

CONSERVATORSHIP OF THE ESTATE

If a petition for the conservatorship of the person is also being requested, then questions 1 through 10 and 14 and 15 need only be completed on one questionnaire.

Definitions:

Petitioner(s): The person(s) by whom the petition for appointment is being filed.
Conservator(s): The person(s) who is chosen to protect and manage the personal care (or finances) of someone who has been found by a judge to be unable to do so.
Conservatee: The person for whom the conservatorship is for

In order to complete the required forms, please provide the following:

(1) Please list the Petitioner's name, address and relationship to proposed Conservatee.

(2) Please list the Proposed Conservator's name, address, telephone number(s) and relationship to proposed Conservatee.

(3) Please provide the proposed Conservator's birth date, social security number, driver's license number (and issuing state) and marital status. How long has the proposed conservator known the proposed conservatee?

(4) Proposed Conservatee's name and usual residential address and telephone number, as well as the proposed Conservatee's current location (if other than residence, i.e. hospital address). Does the proposed Conservatee have the ability to continue to live at his or her usual residence?

- (5) Please provide the proposed Conservatee's date of birth and social security number.
- (6) Is the petitioner a creditor or debtor of the proposed conservatee? Is the proposed Conservator a creditor or debtor of the proposed conservatee? If either are yes, on a separate sheet of paper please provide the appropriate information.
- (7) Is the proposed Conservatee a patient in or on leave of absence from a state institution under the jurisdiction of the CA Dept. of Mental Health or CA Dept. of Developmental Services? If yes, please provide additional information.
- (8) Is the proposed Conservatee receiving or entitled to receive benefits from the U.S. Dept. of Veterans Affairs? If yes, please provide additional information.
- (9) Will the proposed Conservatee be physically able to attend the hearing at the court? If not, why?
- (10) On a separate sheet of paper, please provide the names, relationship and addresses of the following persons to which notice of the petition for appointment of probate conservator must be provided: (a) Spouse, (b) parents, (c) grandparents, (d) children, (e) siblings (f) grandchildren. If any are deceased, indicate so. If any are under age 18, please provide his or her birth date.
- (11) On a separate sheet of paper, briefly describe why the proposed Conservatee requires a conservatorship of the estate. He or she is substantially unable to manage his or her financial resources or to resist fraud or undue influence because . . . ?
- (12) On a separate sheet of paper, briefly describe the character and estimated value of the property of the proposed Conservatee's estate. Include assets not yet received but the proposed Conservatee currently has a right to (i.e. judgment monies).

(13) Please review the attached powers that can be requested. On a separate sheet of paper, list which powers the proposed Conservator should have **and why**.

(14) Has the petitioner considered alternatives to a conservatorship? On a separate sheet of paper, please provide information for each item as to why alternative solutions are not suitable or available.

- (a) Voluntary acceptance of informal or formal assistance in the home.
- (b) Special or Limited Power of Attorney
- (c) General Power of Attorney
- (d) Durable Power of Attorney for Health Care
- (e) Durable Power of Attorney for Estate Management
- (f) Trust
- (g) Other alternatives considered and found not to be suitable or available

(15) During the past year, has any of the following been provided to the proposed Conservatee? If yes, on a separate sheet of paper, please provide explanation of the service provided.

- (a) Health Care Services
- (b) Social Services
- (c) Estate Management Services

POWERS OF PROPOSED CONSERVATOR

- (a) The power to contract for the guardianship or conservatorship and to perform outstanding contracts and thereby bind the estate.
- (b) The power to operate at the risk of the estate a business, farm, or enterprise constituting an asset of the estate.
- (c) The power to grant and take options.
- (d) (1) The power to sell at public or private sale real or personal property of the estate, other than the personal residence of a conservatee.

(2) The power to sell at public or private sale the personal residence of the conservatee as described in Section 2591.5. The power granted pursuant to this paragraph is subject to the requirements of Sections 2352.5 and 2541.
- (e) The power to create by grant or otherwise easements and servitudes.
- (f) The power to borrow money and give security for the repayment thereof.
- (g) The power to purchase real or personal property.
- (h) The power to alter, improve, and repair or raze, replace, and rebuild property of the estate.
- (i) The power to let or lease property of the estate for any purpose (including exploration for and removal of gas, oil, and other minerals and natural resources) and for any period, including a term commencing at a future time.
- (j) The power to lend money on adequate security.
- (k) The power to exchange property of the estate.
- (l) The power to sell property of the estate on credit if any unpaid portion of the selling price is adequately secured.
- (m) The power to commence and maintain an action for partition.
- (n) The power to exercise stock rights and stock options.
- (o) The power to participate in and become subject to and to consent to the provisions of a voting trust and of a reorganization, consolidation, merger, dissolution, liquidation, or other modification or adjustment affecting estate property.
- (p) The power to pay, collect, compromise, arbitrate, or otherwise adjust claims, debts, or demands upon the guardianship or conservatorship.
- (q) The power to employ attorneys, accountants, investment counsel, agents, depositaries, and employees and to pay the expense.