

Renewing an LPS Conservatorship

In Sacramento, LPS conservatorships are initiated by the Public Guardian (through the County Counsel). When possible, family members are appointed as Conservators of the Person, as they are better suited to ascertain the conservatee's personal needs on a day-to-day basis.

Although the Public Guardian initially assists the family member in being appointed Conservator of the Person, the conservators must renew the appointment every year without the aid of the Public Guardian. Renewal requires obtaining and filing several doctors' declarations as well as a *Petition for Reappointment* and other documents. This Guide contains forms and instructions to assist in the renewal.

Templates and Forms

- Doctor's Declaration in Support of Renewing LPS Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbsrenewing-LPS-dr-declaration.rtf)
- Doctor's Declaration re Capacity to Consent (LPS) Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbsrenewing-LPS-dr-consent.rtf)
- Citation for Conservatorship (GC-320) (https://www.courts.ca.gov/documents/gc320.pdf)
- Petition to Renew LPS Conservatorship Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-renewing-LPS-
- Order Renewing LPS Conservatorship Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-renewing-LPS-
- Letters of Conservatorship (GC-350) (https://www.courts.ca.gov/documents/gc350.pdf)
- Notice of Hearing Guardianship or Conservatorship (GC-020) (https://www.courts.ca.gov/documents/gc020.pdf)
- Proof of Personal Service of Hearing Guardianship or Conservatorship (GC-020p) (https://www.courts.ca.gov/documents/gc020p.pdf)

Lanterman-Petris-Short Act (LPS) conservators may be appointed for "any person who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism" when that person is unwilling or unable to accept treatment voluntarily. (California Welfare & Institutions Code (WIC) §§5350,

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=5350.) 5352

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=5352.) .) Because they restrict the conservatee's civil rights, they are time-limited; they expire after one year unless the conservator successfully petitions for reappointment.

The primary special power of an LPS conservator is the right to place the conservatee in a treatment facility. WIC §5358(a) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=5358.). The order appointing the conservator may also restrict the conservatee's right to a driver's license, to enter into contracts, to vote, to refuse or consent to treatment related to the disability, to refuse or consent to treatment unrelated to the disability, and to possess firearms. WIC §5357

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=5357.) . These restrictions must be listed specifically in the order to be effective.

Step-by-Step Instructions

1.

Obtain Doctors' Declarations

A minimum of 45 days prior to the expiration date of the current conservatorship, send the doctors the declarations for execution. The forms needed for the declarations are:

- Doctors' declarations supporting the Petitioner (https://www.saclaw.org/wp-content/uploads/2023/04/sbs-renewing-LPS-dr-declaration.rtf) (two needed)
- Doctor's declaration on capacity to consent to medical treatment (https://www.saclaw.org/wp-content/uploads/2023/04/sbs-renewing-LPS-dr-consent.rtf) (one needed)

You may download customizable templates from the links listed above.

2.

Complete the Required Forms

Instructions for completing the necessary forms are included at the end of this packet. The forms needed to renew an LPS conservatorship are:

- Citation for Conservatorship (http://www.courts.ca.gov/documents/gc320.pdf) (GC-320)
- Petition for Reappointment of LPS Conservator (https://www.saclaw.org/wp-content/uploads/2023/04/sbs-renewing-LPS-petition.rtf)
- (Proposed) Order Granting Petition to Reappoint LPS Conservator (https://www.saclaw.org/wp-content/uploads/2023/04/sbs-renewing-LPS-order.rtf)
- Letters of Conservatorship (http://www.courts.ca.gov/documents/gc350.pdf) (GC-350)
- Notice of Hearing—Guardianship or Conservatorship (http://www.courts.ca.gov/documents/gc020.pdf) (GC-020)
- Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship
 (http://www.courts.ca.gov/documents/gc020p.pdf)
 (GC-020(P))

You will also need copies of the current "Order Granting Petition to Appoint LPS Conservator" and "Letters of Conservatorship." Attach these to the *Petition* as Exhibit A and Exhibit B.

At the end of this Guide are completed samples of these forms. You may download forms and customizable templates from the links listed above.



3.

Make Copies, File Petition, Get Hearing Date, and Have Citation Issued

Make two copies of each:

- Petition for Reappointment of LPS Conservator
- Declarations of doctors regarding conservatee
- Citation for Conservatorship (GC-320)
- Letters of Conservatorship (GC-350)
- (Proposed) Order Granting Petition to Reappoint LPS Conservator

Leave the original copies unstapled, and staple each copy.

File the original and one copy of your documents at the Family Relations Courthouse, 3341 Power Inn Road, in Sacramento. There is no fee required. Also ask the clerk to endorse (stamp) the second copy for you. Keep that copy for later.

The clerk will assign a hearing date.

Ask the clerk to "issue" (file-stamp) the Citation. You will receive the original Citation back, now stamped.

4.

Fill Out Notice of Hearing

Now that you have a hearing date, fill out the *Notice of Hearing*. You will be having it personally served on the conservatee and served by mail on the relatives and others who must be notified.

