

# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

---

## INVITATION TO COMMENT SPR22-19

---

**Title**

Rules and Forms: Probate Conservatorships

**Action Requested**

Review and submit comments by May 13, 2022

**Proposed Rules, Forms, Standards, or Statutes**

Adopt Cal. Rules of Court, rule 7.576; amend rules 7.575, 7.756, and 7.1060; repeal rules 7.1052, 7.1053, and 7.1054; revise forms GC-330 and GC-331; revoke form GC-332

**Proposed Effective Date**

January 1, 2023

**Contact**

Corby Sturges, 415-865-4507  
[Corby.Sturges@jud.ca.gov](mailto:Corby.Sturges@jud.ca.gov)

**Proposed by**

Probate and Mental Health Advisory  
Committee  
Hon. Jayne Chong-soon Lee, Chair

---

### Executive Summary and Origin

The Probate and Mental Health Advisory Committee proposes adopting one rule of court, amending three rules, repealing three rules, revising two forms, and revoking one form to implement requirements in Assembly Bill 1194 (Stats. 2021, ch. 417), which revised the procedural and substantive law governing the establishment, court oversight, and termination of probate conservatorships. Amendment of one rule and revision of one form are expressly mandated by statute.

### Background

AB 1194 amends the laws governing the appointment of a probate conservator, the court's oversight of the conservator, and the procedures for terminating a conservatorship in several important respects that require changes to the California Rules of Court and Judicial Council forms.<sup>1</sup> The law strengthens and clarifies procedural protections for conservatees and proposed conservatees by requiring appointment of counsel in all cases in which a conservatee, proposed

---

<sup>1</sup> The legislation also, subject to an appropriation of funds, authorizes the courts to impose specific penalties on professional fiduciaries for violations of their duties and requires courts to report the penalties to the Professional Fiduciaries Bureau. See Bus. & Prof. Code, §§ 6563, 6580; Prob. Code, §§ 1051(d), 1851.6, 2112, 2653. These penalties and reporting requirements are beyond the scope of this proposal.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

conservatee, or person alleged to lack legal capacity has not retained counsel and does not plan to do so; specifying additional required elements for initial and review investigations; increasing the frequency of mandatory investigation and court review of established conservatorships; and shifting the burden of proof to favor terminating conservatorships. The law also amends the standards and procedures for allowing compensation of conservators and their attorneys.<sup>2</sup>

In its amendments to Probate Code section 1826(g), AB 1194 requires the Judicial Council, on or before January 1, 2023, to update rules of court and Judicial Council forms as necessary to implement the bill's changes to that section.<sup>3</sup> Additional substantive and procedural changes in the bill require the other rule amendments and form revisions in the proposal to avoid inconsistency with statute.

## **The Proposal**

To implement the requirements and procedures enacted by AB 1194, the Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

### **Amend rule 7.575**

Rule 7.575(b) would be amended to reflect the amendments to section 2620(c) by AB 1194 and AB 2844 (Stats. 2020, ch. 221) authorizing a conservator or guardian to submit original account statements or verified electronic statements, including computer-generated printouts of verified electronic statements, in support of each court accounting, subject to specific conditions.

### **Adopt rule 7.576**

Rule 7.576 would combine the provisions of existing rules 7.1052(c), 7.1053, and 7.1054, with slight amendments, to form a single new rule governing the duties of a conservator of the estate to file and serve a final account when the conservator's administration of the estate terminates for any reason, including removal, resignation, or termination of the conservatorship.

### **Amend rule 7.756**

Rule 7.756(a) would be amended to reflect the restriction added by AB 1194 to the court's authority under sections 2640 and 2641 to allow just and reasonable compensation requested by a conservator or guardian for services rendered only if those services were in the best interest of the conservatee or ward.

### **Repeal rules 7.1052, 7.1053, and 7.1054**

Rule 7.1052(a) and (b) summarizes the previous statutory requirements for terminating a conservatorship to an extent that may be misleading. To attempt to amend the rules to conform to

---

<sup>2</sup> The courts' performance of many of the duties imposed by AB 1194 are contingent on the appropriation of funds identified for that purpose. The committee nevertheless proposes these amendments and revisions now because some are expressly mandated, others implement duties or requirements that do not depend on funding, and still others modify rules or forms that already implement existing statutory duties that themselves are contingent on an appropriation.

