.**

**An "institution" is an insurance company, broker, or agent; an investment company; an investment bank; a security broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. "Taking possession or control of an asset" includes changing title to the asset, withdrawing all or any portion of the asset, or transferring all or any portion of the asset from the institution.**

**1. Personal information**

- a. Minor or conservatee (*name*):
- b. Guardian or conservator of the estate (*name each*):

**2. Institution information**

- a. Institution (*name and type*):
- b. Address:

**3. Asset information**

- a. Account, policy, or other identification number:
- b. Type of asset:
- c. Value or, if it is not known, the estimated value of the asset on the date Letters of Guardianship or Conservatorship were issued by the court to the guardian or conservator (*this information must be given to the extent it is routinely provided in statements from the institution to asset owners*):

Information on additional assets of the minor or conservatee named above held by the institution is stated on attachment 3.

- 4. The guardian or conservator presented *Letters of Guardianship* or *Letters of Conservatorship* that identify the guardian or conservator as the guardian or conservator of the estate of the minor or conservatee named above.
- 5. I am an officer of the institution identified in this statement, and I am authorized to sign this statement on its behalf.

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)	_____ (AUTHORIZED SIGNATURE)
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Title: \_\_\_\_\_ Telephone no.: \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 After recording return to:

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TELEPHONE NO.:  
 FAX NO. (Optional):  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:  
 MAILING ADDRESS:  
 CITY AND ZIP CODE:  
 BRANCH NAME:

TEMPORARY  GUARDIANSHIP  CONSERVATORSHIP  
 OF (Name):  MINOR  CONSERVATEE

**LETTERS OF TEMPORARY  GUARDIANSHIP  CONSERVATORSHIP**  
 Person  Estate

FOR RECORDER'S USE ONLY

CASE NUMBER:

FOR COURT USE ONLY

**LETTERS**

1. (Name):  
 is appointed temporary  guardian  conservator of the  person  
 estate of (name):

2.  Other powers have been granted or restrictions imposed on the temporary  
 guardian  conservator are  specified in Attachment 2.  
 specified below.

3. These Letters shall expire  
 a.  on (date): \_\_\_\_\_ or upon earlier issuance of Letters to a general guardian or conservator.  
 b.  other date (specify): \_\_\_\_\_

4.  The temporary  guardian  conservator is not authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached: \_\_\_\_\_

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: \_\_\_\_\_  
 Clerk, by \_\_\_\_\_, Deputy

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF _____ (Name): <div style="text-align: right; margin-top: 10px;"> <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE         </div>	CASE NUMBER:
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**NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS**  
**(Probate Code sections 2890–2893)**

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 for an institution or form GC-051 for a financial institution. An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is [www.courtinfo.ca.gov/cgi-bin/forms.cgi](http://www.courtinfo.ca.gov/cgi-bin/forms.cgi). Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for institutions or form GC-051 for financial institutions. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An *institution* under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

**LETTERS OF TEMPORARY  GUARDIANSHIP  CONSERVATORSHIP**

**AFFIRMATION**

I solemnly affirm that I will perform according to law the duties of temporary  guardian.  conservator.

Executed on (date): \_\_\_\_\_, at (place): \_\_\_\_\_

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF APPOINTEE)
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**CERTIFICATION**

I certify that this document and any attachments is a correct copy of the original on file in my office and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

(SEAL)	Date: _____  Clerk, by _____, Deputy
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ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>Draft 3</b></p> <p style="text-align: center;"><b>March 27, 2008</b></p> <p style="text-align: center;"><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:	
GUARDIANSHIP OF <i>(Name):</i> _____	
<p style="text-align: center;"><b>LETTERS OF GUARDIANSHIP</b></p> <p style="text-align: center;"><input type="checkbox"/> Person    <input type="checkbox"/> Estate</p>	CASE NUMBER: _____

**LETTERS**

1. *(Name)*: \_\_\_\_\_ is appointed guardian of the  person  estate  
of *(name)*: \_\_\_\_\_

2.  Other powers have been granted and conditions have been imposed as follows:
- a.  Powers to be exercised independently under Probate Code section 2590 are specified in attachment 2a *(specify powers, restrictions, conditions, and limitations)*.
  - b.  Conditions relating to the care and custody of the property under Probate Code section 2402 are specified in attachment 2b.
  - c.  Conditions relating to the care, treatment, education, and welfare of the minor under Probate Code section 2358 are specified in attachment 2c.
  - d.  Other powers granted or conditions imposed are  specified on attachment 2d.  specified below.

3.  The guardian is not authorized to take possession of money or any other property without a specific court order.

4. Number of pages attached: \_\_\_\_\_

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: \_\_\_\_\_  
 Clerk, by \_\_\_\_\_, Deputy

GUARDIANSHIP OF _____ (Name):  MINOR	CASE NUMBER:  
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**NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS**  
**(Probate Code sections 2890–2893)**

When these *Letters of Guardianship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the guardian of the estate (1) to take possession or control of an asset of the minor named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship, you must fill out Judicial Council form GC-050 for an institution or form GC-051 for a financial institution. An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The guardian should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is [www.courtinfo.ca.gov/cgi-bin/forms.cgi](http://www.courtinfo.ca.gov/cgi-bin/forms.cgi). Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for institutions or form GC-051 for financial institutions. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An *institution* under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

**LETTERS OF GUARDIANSHIP**  
**AFFIRMATION**

I solemnly affirm that I will perform according to law the duties of guardian.

