# 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/sbs-renewing-LPS-dr-declaration.rtf)
- Doctor's Declaration re Capacity to Consent (LPS) Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-renewing-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-petition.rtf)
- Order Renewing LPS Conservatorship Template RTF (https://saclaw.org/wp-content/uploads/2023/04/sbs-renewing-LPS-order.rtf)
- 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&sectionNum=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&sectionNum=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&sectionNum=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)

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(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.

#### Under California Probate Code §1822

(http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=PROB&sectionNum=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

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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)

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(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 Clearing Probate Calendar Notes for Guardianship or Conservatorship (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

 $\underline{ Public\ Administrator/Guardian/Conservator\_(https://dcfas.saccounty.gov/SAS/Pages/PA-PG-PC/SP-Public-P$ 

AdministratorGuardianConservator.aspx)
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.

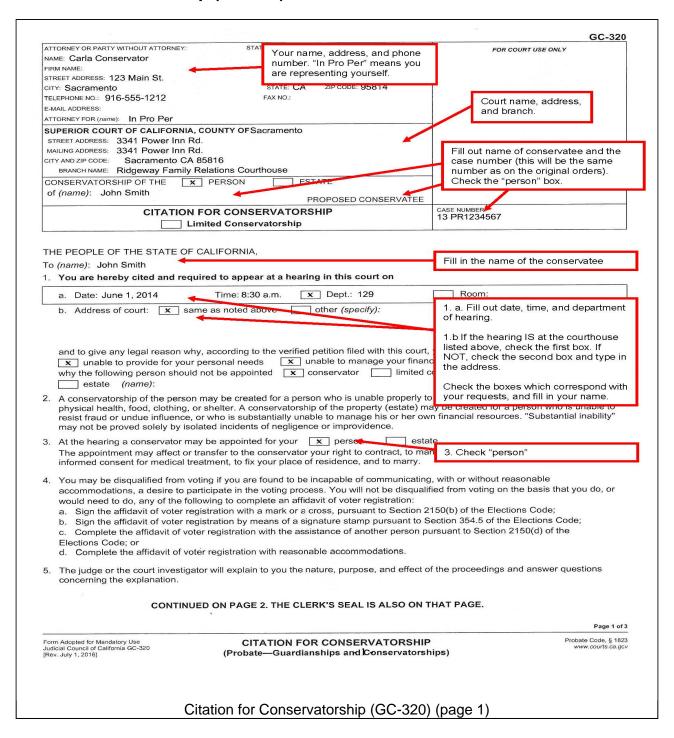
#### At the Law Library:

#### 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*.

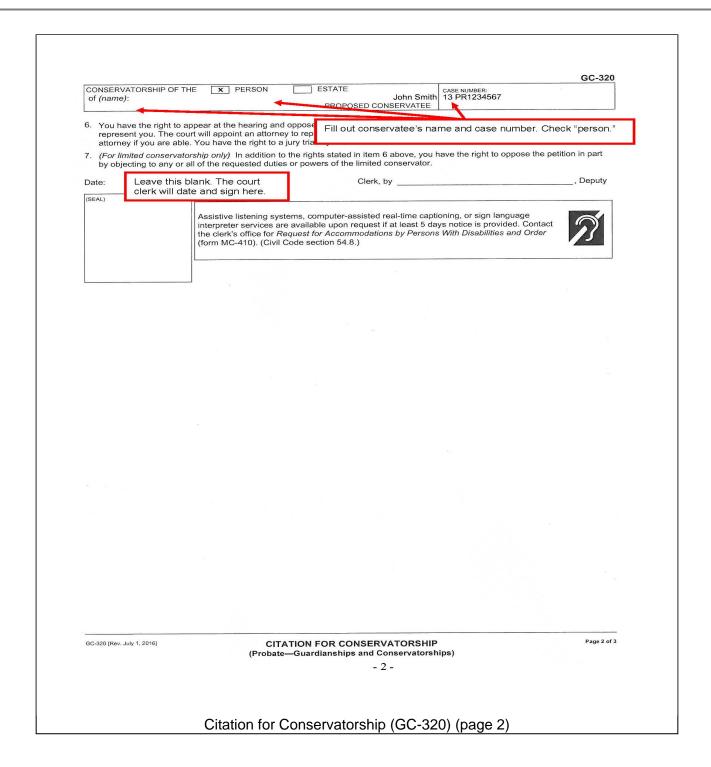
# **Samples**

### **Citation for Conservatorship (GC-320)**









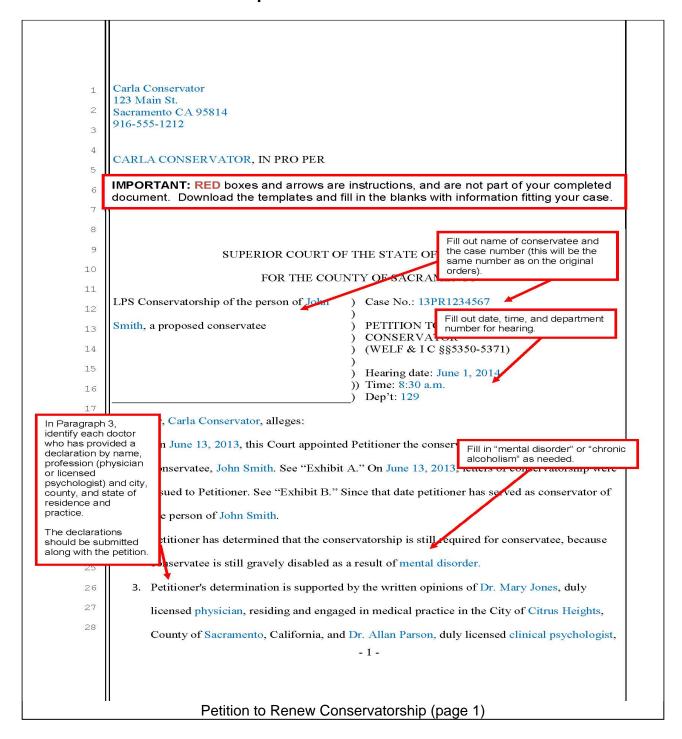


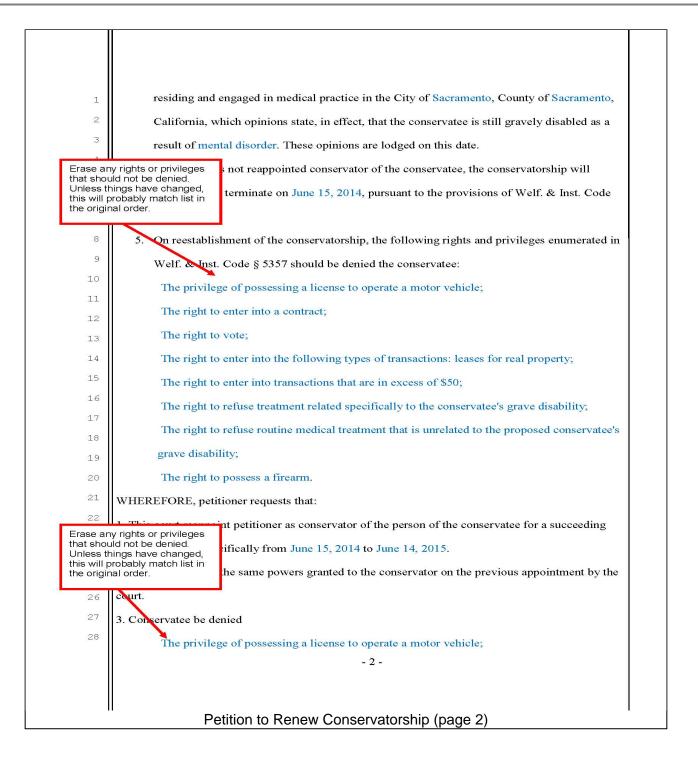


5.55		R1234567
<u></u>	Pi Fill out conservatee's name and	l case number. Check "person."
1.	At the time of service I was at least 18 years of age and not a party to any proceeding. I ser	vea copies or the ontation for
	Conservatorship and the Petition for Appointment of Probate Conservator (form GC-310) as	follows:
2.	Person cited (name): John Smith     Person served: (1) x person in item 2a	2 CONTROL OF CORPORATION
	(2) other (specify name and title or relationship to the person n	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
	c. Address (specify): Maple Street Care Facility, 456 Maple St., Sacramento CA 95814	2.c. Address where the service took place.
3.	I served the person named in item 2	N
	<ul> <li>a. x by personally delivering the copies (1) on (date): May 10, 2014</li> <li>b. by mailing the copies to the person served, addressed as shown in item 2c, by find (1) on (date): (2) from (city):</li> </ul>	(2) at (time): 4:22 p.m. rst-class mail, postage prepaid,
	(3) with two copies of the Notice and Acknowledgment of Receipt—Civil and a paddressed to me. (Attach completed Notice and Acknowledgment of Receipt  (4) to an address outside California with return receipt requested. (Attach comp	3. This section should be filled out with information about where and when the documents
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4.	<ul> <li>Person serving (name, address, and telephone number):         Sally Server         457 Oak St.         Sacramento CA 94826         916-555-3424     </li> </ul>	information regarding server. If a friend does it for free , check box c. and leave the others blank.