In item 1, list the documents you filed in Step 3. Photocopy all of the endorsed (file-stamped) documents from Step 3 to serve along with the Notice of Hearing. Make sufficient copies to serve one set each on everyone who is entitled to notice.

Who is entitled to notice?

- The conservatee
- the conservatee's attorney (the Public Defender),
- if the conservatee lives in a facility, the professional person in charge of the facility
- the county behavioral health director
- the county officer providing conservatorship investigations
- the conservatee's spouse, if any
- relatives to the second degree (parents, grandparents, siblings, children, and grandchildren) and
- anyone else the court instructs you to serve.



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Under California Probate Code §1822

(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=1822.), the Notice of Hearing must be personally served on the conservatee and on the conservatee's attorney (the Public Defender) and mailed to the remaining parties, at least 15 days before the hearing date. You cannot do this yourself or ask anyone who gets notice to do it. It must be done by a non-party who is over 18.

5.

Have Citation, Petition, and Notice of Hearing Personally Served on Conservatee

A *Citation* and a copy of the *Petition* must be served on the proposed conservatee by personal delivery (by a non-party who is over 18) at least 15 days before the hearing.

Fill out, but do not sign, (1) the *Certificate of Service* on the last page of the *Citation* and (2) the *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship* (GC-020(P)). **Make a copy of the filled-out-but-unsigned Certificate of Service and Proof of Personal Service before proceeding.**

The server then personally delivers to the conservatee and the conservatee's attorney (the Public Defender) the issued *Citation*, a copy of the *Petition* and all other documents filed in Step 3, and the Notice of Hearing, along with copies of the unsigned Certificate of Service and Proof of Personal Service forms.

The server then signs the *Certificate of Service* on the last page of the original *Citation* and the *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship* (GC-020(P)) and gives the signed documents back to you.

For more information, see our Guide on Personal Service (https://www.saclaw.org/resource_library/personal-service/).

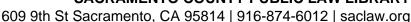
6.

Have Notice of Hearing and Petition Served by Mail on Relatives

Fill out, but do not sign, the *Proof of Service by Mail* on page 2 of the *Notice of Hearing*. You must separately list all people to be served. If you do not have room, you can attach <u>Attachment to Notice of Hearing Proof of Service by Mail (Probate—Decedents' Estates and Guardianships and Conservatorships (http://courts.ca.gov/documents/gc020ma.pdf), GC-20(MA) to list the remainder.</u>

Be sure to check Box 5, "I served with the *Notice of Hearing – Guardianship or Conservatorship* a copy of the petition or other document referred to in the notice." **Make a copy of the unsigned** *Proof of Service by Mail* **on page 2 of the** *Notice of Hearing* before proceeding.

The server then mails a copy of the *Notice of Hearing* to each person listed.





The server then signs the *Proof of Service by Mail* form on page 2 of the *Notice of Hearing* and gives you the signed copy.

For more information on service by mail, see our guide on <u>Service by Mail_(https://saclaw.org/resource_library/serving-documents-by-mail/)</u>.

7.

File Original Proofs of Service and Lodge Proposed Order and Letters

Make two copies of each:

- Citation for Conservatorship (GC-320) (with original signature on proof of service)
- Notice of Hearing Guardianship or Conservatorship (GC-020), with original signature on proof of service (GC-020(P))
- Doctors' declarations supporting the Petitioner
- Doctor's declaration on capacity to consent to medical treatment
- Letters of Conservatorship (GC-350)
- (Proposed) Order Granting Petition to Reappoint LPS Conservator

Leave the original set unstapled. Staple and two-hole punch the other copies for insertion into a folder.

File and lodge the original and one copy of:

- Citation for Conservatorship (GC-320) (with original signature on proof of service)
- Notice of Hearing Guardianship or Conservatorship (GC-020) (with original signature on proof of service, GC-020(P))
- Doctors' declarations supporting the Petitioner
- Doctor's declaration on capacity to consent to medical treatment
- Letters of Conservatorship (GC-350)
- (Proposed) Order Granting Petition to Reappoint LPS Conservator

File and lodge these documents in the Probate Department at the Family Relations Courthouse, 3341 Power Inn Road, Sacramento CA, 95826.

Get the clerk to endorse (file-stamp) the second copy of the documents and keep that set in your own file.

8.

Contact Public Defender to Confirm Conservatee Has Been Interviewed

Check with the Public Defender to make sure they have interviewed their client, the conservatee.



9.

Probate Notes (also called Calendar Notes)

About ten to twelve calendar days prior to the hearing, "Probate Notes" are issued by the court. Since these are confidential, you must visit the courthouse to check them.

Probate Notes list any deficiencies that should be filled in or fixed prior to the hearing. For instance, if notice was mistakenly given by mail when it needed to be personally served, the Probate Notes will alert you so that you can re-serve in time. You must respond and clear Probate Notes in advance of the hearing. You should check back every couple of days to see if additional Probate Notes have been added.

For more information on responding to Probate Notes, see our guide on <u>Clearing Probate Calendar Notes for Guardianship or Conservatorship</u> (https://saclaw.org/resource_library/clearing-probate-calendar-notes-for-guardianship-or-conservatorship/).