<sup>3</sup> All subsequent statutory references are to the Probate Code unless otherwise specified.

the detailed requirements in amended sections 1860, 1860.5, 1862, and 1863 would either increase the potential for confusion or would require extensive repetition of statutory language. The committee therefore recommends repealing these subdivisions to let the amended statutes speak for themselves. Rules 7.1052(c), 7.1053, and 7.1054 address the duties of a conservator of the estate to file and serve the conservator's final account. These rules would be repealed, consolidated into new rule 7.576, and placed in chapter 12 of the Probate Rules, which governs accounts and reports.

**Amend rule 7.1060**

Rule 7.1060 would be amended to repeal subdivision (c), which refers exclusively to form GC-332. The committee proposes revoking form GC-332 in this proposal, below.

**Revise *Order Appointing Court Investigator (form GC-330)***

Form GC-330 would be updated to conform to the amendments to the court investigator's duties under section 1826, which governs investigations in response to a petition to appoint a probate conservator, and section 2253, which governs investigations in response to a temporary conservator's proposal to fix the residence of a temporary conservatee at a place other than the place where the conservatee resided before the commencement of proceedings.

Proposed revisions include:

- Incorporating into items 1f and 3c the requirement that investigators gather and review relevant medical reports regarding the proposed conservatee from the person's primary care physician and other relevant mental and physical health care providers;
- Incorporating into items 1g, 1h, and 3d the requirement that confidential medical information and confidential information obtained from the California Law Enforcement Telecommunications System (CLETS) be placed in a separate attachment, and that the attachment be omitted from copies of the report sent to specified persons;
- Deleting from item 3 the court's discretion, on a finding of good cause, to dispense with the requirement to conduct an investigation if a temporary conservator has requested court permission to move the temporary conservatee from their personal residence. AB 1194 eliminated this discretion from section 2253(b).

Additional revisions are proposed to promote consistency, clarity, and simplicity.

**Revise *Order Appointing Court Investigator (Review and Successor Conservator Investigations) (form GC-331)***

Form GC-331 would be updated to conform to the amendments to the court investigator's duties under sections 1850, 1850.5, and 1851 in review investigations. Proposed revisions include:

- Adding to item 1b the duties to determine whether the conservatee still meets the criteria for appointment of a conservator and, if so, whether the conservatorship remains the least restrictive alternative needed for the conservatee's protection;

- Adding a new item 1c to reflect the requirement that the investigator determine whether the appointment order should be amended to modify the powers and duties of the conservator to maintain the conservatorship as the least restrictive arrangement needed for the conservatee's protection;
- Revising item 1d to conform to section 1851(a)(1)(E), as amended by AB 1194 and SB 589 (Stats. 2015, ch. 736, § 11), regarding the determination of the conservatee's capability to communicate, with or without accommodations, a desire to participate in the voting process and the possibility of restoring the voting rights of a previously disqualified conservatee;
- Revising item 1i to reflect the investigator's duty in section 1851(c), as amended by AB 1194, to recommend whether to continue, modify, or terminate a limited conservatorship;
- Incorporating into items 1l and 1m the requirements that confidential medical information and confidential information obtained CLETS be placed in a separate attachment to the report, and that the attachment be omitted from copies of the report sent to specified persons;
- Revising items 1m and 3h to update the manner for delivering the investigator's report under section 1851(b)(1), as amended by AB 1194 and AB 976 (Stats. 2017, ch. 319, § 40) to include any manner authorized by section 1215, including personal delivery, delivery by mail, and electronic delivery subject to the recipient's consent; and
- Revising item 3f to conform to the requirements for appointment of counsel under section 1471, as amended by AB 1194.