	b. Fee for service: \$	FOLITI E III
	c. X Not a registered California process server. d. Exempt from registration under Business and Professions Code section 22350(b).	5.Check box 5 so that server is declaring under penalty of perjury.
	e. Registered California process server.  (1) Employee or independent contractor.	
	(2) Registration no (specify): (3) County (specify):	
5.	<ul> <li>(4) Expiration (date):</li> <li>I declare under penalty of perjury under the laws of the State of California that the for</li> </ul>	egoing is true and correct.
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GC-	CITATION FOR CONSERVATORSHIP  (Probate—Guardianships and Conservatorships)	Page 3

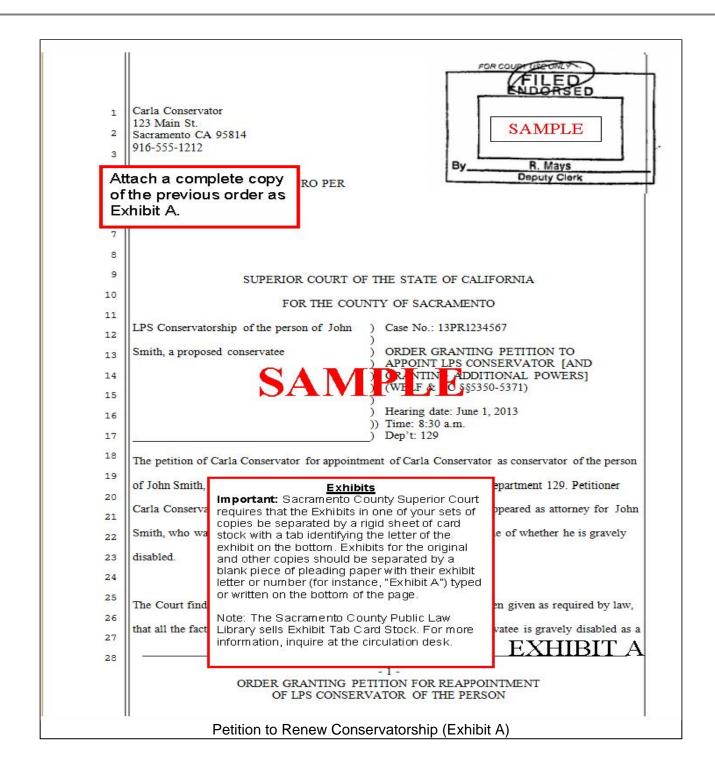


### **Petition to Renew Conservatorship**

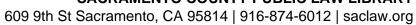




1	The right to enter into a contract;	
2	The right to vote;	
3	The right to enter into the following types of transactions: leases for real property;	
4	The right to enter into transactions that are in excess of \$50;	
5	The right to refuse treatment related specifically to the conservatee's grave disability;	
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	in the court grant any other and remark that the court constants proper.	
12	DATED: May 12, 2014 Carla Conservator	
13 14	CARLA CONSERVATOR, In Pro Per Petitioner	
15	remoner	
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.	
23	Date: May 12, 2014 Carla Conservator	
24	Carla Conservator, Petitioner	
25		
26		
27		
28		
	- 3 -	
I	Petition to Renew Conservatorship (page 3)	