Executed on (date): \_\_\_\_\_, at (place): \_\_\_\_\_

\_\_\_\_\_ (TYPE OR PRINT NAME)       \_\_\_\_\_ (SIGNATURE OF APPOINTEE)

**CERTIFICATION**

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)          
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Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Draft 2

03/12/08

Not Approved by the  
Judicial Council

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 After recording return to:  
  
TELEPHONE NO.:  
FAX NO. (Optional):  
E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name):

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**  
STREET ADDRESS:  
MAILING ADDRESS:  
CITY AND ZIP CODE:  
BRANCH NAME:

FOR RECORDER'S USE ONLY

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

<b>LETTERS OF CONSERVATORSHIP</b> <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Limited Conservatorship	<i>FOR COURT USE ONLY</i>
1. <input type="checkbox"/> (Name): _____ is the appointed <input type="checkbox"/> conservator <input type="checkbox"/> limited conservator of the <input type="checkbox"/> person <input type="checkbox"/> estate of (name): 2. <input type="checkbox"/> (For conservatorship that was on December 31, 1980, a guardianship of an adult or of the person of a married minor) (Name): was appointed the guardian of the <input type="checkbox"/> person <input type="checkbox"/> estate by order dated (specify): _____ and is now the conservator of the <input type="checkbox"/> person <input type="checkbox"/> estate of (name): 3. <input type="checkbox"/> Other powers have been granted or conditions imposed as follows: a. <input type="checkbox"/> Exclusive authority to give consent for and to require the conservatee to receive medical treatment that the conservator in good faith based on medical advice determines to be necessary even if the conservatee objects, subject to the limitations stated in Probate Code section 2356. (1) <input type="checkbox"/> This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of the conservatorship. (2) <input type="checkbox"/> (If court order limits duration) This medical authority terminates on (date): b. <input type="checkbox"/> Authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b). c. <input type="checkbox"/> Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c). d. <input type="checkbox"/> Powers to be exercised independently under Probate Code section 2590 are specified in attachment 3d (specify powers, restrictions, conditions, and limitations). e. <input type="checkbox"/> Conditions relating to the care and custody of property under Probate Code section 2402 are specified in Attachment 3e. f. <input type="checkbox"/> Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358 are specified in attachment 3f. g. <input type="checkbox"/> (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 are specified in attachment 3g. h. <input type="checkbox"/> (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) are specified in attachment 3h. i. <input type="checkbox"/> Other powers granted or conditions imposed are specified in attachment 3i.	

(SEAL)

4.  The conservator is **not** authorized to take possession of money or any other property without a  
specific court order.

5. Number of pages attached: \_\_\_\_\_

WITNESS, clerk of the court, with seal of the court affixed.  
Date: \_\_\_\_\_  
Clerk, by \_\_\_\_\_, Deputy

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

**NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS**  
**(Probate Code sections 2890–2893)**

When these *Letters of Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must fill out Judicial Council form GC-050 for an institution or form GC-051 for a financial institution. An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is [www.courtinfo.ca.gov/cgi-bin/forms.cgi](http://www.courtinfo.ca.gov/cgi-bin/forms.cgi). Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for institutions or form GC-051 for financial institutions. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An *institution* under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

**LETTERS OF CONSERVATORSHIP**

**AFFIRMATION**

I solemnly affirm that I will perform according to law the duties of  conservator  limited conservator.

Executed on (date): \_\_\_\_\_, at (place): \_\_\_\_\_

\_\_\_\_\_ ▶ \_\_\_\_\_  
 (TYPE OR PRINT NAME) (SIGNATURE OF APPOINTEE)

**CERTIFICATION**

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

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

Clerk, by \_\_\_\_\_, Deputy

## Item SPR08-44 Response Form

**Title:** Probate—Guardianships and Conservatorships: Responsibility of Institutions and Financial Institutions to Notify the Court Concerning Assets, Accounts, and Safe Deposit Boxes of Wards and Conservatees (adopt Cal. Rules of Court, rules 7.1011, 7.1061, revise forms GC-050, GC-150, GC-250, and GC-350)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

- Commenting on behalf of an organization

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

### **To Submit Comments**

Comments may be written on this form, prepared in a letter format, or submitted online. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments.

**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

**Email:** [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

**Mail:** Ms. Camilla Kieliger  
Judicial Council, 455 Golden Gate Avenue  
San Francisco, CA 94102

**Fax:** (415) 865-7664, Attn: Camilla Kieliger

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Friday, June 20, 2008
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*Circulation for comment does not imply endorsement by the Judicial Council  
or the Rules and Projects Committee.  
All comments will become part of the public record of the council's action.*