
Conservatorship

If you have a close friend or family member who is suffering from severe physical or mental illness, recovering from a serious accident, or declining mentally or physically as a result of aging, they may need your help, including finding a place to live, obtaining healthcare, or depositing checks in the bank. Even if it is only a temporary situation, a conservatorship may be the answer for you to take care of your loved one.

A conservatorship is a legal arrangement on which a responsible adult or organization oversees the personal care or financial matters of another adult considered to be incapable of managing alone. The person who cannot care for him or herself is called the *conservatee*. The person or organization the judge chooses to do this is known as the *conservator*. A conservator can be a family member, friend or professional person.

California law on conservatorships can be found in the [Probate Code beginning at section 1800](#) (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PROB&division=4.&title=&part=3.&chapter=1.&article=1). A California conservatorship must be formally established through a court proceeding. There are two types of conservatorships. A General Probate Conservatorship is for all adults who are unable to provide for their personal needs due to conditions rendering them incapable of caring for themselves or making them subject to undue influence. A Limited Probate Conservatorship applies when the person is developmentally disabled. In this type of conservatorship, the powers of the conservator are limited so that the disabled person may live as independently as possible.

The proposed conservator must first file a petition with the court to initiate the court proceeding. Once the petition has been filed, the clerk will set the matter for hearing. The hearing will generally be set several months from the date of filing. Sacramento County created a [Petition for Appointment of Probate Conservator Packets](#) (<https://www.saccourt.ca.gov/probate/conservatorship.aspx>) which includes blank forms used in the process. If the Conservatorship is granted, duties may include making arrangements for the conservatee's care and protection, deciding where the conservatee will live, and making arrangements for the conservatee's meals, health care, clothing, transportation, and overall well being. Conservator of the Estate duties also include managing the conservatee's finances, controlling and protecting all assets and income, paying the conservatee's bills, and most importantly, provide an accounting to the court regarding the management of funds. Read the [Handbook for Conservators](#) (<http://www.courts.ca.gov/documents/handbook.pdf>) or visit the [California Courts Website](#) (<https://selfhelp.courts.ca.gov/conservatorships>) to learn more about conservatorships and the procedures for obtaining one.

If the process seems a little daunting, there may be legal alternatives to a conservatorship. If the person is able to understand and is willing to sign a [Power of Attorney](#) (<https://www.saclaw.org/wp-content/uploads/2023/04/form-uniform-form-power-of-attorney.rtf>) or [Advanced Health Care Directive](#) (<https://www.saclaw.org/wp-content/uploads/2023/04/form-affidavit-surviving-spouse-or-domestic-partner.pdf>), these may be all that is needed for the person to be well cared for. Ask the reference librarian for books with sample forms and general information that cover all of these topics.

rmm 06/22

Useful Resources

[Handbook for Conservators](http://www.courts.ca.gov/documents/handbook.pdf) (<http://www.courts.ca.gov/documents/handbook.pdf>)

[Power of Attorney Form](https://www.saclaw.org/wp-content/uploads/2023/04/form-uniform-form-power-of-attorney.rtf) (<https://www.saclaw.org/wp-content/uploads/2023/04/form-uniform-form-power-of-attorney.rtf>)

Date Created

04/17/2023