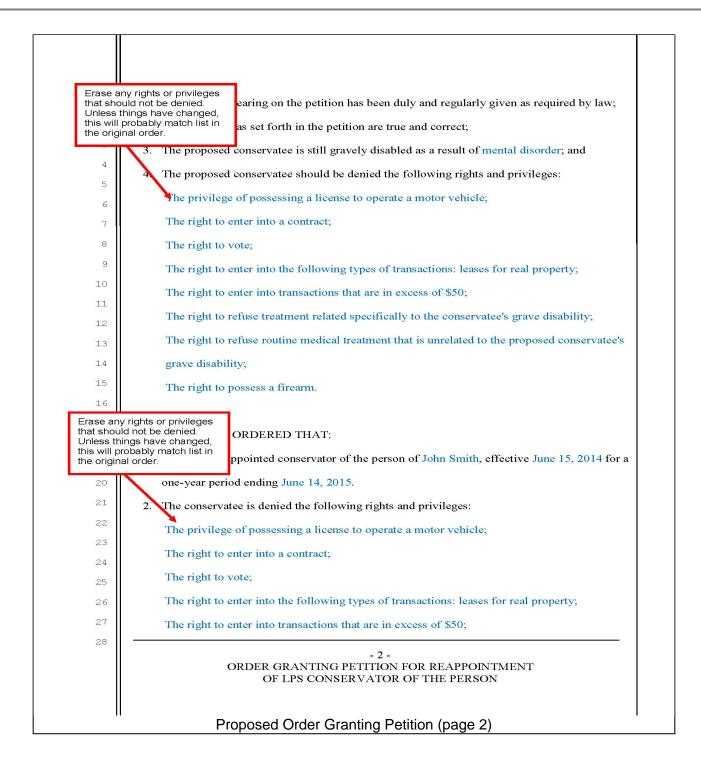


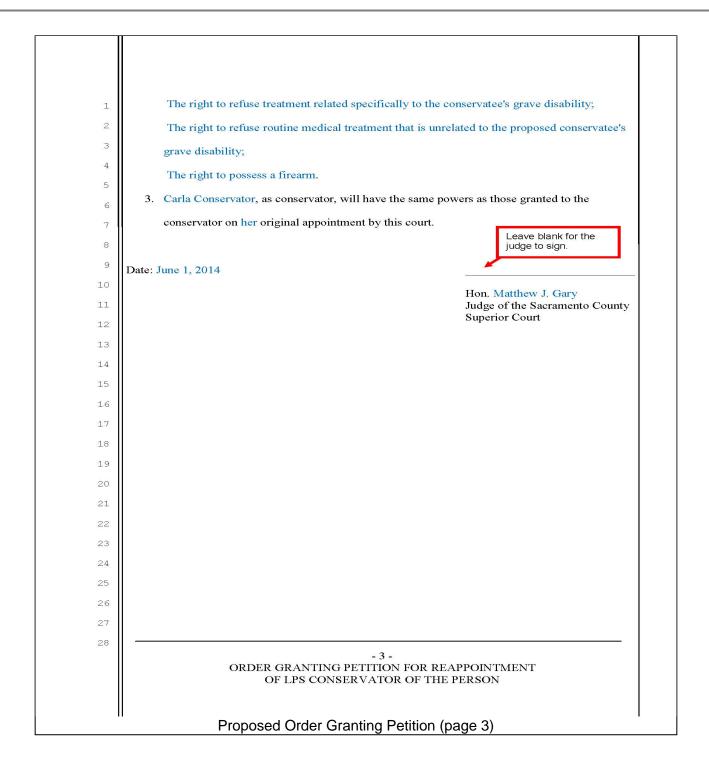


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This form may be recorded as notice of the establishment or a conservator sinip of the establish provided in Probate Code section  18-6% Adopted for Mandalory Use  LETTERS OF CONSERVATORSHIP  Code of Civil Procedure, 8 20156	WITNESS, clerk of the court, with sea	al of the court affixed.	EXHIBIT B
1985 Adopted for Mandalory lise LETTERS OF CONSERVATORSHIP Code of Child Procedure, 5, 20156 Judicial Council of Cashornia	Clerk, by SAMPLE		, Deputy Rage 1 of 2
Petition to Renew Conservatorship (Exhibit B)	1856s. Atoo led for Mandatory Use Judicial Countil or College (Probate — Guardian shi	ONSERVATÓRSHIP ps and Conservatorships)	2891-2890; Code ofClul Procedure, § 20156 www.coustirfo.ca gov

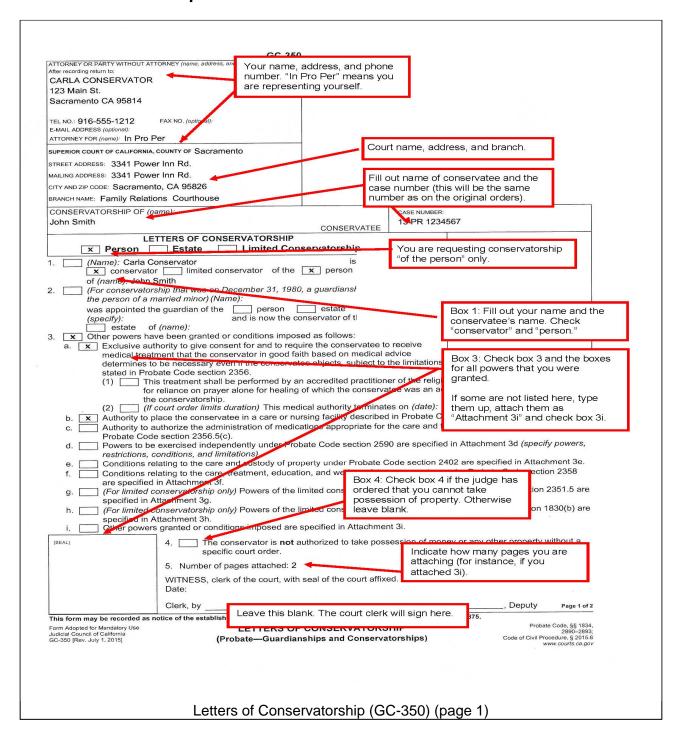
# **Proposed Order Granting Petition**

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 I	PER
	ows are instructions, and are not part of your completed and fill in the blanks with information fitting your case.
SUPERIOR CO	AT OF THE STATE OF CALIFORNIA
FOR TH	E COUNTY OF SACRAMENTO
LPS Conservatorship of the person of	John ) Case No.: 13PR1234567
Smith, a proposed conservatee	) [PROPOSED Fill out date, time, and department number for hearing. ) CONSERVATOR (WELF&TC §§3330-) 5371)
	) 33/1) ) Hearing date: June 1, 2014 ) Time: 8:30 a.m. ) Dep't: 129
The verified petition of Carla Conserv	ator for reappointment of conservator for gravely disabled
person came on regularly for hearing of	on June 1, 2014. Petitioner Carla Conservator appeared in pro
per and	appeared as attorney for John Smith, wh
was present at the hearing and waived	a jury trial on the issue of whether he is gravely disabled.
On considering the petition, including	Leave this blank unless you know the name of any attorneys and parties will appear. It can be filled in at the hearing. If you expect multiple parties to appear, list them all.
psychologists, the court finds that:	
	- 1 - ING PETITION FOR REAPPOINTMENT ONSERVATOR OF THE PERSON