10.

Attend Hearing and Pick Up Endorsed Copy of Order

On the hearing date, attend the hearing. It is recommended to bring file-stamped copies of all paperwork to the hearing. If all goes well, the court will issue the *Order Granting Petition to Reappoint LPS Conservator*. Obtain an endorsed copy of this *Order* from the clerk or bailiff before you leave the courtroom.

11.

Have Clerk Issue Letters

Once you have the endorsed copy of the court order, go over to the probate court clerks' counter and have them issue the *Letters of Conservatorship*.

12.

Have Order and Letters Served

Have the *Order* and *Letters of Conservatorship* served by mail on the same list of people as served in Step 6, plus the conservatee, using the same process as in Step 6.

For Help

 $\underline{ Public\ Administrator/Guardian/Conservator_(https://dcfas.saccounty.gov/SAS/Pages/PA-PG-PC/SP-Public-AdministratorGuardianConservator.aspx)}$



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Telephone: (916) 875-4467

For More Information

On the Web:

Santa Clara Superior Court: Self-Help - LPS (Mental Health) Conservatorship

(http://www.scscourt.org/self_help/probate/conservatorship/conservatorship_lps.shtml). The Santa Clara court's website has useful information about LPS conservatorships.

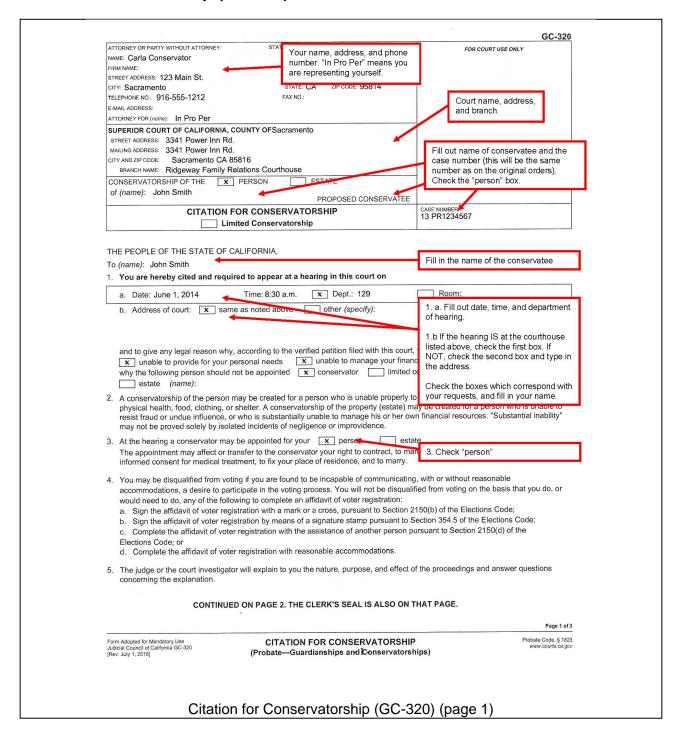
At the Law Library:

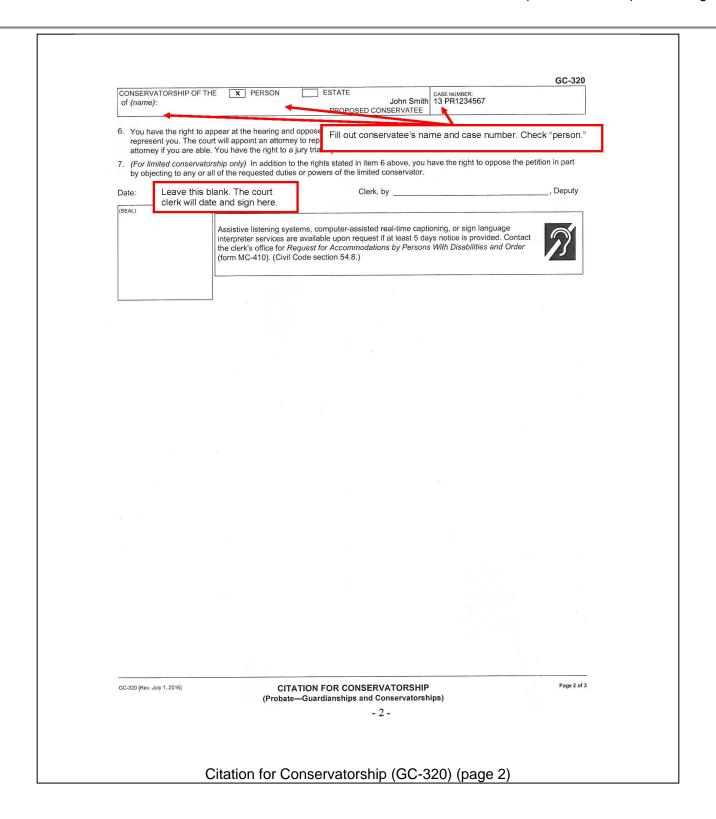
California Conservatorship Practice KFC 112 .C34 Chap. 23

This practice guide, aimed at attorneys, contains detailed information about LPS conservatorships and about factors which determine whether a proposed conservatee is "gravely disabled" under the LPS Act. Electronic Access: On the Law Library's computers, using *OnLaw*.