***Revoke Order Setting Biennial Review Investigation and Directing Status Report Before Review (form GC-332)***

AB 1194 amended section 1850(a)(2) to eliminate the court's discretion to set the next annual statutory review in two years if, at the first or any subsequent annual review, the court determined that the conservator was acting in the conservatee's best interest. Because form GC-332 was intended to be used only when the court exercised this discretion, it no longer serves any purpose and would be revoked.

**Alternatives Considered**

The committee considered proposing additional rule amendments and form revisions related to the establishment, oversight, and termination of conservatorships, but elected to defer further changes in anticipation of further legislation. The committee agreed to request specific comment on developing an additional form for appointment of an investigator and attempting to specify by rule of court the factors that a court should consider in determining whether services rendered by a conservator or guardian were in the best interest of the conservatee or ward, as required by amendments to sections 2640 and 2641.

The committee did not consider taking no action. AB 1194 expressly requires the Judicial Council to update the rules and forms affected by its amendments to section 1826. Rule 7.1060 and form GC-330 are covered by this mandate. The other rules and forms in the proposal would be inconsistent with current law without amendment or revision.

## **Fiscal and Operational Impacts**

The proposed rule amendments and form revisions would impose indeterminate costs on the courts attendant to changing their operational procedures. These procedural changes are, however, required by statute and are, therefore, to a large extent unavoidable. It is possible that some changes—for example, the authority to accept verified electronic account statements in support of conservators’ required accountings—could lead to marginal cost savings.

### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should the committee develop a new form for the court to use to appoint a court investigator to conduct an investigation under section 1851.1 on a petition to transfer an out-of-state conservatorship into California?
- Would rules—in addition to rules 7.751(b) and 7.756—articulating standards or factors the court should consider in determining whether services rendered by a conservator or guardian were in the best interest of the conservatee or ward be appropriate and useful?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## **Attachments and Links**

1. Cal. Rules of Court, rules 7.575, 7.576, 7.756, 7.1052, 7.1053, 7.1054, and 7.1060, at pages 6–10
2. Forms GC-330, GC-331, GC-332, at pages 11–16
3. Link A: AB 1194 (showing amendments),  
[https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=202120220AB1194&showamends=true](https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202120220AB1194&showamends=true)

Rule 7.576 of the California Rules of Court would be adopted, rules 7.575, 7.756, and 7.1060 would be amended, and rules 7.1052, 7.1053, and 7.1054 would be repealed, effective January 1, 2023, to read:

1 **Rule 7.575. Accounting of conservators and guardians**

2  
3 \* \* \*

4  
5 (a) \* \* \*

6  
7 (b) **Supporting documents**

8  
9 Each accounting filed with the court must include the supporting documents,  
10 including all ~~original~~ account statements, specified in Probate Code section 2620(c)  
11 ~~of the Probate Code~~.

12  
13 ~~(1) If a conservator or guardian receives a statement from the issuing institution~~  
14 ~~in electronic form but not in paper form, the court has discretion to accept a~~  
15 ~~computer-generated printout of that statement as an original in satisfaction of~~  
16 ~~the requirements in section 2620(c) if:~~

17  
18 ~~(A) The fiduciary submitting the printout verifies under penalty of perjury~~  
19 ~~that the statement was received in electronic form and printed without~~  
20 ~~alteration; and~~

21  
22 ~~(B) The printout is an “original,” as defined in Evidence Code section 255.~~

23  
24 (1) An account statement includes:

25  
26 (A) An original account statement; or

27  
28 (B) A verified electronic statement.

29  
30 (2) ~~This rule does not authorize a fiduciary to submit, or a court to accept, a copy~~  
31 ~~of a statement in support of an accounting filed under section 2620. A court~~  
32 ~~may also accept a computer-generated printout of an original verified~~  
33 ~~electronic statement if the fiduciary verifies that the statement was received~~  
34 ~~in electronic form and printed without alteration.~~

35  
36 (3) A verification under this subdivision must be executed by the fiduciary as  
37 required by Code of Civil Procedure section 2015.5.