### **Letters of Conservatorship**

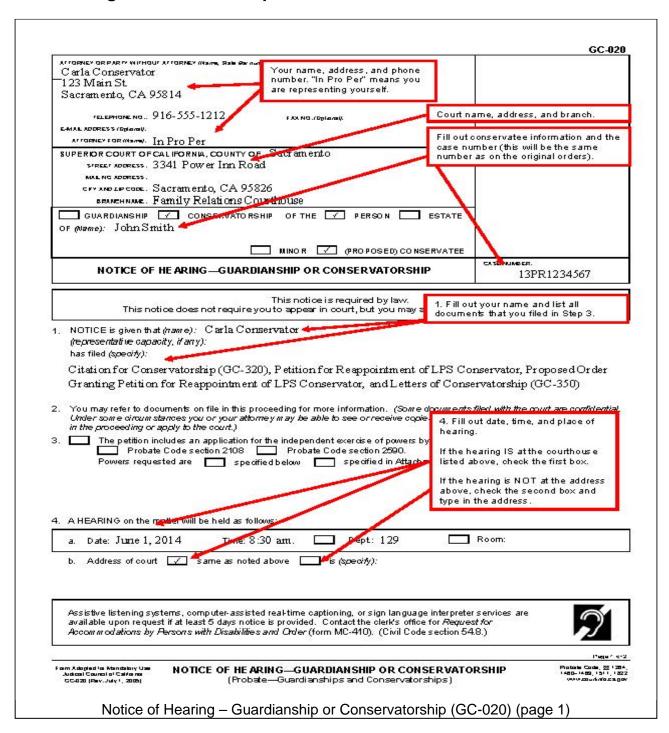






CONSERVATORSHIP OF		Ï	CASE NUMBER:	GC-350		
(Mame): John Smith			13PR1234567			
		CONSERVATEE	1			
	NOTICE TO INSTI	TUTIONS AND FINANCIAL INSTIT	UTIONS			
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		p Probate—Guardianships and Consen				
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Carla Conservator (TYPEO) certify that this document,	R PRINT NAME) including any attachments e have not been revoked, a	CERTIFICATION  i, is a correct copy of the original on file	SE POR TOP (SIGNATUREO FAPPOINTER) In my office, and that the Lette	ers issued to		
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Carla Conservator (TYPEO) certify that this document, he person appointed above	including any attachments e have not been revoked, a Date: Clerk, by	CERTIFICATION  i, is a correct copy of the original on file annulled, or set aside, and are still in full beave this blank. The court clerk will	(SKOMATUREO F APPOINTED)  In my office, and that the Lette force and effect.			