Samples

Citation for Conservatorship (GC-320)



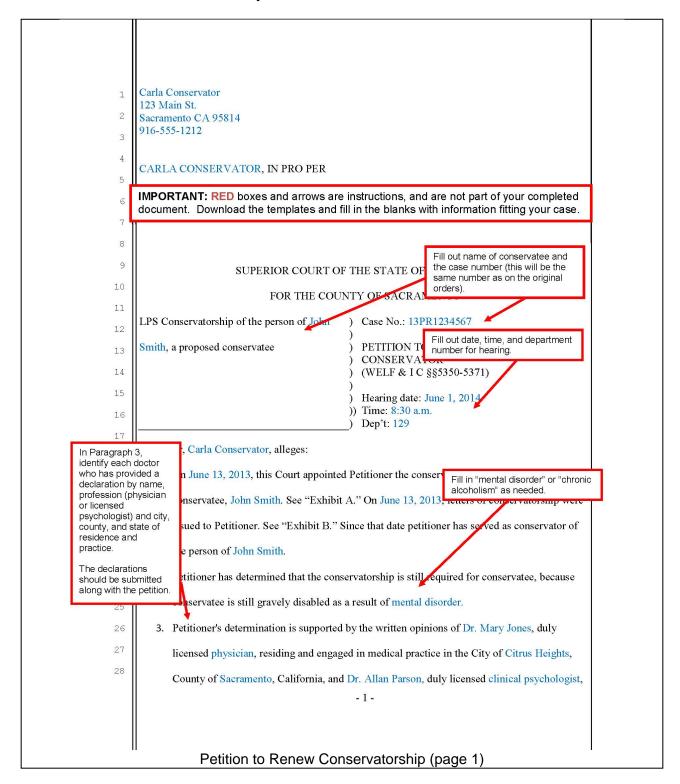


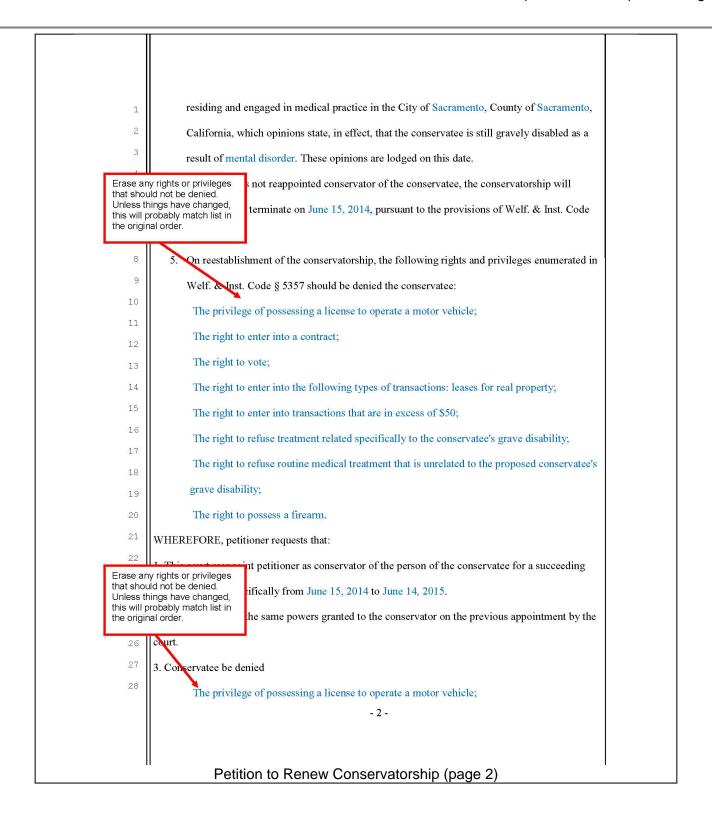


	PI Fill out conservatee's name an	d case number. Check "person."
	as at least 18 years of age al <mark>lernor a party to any proceeding. Fac</mark> Petition for Appointment of Probate Conservator (form GC-310) a	
2. a. Person cited (name):	John Smith	
b. Person served: (1) (2) c. Address (specify): M:		2.a. Name of conservatee 2.b. Check box (1) if you served the conservatee, box (2) if you served a different person, and include their information 2.c. Address where the service took place.
	ed in item 2 delivering the copies (1) on (date): May 10, 2014 copies to the person served, addressed as shown in item 2c, by (2) from (city):	(2) at (time): 4:22 p.m. first-class mail, postage prepaid,
addressed (4) to an addre	opies of the Notice and Acknowledgment of Receipt—Civil and a to me. (Attach completed Notice and Acknowledgment of Receip ess outside California with return receipt requested. (Attach comp other manner of service, and the authorizing code section and ord	out with information about where and when the documents
		4.a. This section should be filled out with the SERVER's address information
4. a. Person serving (name Sally Server 457 Oak St. Sacramento CA 9482 916-555-3434	e, address, and telephone number): 26	4.b-e. Fill in additional information regarding server. If a friend does it for free, check box c. and leave the others blank.
	\$ d California process server. gistration under Business and Professions Code section 22350(b	5.Check box 5 so that server is declaring under penalty of perjury.
(1) Employee (2) Registration no. (3) County (specify) (4) Expiration (date)	sections: alty of perjury under the laws of the State of California that the form the state of California that the state of California that the form the state of California that the state of California t	AT 177
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GC-320 [Rev. January 1, 2016]	CITATION FOR CONSERVATORSHIP	Page 3 o