38  
39 (c)–(f) \* \* \*

1 **Rule 7.576. Final account of conservator of the estate**

2  
3 **(a) Filing and approval of final account**

4  
5 A conservator of the estate whose administration is terminated for any reason,  
6 including removal, resignation, or termination of the conservatorship, must file and  
7 obtain the court’s approval of a final account of the administration.  
8

9 **(b) Delivery of final account of removed or resigned conservator**

10  
11 A conservator of the estate who has resigned or been removed must deliver a copy  
12 of the conservator’s final account and the petition for its settlement with the notice  
13 of hearing required by Probate Code section 1460(b)(1) to the successor  
14 conservator of the estate in any manner permitted by Probate Code section 1215,  
15 unless the court dispenses with that notice.  
16

17 **(c) Delivery of final account after termination of conservatorship**

18  
19 After termination of a conservatorship, a conservator of the estate must deliver a  
20 copy of the conservator’s final account and the petition for its settlement with the  
21 notice of hearing required by Probate Code section 1460(b)(2)–(3) to both the  
22 former conservatee and the spouse or domestic partner of the former conservatee in  
23 any manner permitted by Probate Code section 1215, unless the court dispenses  
24 with that notice.  
25  
26

27 **Rule 7.756. Compensation of conservators and guardians**

28  
29 **(a) Standards for determining just and reasonable compensation**

30  
31 The court may consider the following nonexclusive factors in determining just and  
32 reasonable compensation for a conservator from the estate of the conservatee or a  
33 guardian from the estate of the ward for services rendered in the best interest of the  
34 conservatee or ward up to that time:  
35

- 36 (1) The size and nature of the conservatee’s or ward’s estate;
- 37
- 38 (2) The benefit to the conservatee or ward, or ~~his or her~~ the estate, of the
- 39 conservator’s or guardian’s services;
- 40
- 41 (3) The necessity for the services performed;
- 42
- 43 (4) The conservatee’s or ward’s anticipated future needs and income;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

- (5) The time spent by the conservator or guardian in the performance of services;
- (6) Whether the services performed were routine or required more than ordinary skill or judgment;
- (7) Any unusual skill, expertise, or experience brought to the performance of services;
- (8) The conservator’s or guardian’s estimate of the value of the services performed; and
- (9) The compensation customarily allowed by the court in the community where the court is located for the management of conservatorships or guardianships of similar size and complexity.

**(b) No single factor determinative**

No single factor listed in (a) should be the exclusive basis for the court’s determination of just and reasonable compensation for services rendered in the best interest of the conservatee or ward.

**(c) \* \* \***

~~**Rule 7.1052. Termination of conservatorship**~~

~~**(a) Operation of law or court order**~~

~~A conservatorship of the person or estate may terminate by operation of law or may be terminated by court order if the court determines that it is no longer required.~~

~~**(b) Conservator of the person**~~

~~Under Probate Code section 1860(a), a conservatorship of the person terminates by operation of law when the conservatee dies, and the conservator of the person need not file a petition for its termination.~~

~~**(c) Duty of conservator of estate on termination**~~

~~A conservator of the estate whose administration is terminated by operation of law or by court order must file and obtain the court’s approval of a final account of the administration.~~

1  
2  
3 **Rule 7.1053. Service of final account of removed or resigned conservator**  
4

5 ~~A resigned or removed conservator of the estate must serve a copy of the conservator's~~  
6 ~~final account and the petition for its settlement with the notice of hearing that must be~~  
7 ~~served on the successor conservator of the estate under Probate Code section 1460(b)(1),~~  
8 ~~unless the court dispenses with such service.~~  
9

10  
11 **Rule 7.1054. Service of final account after termination of conservatorship**  
12

13 ~~After termination of the conservatorship, the conservator of the estate must serve copies~~  
14 ~~of the conservator's final account and the petition for its settlement with the notices of~~  
15 ~~hearing that must be served on the former conservatee and on the spouse or domestic~~  
16 ~~partner of the former conservatee under Probate Code sections 1460(b)(2) and (3), unless~~  
17 ~~the court dispenses with such service.~~  
18

19  
20 **Rule 7.1060. Investigations and reports by court investigators**  
21

22 **(a) Order Appointing Court Investigator (form GC-330)**  
23

24 *Order Appointing Court Investigator* (form GC-330) is an optional form within the  
25 meaning of rule 1.35 of these rules, except as follows:  
26