### Notice of Hearing – Conservatorship







01	ouardiamship 🗸 f (Name): John Smith	CONSERVATORSH			ED)COMSERVATI	1 3PP.1 23 4567	
		_	MINOR	NOTE: *	ED, CON SERVA		
pe gu eit all wh	opies of this Notice may b ersonally served on certai uardianships and conserv ther service by mail or c	ne served by mail in persons; and contact and complete and sign	n most stuation in most stuationer (the post of the po	ors. In a guar office may be p erso who req withe court that else to perform nly to show set rsonal service,	diarship, howe ersonally serve Jested the cour t copies of this the service ar vice by hour and each	served" on—delivered to—each person who hearing in a guardia ship or conservatorship, ver, copies of this Notice must sometimes be d instead of seved by mail in both thearing) pray not personally perform Notice bave been served in a way the law d complete and sign a proof of service, out conservatee's info and case nber. Check "conservatorship," rson," and "(proposed) conservatee."	
	(This Note replaces the ci 6rm GC-020(C), Clerk's (					tice by posting is desired, attach a copy of	
			PROOF	OF SERVICE	BY MAIL	2. This section should be filled outwith the SERVER's address information	
	My residence or busines	s address is (spe-	xity.	ım a rosidem i	r or employed	n the county where the mailing occurred.	
3.	457 Oak St. Sacram Iserved the foregoing N an envelope addressed a.  Gepositing t	lotice of Hearing— as shown below A	<i>Guardianship</i> ND			This section should be filled out with information about how the documents were put into the mailbox.	
4.	business pra for mailing. (	ctices. I am reading the same day to the same day to the same day to the same same and the same	r familiar with hat correspon h the United :	this business's idence is place States Postal S	practice for co d for collection	4. This section should be filled out w	
5.	I served with the the Notice.	Motioe of Hearing	Guardiansh	ip or Conserva	torship a copy	of the penson or other accument referred to a	
de Sat	eclare under penalty of pete:		d		tractic forego	Check here to indicate other locuments were served as well.	
Sa		Servershould da putting the copie				*	
	impeonement name of Name of person	NAME AND ADDR			о wном иот	use of pesson completing this form) ICE WAS MAILED , city, state, and sip code)	
1.	Paula Parent and Pe	ter Perent !	987 Dahlia	St., Sacram	ento CA 958	14	
2.		och person to whom the nents will be mailed, and their Dr., Sacramento CA 95814 sees.					
3.	Georgia and Gareth Grandparent		321 Floribu	1 Floribunda Rd., Secramento CA 95814			
4.	Charles Child		701 Freesia Ave., Sacramento CA 95		am ento CA9	If more than four people are being served, check this box and attach another sheet to list all people and	
	continued on an a	attachment (You	m ay use form	DE-120(MA)/	3C-020(MA) to	addraggag	
_	020 (Rev. July 1, 2005)	100.0 - 1.110 - 1.1110 - 1.11					





OF (N	GUARDIANSHIP (same): John Smith		PERSON ESTAT	13PR1234567		
		ONAL SERVICE OF NOTICE OF I				
2. I se	Hearing—Guardian in over the age of 18 and erved the attached Notice	completed and signed copy or this significant conservatorship for each p not a party to this cause. of Hearing—Guardianship or Cons the date and time indicated below	Fill out conserv number. Check servatorshi "person," and "	al service to Notice of the service of the service		
3.	I served with the atta referred to in the Not	ached Notice of Hearing—Guardianship of Consolidation and the serving the just the Petition along				
4.		cned wells "(Wearing—Guardian vatorship (GC-350), Petition		ing. Check box 4 and list		
		appointed as Conservator, De		erving additional documents too.		
		eclaration of Dr. John Ng	contaction of Dr. 7than 1	ison, Decimation of Dr.		
5 la	Continued on		s it for free, check box he others blank.			
a.	n (check all that apply):	California process server.		6. This section should be filled		
b.	a California sheri	ff or marshal.		out with the SERVER's address		
c. d.		fornia process server. Independent contractor of a register	rod California Tooga conver	information		
e.		stration (Bus. & Prof. Code & 200				
Sa	name, address, telephon illy Server, 457 Oals 6-555-3434	e number, 2005, ir applicable, count St., Sacramento, CA 95814	y of registration and number,	This section should be filled out with information about where and when the documents were served on the conservatee.		
1. Joi	<u>Name</u> hn Smith	Address where served (no 456 Maple St. Sacramento, CA 9581-	umber, street, city, and state)	Date and time service made		
2.				Date:		
		ll l		Time:		
3.		=		Date:		
				Time:		
		<b>=</b>		Date:		
4.				Time: ———		
4.	List of names and add			0(PA)/GC-020(PA), for this purpose.)		
L	(You may use Attachn					
I decla	(You may use Attachn	ry under the laws of the State of ue and correct.	I certify that the foregoin			
I decla	(You may use Attachn are under penalty of perju- nia that the foregoing is tr	ue and correct.	I certify that the foregoin Date:			
I decla	(You may use Attachmere under penalty of perjunia that the foregoing is to Server should dat	ue and correct.				
I decla	(You may use Attachn are under penalty of perju- nia that the foregoing is tr	ue and correct. e and sign e docum ents		(SIGNATURE)		
I decla	(You may use Attachm re under penalty of perjunia that the foregoing is to Server should dat after delivering th	ue and correct. e and sign e docum ents		(SIGNATURE) Page 1 c		

**Date Created** 

03/30/2023