Petition to Renew Conservatorship

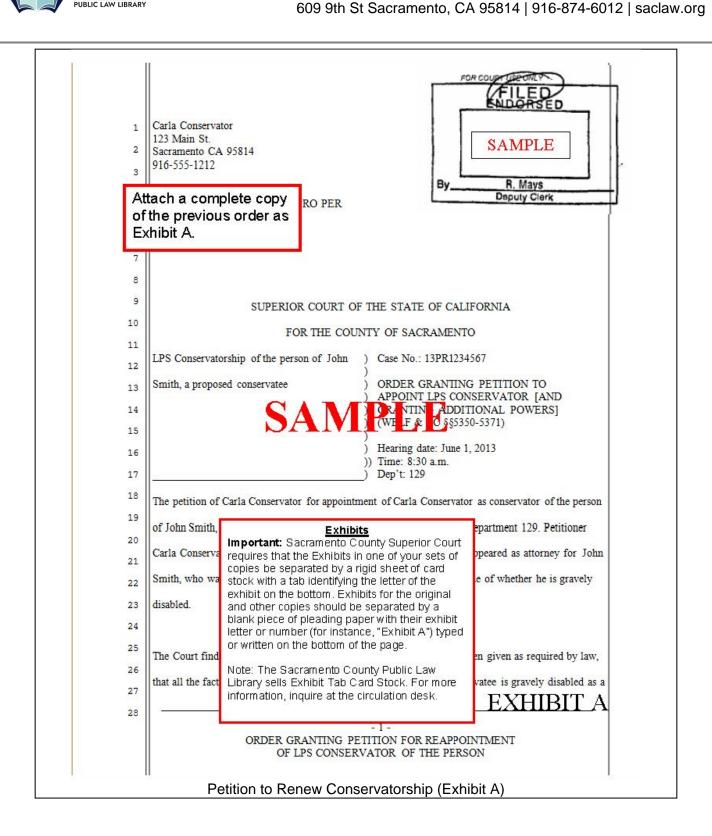




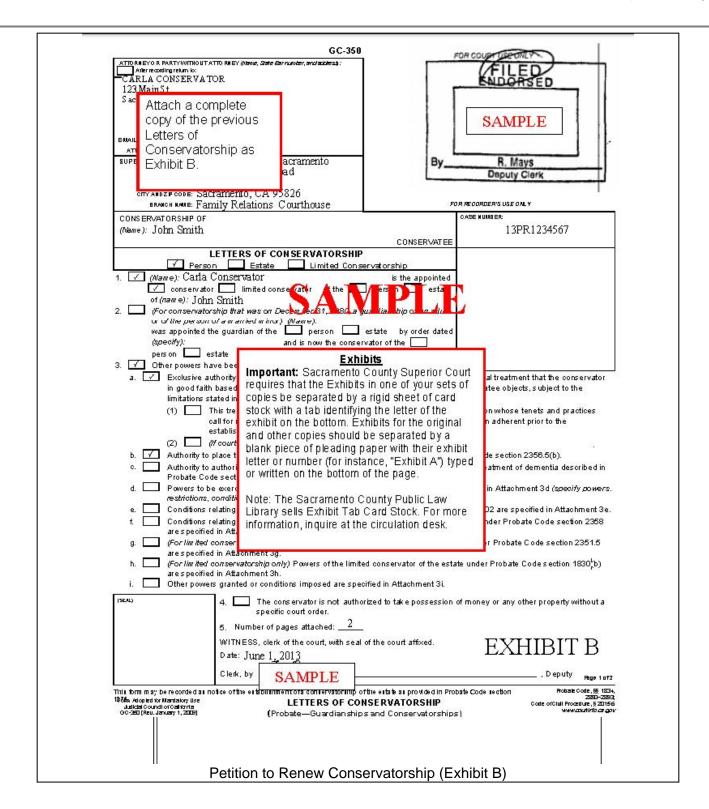


1	The right to enter into a contract;	
2	The right to vote;	
3	The right to enter into the following types of transactions: leases for real property;	
5	The right to enter into transactions that are in excess of \$50;	
5	The right to refuse treatment related specifically to the conservatee's grave disability;	
7	The right to refuse routine medical treatment that is unrelated to the proposed conservatee's	
8	grave disability;	
9	The right to possess a firearm.	
10	4. The court grant any other and further relief that the court considers proper.	
11		
12	DATED: May 12, 2014 Carla Conservator	
13 14	CARLA CONSERVATOR, In Pro Per Petitioner	
15	retitioner	
16	VERIFICATION	
17	I, Carla Conservator, the petitioner in this matter, declare that I have read the petition and	
18	know its contents, which are true to my own knowledge except for those matters stated on my	
19	information and belief, and as to those matters I believe the petition to be true.	
20	I declare under penalty of perjury under the laws of the State of California that the foregoing	
21	is true and correct.	
22		
24	Date: 1949 12, 2017	
25	Carla Conservator, Petitioner	
26		
27		
28		
	- 3 -	
	Petition to Renew Conservatorship (page 3)	