- 27 (1) A court may, by local rule, require that form GC-330 be used for orders  
28 appointing court investigators and directing them to conduct all or any of the  
29 investigations described in the form and to prepare, file, and ~~serve~~ deliver  
30 copies of reports concerning those investigations. The local rule may also  
31 prescribe procedures for the form's preparation, service, delivery to other  
32 parties, and delivery to the court for execution and filing.  
33

- 34 (2) \* \* \*

35  
36 **(b) Order Appointing Court Investigator (Review and Successor Conservator**  
37 **Investigations) (form GC-331)**  
38

39 *Order Appointing Court Investigator (Review and Successor Conservator*  
40 *Investigations)* (form GC-331) is an optional form within the meaning of rule 1.35  
41 of these rules, except as follows:  
42

1 (1) A court may, by local rule, require that form GC-331 be used for orders  
2 appointing court investigators and directing them to conduct all or any of the  
3 review investigations under Probate Code sections 1850 or 1850.5 and 1851  
4 or investigations concerning the appointment of successor conservators under  
5 Probate Code sections 2684 and 2686 described in the form and to prepare,  
6 file, and ~~serve~~ deliver copies of reports concerning those investigations. Form  
7 GC-331 ~~is to~~ must be prepared only by the court ~~only~~.

8  
9 (2) \* \* \*

10  
11 ~~(e) ***Order Setting Biennial Review Investigation and Directing Status Report Before***~~  
12 ~~***Review (form GC 332)***~~

13  
14 ~~*Order Setting Biennial Review Investigation and Directing Status Report Before*~~  
15 ~~*Review (form GC 332) is an optional form within the meaning of rule 1.35 of these*~~  
16 ~~*rules, except as follows:*~~

17  
18 ~~(1) A court may, by local rule, require that form GC 332 be used for orders~~  
19 ~~setting biennial review investigations and directing status reports under~~  
20 ~~Probate Code section 1850(a)(2). Form GC 332 is to be prepared by the court~~  
21 ~~only.~~

22  
23 ~~(2) A court may, by local rule, require that a general order, a court prepared~~  
24 ~~order, or a local form order instead of form GC 332 be used concerning the~~  
25 ~~matters described in form GC 332.~~



CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
---	--------------

2.  **A Petition for Appointment of Temporary Conservator (form GC-111) has been filed. YOU ARE DIRECTED TO:**
- a. Conduct the interviews required by Probate Code section 2250.6(a)(1) before the hearing on the petition or, if that is not feasible, conduct the interviews required by section 2250.6(b)(1) within two court days after the hearing. In either case, interview the temporary conservatee or proposed temporary conservatee personally.
  - b. Provide to the temporary conservatee or proposed temporary conservatee the information in Probate Code section 2250.6(a)(2) before the hearing or, if that is not feasible, the information in section 2250.6(b)(2) within two court days after the hearing.
  - c. Make the determinations required by Probate Code section 2250.6(a)(3)–(5) before the hearing on the petition unless it is not feasible to do so.
  - d. Report to the court in writing before the hearing on the petition concerning all of the activities discussed in item 2a–c, above, that you are able to complete before the hearing.
  - e. If you cannot visit the temporary conservatee until after the hearing at which a temporary conservator was appointed, and the temporary conservatee objects to the appointment of the temporary conservator or requests an attorney, report this information to the court promptly and in no event more than three court days after the date of your visit with the temporary conservatee.
  - f. If it appears to you that the temporary conservatorship is inappropriate, report this determination in writing to the court immediately, and in no event more than two court days after you make the determination.

