

Conservatorships

Some adults need special help because of a physical or mental disability. They may have Alzheimer's or another problem that prevents them from taking care of themselves.

Sometimes you need a court order to help with someone's personal care or finances. This is called probate conservatorship.

What is probate conservatorship?

Probate conservatorship is when a court appoints a person or organization to be legally responsible for someone who cannot manage alone. The person or organization is the *conservator*; the person cared for is the *conservatee*.

There are two kinds of probate conservators: *conservator of the person* and *conservator of the estate*.

A conservator of the person must make sure the conservatee has adequate food, clothing, shelter, and medical and dental care. The conservator also has the right and responsibility to:

- See the conservatee's medical records,
- Discuss the conservatee's needs with professionals,
- Make decisions about his or her care,
- Arrange for services,
- Find appropriate housing, and
- Decide if it is safe for the conservatee to drive.

A conservator of the estate manages the financial affairs of a conservatee who cannot do so on his own or may be easily taken advantage of. The conservator must:

- Inventory the conservatee's assets,
- Collect the conservatee's income and handle income taxes,
- Prepare a budget, pay bills, and keep financial records,
- Make investments, and
- File financial accountings with the court.

Who needs a probate conservatorship?

Most people who need help with their personal care or finances are elders with major mental or physical disabilities. Here is an example:

Tina Brown is an 82-year old woman with Alzheimer's who lives alone. She has become so forgetful that she no longer remembers to pay her bills, shop for food, eat, bathe, turn off the stove, or lock her doors. The phone and the gas have been disconnected and she is not paying her rent. She cannot recall how she gets her food or who prepares it.

But some young people need a conservator, too:

At age 20, Tom Lee was in a motorcycle accident. Although he was wearing a helmet, he was left severely disabled – unable to walk, talk, feed himself, or understand his own financial affairs. His parents were appointed his conservators. They filed and won a lawsuit against the helmet manufacturer because the helmet was defective. They use the money they got from the lawsuit to pay for the care their son needs.

Adults with disabilities may not need a conservator if they can:

- Provide for their needs most of the time,
- Make appropriate decisions about their care,
- Avoid being taken advantage of, and
- Count on family members or friends to help.

Who can be a conservator?

The law gives preference to certain people, starting with:

- The person the conservatee wants,
- A spouse or domestic partner (or someone the spouse or domestic partner wants),
- An adult child (or someone the adult child wants),
- A parent (or someone the parent wants),
- A brother or sister (or someone they want).

The court will decide if it is in the conservatee's best interest to appoint the person with the highest priority.

How do I know if I would make a good conservator?

The conservatee will depend on you. Make sure you have the time and energy to be conservator *and* take care of your other responsibilities.

If you have been convicted of a felony or had problems with the law, the court may not allow you to be conservator.

Are there professional conservators?

Yes. The court often appoints a professional person or organization that will be conservator for a fee. Here are some:

Private individuals. Call the Probate Department for a list of active private conservators in our area. 415-551-3650.

Non-profit agencies in San Francisco:

Coming Home: 415-474-2250

Jewish Family and Children's Services: 415-449-3777

Institute on Aging: 415-456-8692 or
415-750-4111

County agency

Public Guardian: 415-355-3555

How do I ask the court for a conservatorship?

You will need to fill out and file court forms. There will also be an investigation and a court hearing.

If the court approves the conservatorship, you will have to fill out and file forms after the hearing. Also, an investigator will visit the conservatee and conservator periodically.

To learn more about the steps you must take to ask for a conservatorship, read *When adults with disabilities need help of a conservator...*

Should I talk to a lawyer before asking to be a conservator?

Yes, if:

- The situation is complex,
- The conservatee or other people are against the conservatorship,
- The conservatee has a lawyer, or
- You need a conservatorship right away to prevent physical or financial harm to the person.

How do I choose a lawyer?

Look for a lawyer who specializes in probate law or elder law. For help finding a lawyer, contact:

- The Bar Association of San Francisco's Lawyer Referral Service. If you have limited income, they can refer you to their Volunteer Legal Services Program. Call: **415-989-1616**
- The National Academy of Elder Law Attorneys (NAELA). They give advice about finding lawyers with experience in legal matters affecting older people. Visit their website: www.naela.org

Where can I get more information?

The San Francisco Superior Court offers these resources:

- Handbook for Conservators. It costs \$20 and comes with a *Resource Supplement* that lists services available to conservatees in San Francisco. You can buy it at in Room 103 or download it for free (it's 300 pages) from: www.courtinfo.ca.gov/selfhelp/seniors/handbook.htm
- A 20-minute video on the responsibilities of conservators. It is shown every Thursday at 9:00 a.m. in Room 204.
- The staff at the ACCESS Center can show you how to fill out your court forms (for conservatorship of the person only). Contact them in person, by phone, or email:

Go to: 575 Polk Street,
San Francisco, CA 94102

Call: **415-551-5880**, or

Email: **access@sftc.org**



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