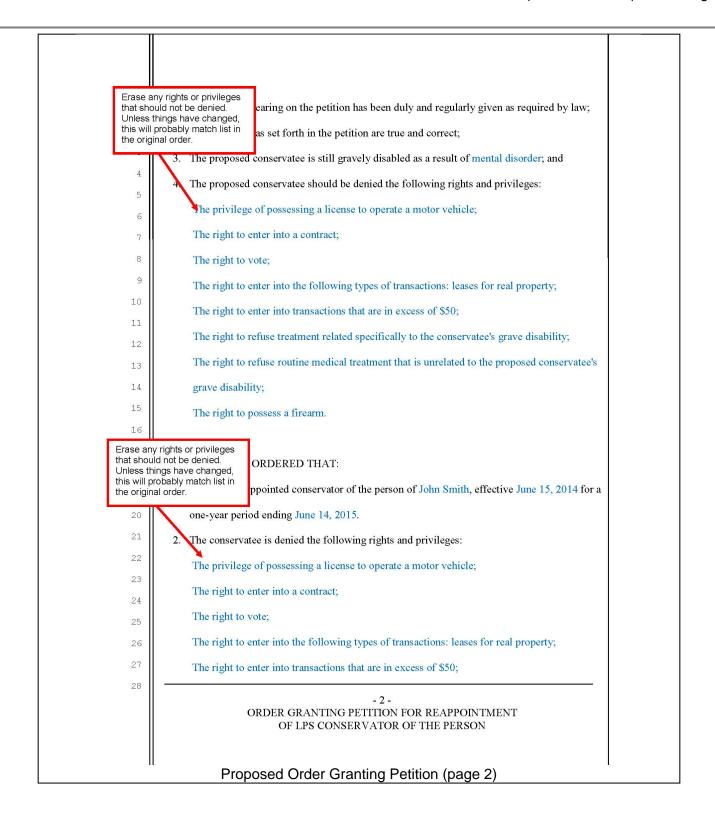


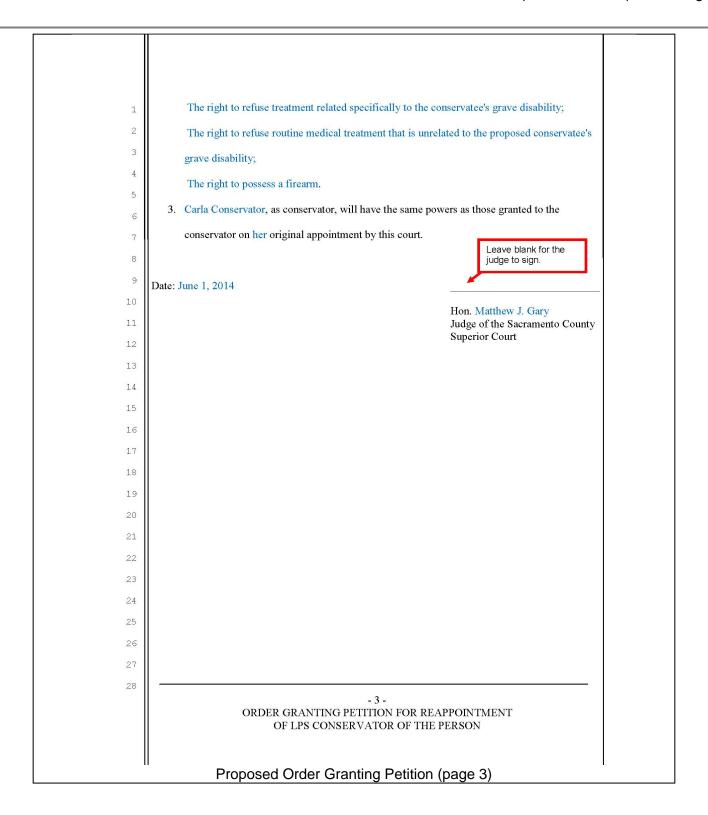




Proposed Order Granting Petition

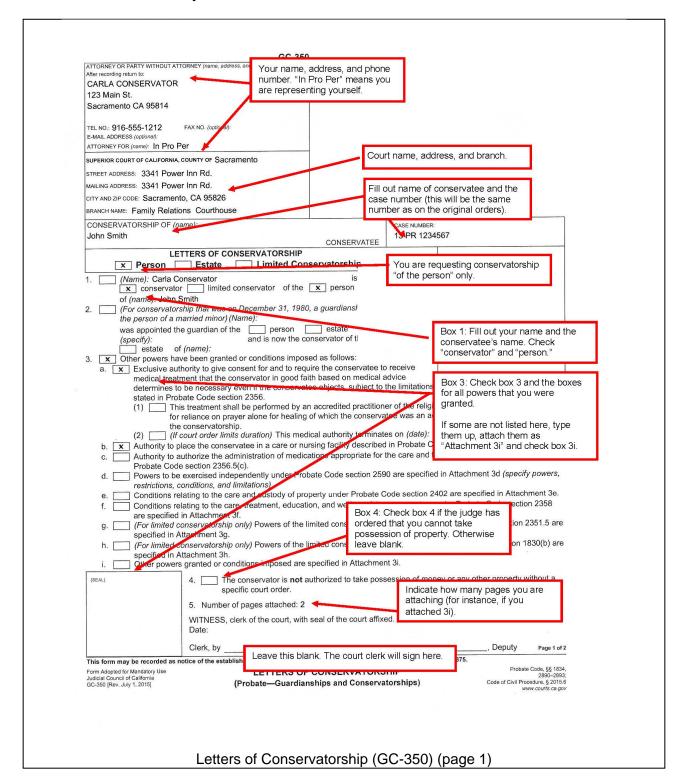
1 2 3 4 5	Carla Conservator 123 Main St. Sacramento CA 95814 916-555-1212 Fill out name of conservatee and the case number (this will be the same number as on the original orders). CARLA CONSERVATOR, IN PRO PER IMPORTANT: RED boxes and arrows are instructions, and are not part of your completed document. Download the templates and fill in the blanks with information fitting your case.
8	
9	SUPERIOR COLLET OF THE STATE OF CALLFORNIA
10	
11	FOR THE COUNTY OF SACRAMENTO
12	LPS Conservator in of the person of John) Case No.: 13PR1234567
13	Smith, a proposed conservatee) [PROPOSED Fill out date, time, and department
14) PETITION To number for hearing.) CONSERVATOR (WELL & 1 C §§3330-
15) 5371)
16) Hearing date: June 1, 2014) Time: 8:30 a.m.
17) Dep't: 129
18	The verified petition of Carla Conservator for reappointment of conservator for gravely disabled
19	person came on regularly for hearing on June 1, 2014. Petitioner Carla Conservator appeared in pro
20	per and appeared as attorney for John Smith, who
21	was present at the hearing and waived a jury trial on the issue of whether he is gravely disabled.
23	Leave this blank unless you know the