3.  **The temporary conservator has requested an order under Probate Code section 2253 to change the residence of the temporary conservatee. YOU ARE DIRECTED TO:**
- a. Personally interview and inform the temporary conservatee of the contents of the request by the temporary conservator for authority to change the temporary conservatee's residence; of the nature, purpose, and effect of the proceedings; and of the right to oppose the request, attend the hearing, and be represented by legal counsel.
  - b. Make the determinations required by Probate Code section 2253(b)(3)–(9).
  - c. Gather and review relevant medical reports regarding the proposed conservatee from the proposed conservatee's primary care physician and other relevant mental and physical health care providers.
  - d. At least two days before the hearing on the request, report your findings concerning the foregoing in writing to the court, placing all confidential medical information and confidential information from CLETS in a separate attachment. Include in your report the temporary conservatee's express communications concerning representation by legal counsel and whether the temporary conservatee is not willing to attend the hearing and does not wish to contest the request.
  - e.  Comply with the other orders specified in Attachment 3e.

4.  **A request for exclusive authority to give consent for medical treatment under Probate Code section 1880 has been included in the petition for appointment on form GC-310 or filed as a separate petition on form GC-380.**

The petition alleges that the conservatee or proposed conservatee is not willing to attend the hearing, or the court has received an affidavit or certificate attesting to the medical inability of the conservatee or proposed conservatee to attend the hearing.

**YOU ARE DIRECTED TO:**

- a. Interview the conservatee or proposed conservatee personally and inform the conservatee or proposed conservatee of the contents of the petition; of the nature, purpose, and effect of the proceeding; and of the right to oppose the petition, attend the hearing, and be represented by legal counsel.
- b. Make the determinations required by Probate Code section 1894(c)–(f).
- c. At least five days before the hearing on the petition, report your findings concerning the foregoing in writing to the court, and include in your report the conservatee's express communications concerning representation by legal counsel and whether the conservatee is not willing to attend the hearing and does not wish to contest the petition.
- d.  Comply with the other orders specified in Attachment 4d.

5. Number of pages attached:

Date:

\_\_\_\_\_  
 JUDICIAL OFFICER  
 SIGNATURE FOLLOWS LAST ATTACHMENT

<b>FOR PREPARATION BY THE COURT ONLY</b>	<i>FOR COURT USE ONLY</i>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b>
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ CONSERVATEE	
<b>ORDER APPOINTING COURT INVESTIGATOR</b> <b>(Review and Successor Conservator Investigations)*</b> <input type="checkbox"/> Conservatorship <input type="checkbox"/> Limited Conservatorship	CASE NUMBER: _____

To (name):

You are hereby appointed Court Investigator in the matter above.

1.  **A review and investigation are required under Probate Code sections 1850 or 1850.5 and 1851.**

**YOU ARE DIRECTED TO:**

- a. (1)  Without prior notice to the conservator,  
(2)  After prior notice to the conservator because of necessity or to prevent harm to the conservatee, visit and inform the conservatee personally that **the conservatee** is under a conservatorship and give the name of the conservator to the conservatee.
- b. Make the determinations required by Probate Code section 1851(a)(1)(A)–(E), including (1) whether the conservatee still meets the criteria for appointment of a conservator under section 1801, (2) whether the conservatorship remains the least restrictive alternative needed for the conservatee's protection, and (3) whether the conservator is acting in the best interest of the conservatee. This last determination must be based on an examination of the conservatee's placement; the quality of care, including physical and mental treatment; and the conservatee's finances and must include, to the greatest extent possible, interviews with the conservator, the conservatee's spouse or registered domestic partner, and relatives within the first degree, or, if none, the conservatee's relatives within the second degree.
- c. If you determine that the conservatee still meets the criteria for appointment of a conservator, determine whether the powers and duties of the conservator should be modified to maintain the conservatorship as the least restrictive alternative needed for the conservatee's protection.
- d. Determine if the proposed conservatee is currently incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process and may be disqualified from voting under Elections Code section 2208 or, if previously disqualified, may have their voting rights restored under Elections Code section 2209.
- e.  The court has made an order or orders under (select all that apply):  
(1)  Probate Code section 1873 (power of conservatee to enter into transactions).  
(2)  Probate Code section 1880 (conservatee's capacity to give informed consent to medical treatment).  
(3)  Probate Code section 1901 (conservatee's capacity to marry).  
Determine whether the **current** condition of the conservatee is such that the terms of the order or orders checked above should be modified or the order or orders revoked.
- f. To the extent practicable, review the conservator's accounting with the conservatee if **the conservatee** has sufficient capacity.
- g. Inform the court immediately if, at any time, you are unable to locate the conservatee.
- h.  (If the conservator holds either of the powers granted under Probate Code section 2356.5(b)–(c)) (1) Advise the conservatee specifically that the conservatee has the right to object to the conservator's powers granted under section 2356.5; and (2) determine whether the conservatee objects to the conservator's powers under section 2356.5, whether the powers granted under section 2356.5 are warranted, and whether a change to those powers is warranted.
- i.  (For limited conservatorship only) Recommend whether to continue, modify, or terminate the limited conservatorship.