24	name of any attorneys and parties who will appear. It can be filled in at the hearing. If you expect multiple parties
25	On considering the petition, including the written declarations of two physicians or necessary
26	10 10 10 10 10 10 10 10 10 10 10 10 10 1
27	psychologists, the court finds that:
28	- 1 - ORDER GRANTING PETITION FOR REAPPOINTMENT OF LPS CONSERVATOR OF THE PERSON
	Proposed Order Granting Petition (page 1)







Letters of Conservatorship

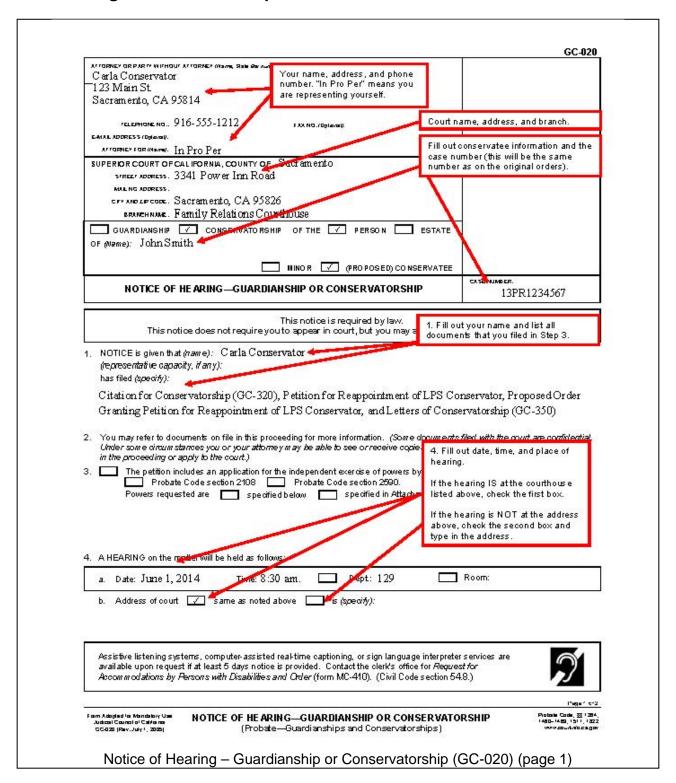




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(Mame): John Smith				13PR1234	567
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		er to the conservator of the estat		CACCO 500	
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		Judicial Council form GC-050 (f	Fill out cons	ervatee's name and cas	stitution).
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	or filing the form. Y	ou may either arrange for person	al delivery of th	e form or mail it to the cour	t for filing at the
address given for the cou	rt on page 1 of the	se Letters.			
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		rrect form, have an authorized of	지정의 경우 경험되었다.	200 AN STAND NO	
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Notice of Hearing - Conservatorship







OF (Name): John		RSHIP OF THE C		13PR1234567
2		MINOR _	NOTE: *	ATEE
has the right und Copies of this No personally serve guardianships ar either service b allows. The petti which the pettion This page conta performs the ser	ler the law to be rotified o otice may be served by m d on certain persons; and nd conservatorships. The y mail or personal servi	of the orte, time, p ail in most affuation copies of this had petitioner (the pe ce, but must show ing for some one of inal Notice. It may be used on ign a proof of pen-	vatorship ("Notice") must i lace, and purpose of a co ns. In a guardianship, ho tice may be personally se isso who requested the co withe court that copies of the else to perform the service by to show service by ho sonal service, and each	be "served" on—delivered to—each person who urt hearing in a guardia ship or conservatorship. wever, copies of this Notice must sometimes be nved instead of served by mail in both ourt hearing) pray not personally perform his Notice bave been served in a way the law and complete and sign a proof of service, Fill out conservatee's info and case number. Check "conservatorship," "person," and "(proposed) conservatee."
		osting Notice of H	earing—Guardianship or	2. This section should be filled out with
1 Lam over the	ago of 10 and not a nath		OF SERVICE BY MAIL	the SERVER's address information ed in the county where the mailing occurred.
2. My residence	or business address is (pecify,	near them or employ	ed in the county watere the maining occurred.
3. Is erved the for an envelope a. 🔽 🕏	addressed as shown belo	g <i>—Guardianship</i> w AND elope with the Uni	or <i>Conservatorship</i> on ea ted States Postal Service	mormation about now the documents
fo or 4. a. Dante mai 5. ☑ I¶eroe	mailing. On the same didinary course of business led: 5/10/2014	ay that correspond with the United S b. Place	dence is placed for collect tates Postal Service in a s mailed (city, state): Sac	4. This section should be filled out w
the No I declare under po Date: Sally Server	enalty of perjuny under the Servershould	e laws of the State d date and sign a pies in the mailb	fter	Check here to indicate other documents were served as well.
	RINF NAME OF PERSONCOMPLET	ING THIS FORM)	ISE	NATURE OF PERSON COMPLETING THIS FORM)
<u>Nam</u>	NAME AND AD	DRESS OF EAC	H PERSON TO WHOM N <u>Address (hum ber, st</u>	OTICE WAS MAILED reet, city, state, and zip code)
1. Paula Pare	nt and Peter Perent	987 Dahlia	St., Sacramento CA 9	5814
2. Sylvia Si:	List each person to wh documents will be mai addresses.		Dr., Sacramento (CA 95814
3. Georgia an Grandpare		321 Floribu	nda Rd., Secramento	CA 95814
4. Charles Ch	ild		Ave., Sacramento Ca	served, check this box and attach another sheet to list all people and
Confin	ied on an attachment (Y	Ou may use form	DE-1200MA)/3C-0204MA	to s



GUARDIANSHIP OF (Name): John Smit	CONSERVATORSHIP OF 1		TATE CASE NUMBER: 13PR1234567
(Attach a se Hearing—G 1. I am over the age of 1 2. I served the attached	PERSONAL SERVICE OF NOTICe parate completed and signed copy uardianship or Conservatorship for 18 and not a party to this cause. Notice of Hearing—Guardianship and on the date and time indicated	of this form or other proof of persion of persion of persion of persion of persion or conservatorshipperson," and	
4. I served with Letters of C	he attached wells of Hearing—Gronservatorship (GC-350), Pope Reappointed as Conservat	Check box 3 if you a with the Notice of He documents if you are or, Decement or Dr	re serving the just the Petition along saring. Check box 4 and list serving additional documents too.
	a, and I	nd does it for free, check box eave the others blank.	1
a. not a regis b. a Californi c. a registere d. an employ	stered California process server. la sheriff or marshal. ed California process server. ree or independent contractor of a		6. This section should be filled out with the SERVER's address information
6. My name, address, te	om registration (Bus. & Prof. Code elephone number, ir applicable Oal-St., Sacramento, CA 95	This section should be filled out with information about where and when the documents were served on the conservatee.	
NAME OF EACH PERS			DATE AND TIME SERVICE WAS MADE
John Smith	456 Maple St. Sacramento, CA	95814	Date and time service made
2.			Date:
3.			Date:
4.			Date:
(You may use	and addresses of persons personal Attachment to Notice of Hearing Pr	oof of Personal Service, form DE-	nued on an attachment. 120(PA)/GC-020(PA), for this purpose.) If or marshal use only)
California that the forego			oing is true and correct
after deliver	ring the documents ervatee.	<u> </u>	(SIGNATURE)
Form Approved for Optional Use	PROOF OF PERSONAL	SERVICE OF NOTICE OF HE	