**\* This form is intended for use to order a review investigation and report or an investigation and report before appointment of a successor conservator. The court may use Order Appointing Court Investigator (form GC-330) to order an initial or other investigation and report under Probate Code sections 1826, 1894, 2250.6, and 2253. See Cal. Rules of Court, rule 7.1060.**

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name): _____ <div style="text-align: right;">CONSERVATEE</div>	CASE NUMBER: _____
---	--------------------

1. j.  (For a conservatorship existing on December 31, 1980, in which the conservatee has not been adjudged incompetent) Determine whether an order should be made under Probate Code section 1873 broadening the power of the conservatee.
- k. Certify your findings and determinations, including a statement of the facts on which the findings are based, in writing to the court and submit the report not less than 15 days before the date of review under Probate Code section 1850. Do not disclose confidential medical information or confidential criminal history information from the California Law Enforcement Telecommunications System (CLETS) in the body of your report. Place all such information in one or more separate attachments to the report.
- l. At the same time you certify and submit your report to the court, deliver copies in any manner authorized by Probate Code section 1215 to the conservatee, the conservator, and the attorneys of record for the conservator and the conservatee.
- m.  Deliver copies of your report, modified to omit any attachment containing confidential medical information or confidential information from CLETS, to the conservatee's spouse or registered domestic partner and relatives within the first degree or, if there are no such relatives, to the conservatee's next closest relative  
 except for any person named in Attachment 1m because the court has determined that delivery to that person will harm the conservatee.
- n.  Comply with the other orders specified on Attachment 1n.
2.  The court has ordered a review investigation
- a.  on its own motion.
- b.  at the request of (name): \_\_\_\_\_, an interested person.

**YOU ARE DIRECTED TO:**

- c. Conduct a review investigation of the aspects of the conservatorship specified below and report your findings and conclusions to the court no later than (date): \_\_\_\_\_.

Continued in Attachment 2c.



**FOR PREPARATION BY THE COURT ONLY**

FOR COURT USE ONLY

<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> <p>STREET ADDRESS:                  MAILING ADDRESS:                  CITY AND ZIP CODE:                  BRANCH NAME:</p>	
<p>CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF</p> <p>(Name):</p> <p style="text-align: right;">CONSERVATEE</p>	
<p><b>ORDER SETTING BIENNIAL REVIEW INVESTIGATION AND DIRECTING STATUS REPORT BEFORE REVIEW</b></p> <p><input type="checkbox"/> Conservatorship <input type="checkbox"/> Limited Conservatorship</p>	<p>CASE NUMBER:</p>

TO (name): \_\_\_\_\_, court investigator:

**1. Biennial review investigation**

- a. In its review of the conservatorship for the period ending on (date): \_\_\_\_\_, including the report of the investigator named above, the court has determined that the conservator is acting in the best interests of the conservatee.
- b. The next review in this conservatorship is to cover a period of two years ending on (date): \_\_\_\_\_.

**2. Investigation and status report before review**

YOU ARE DIRECTED TO conduct an investigation under Probate Code section 1851(a) one year before the review described in 1b and file a status report in the case file regarding whether the conservatorship still appears to be warranted and whether the conservator is acting in the best interests of the conservatee as regards the conservatee's placement; quality of care, including physical and mental treatment; and finances.

**3.  Additional orders**

Comply with the following additional orders:

Continued on Attachment 3.

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

Date:

\_\_\_\_\_  
 JUDICIAL OFFICER  
 SIGNATURE FOLLOWS LAST ATTACHMENT