



STANISLAUS COUNTY SUPERIOR COURT
www.stanct.org
(209) 530-3100

Revised 02/21

Temporary Conservatorship Packet

This packet contains the forms required to open a Temporary Conservatorship proceeding in Superior Court. If a Temporary Conservatorship is necessary, the petition must be filed with or after a Petition for Appointment of Conservatorship.

HELP

Counsel and self-represented parties are obligated to review and comply with Local Rules regarding Conservatorship proceedings located on the Superior Court website listed below.

Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, and on the following Websites:

- Stanislaus County Superior Court
www.stanct.org
- Local forms
www.stanct.org/Forms.aspx?id=3
- Judicial Council's Self-Help website
www.courtinfo.ca.gov/selfhelp
- For more information on Libraries, Websites, or Self-Help Legal Books
www.courtinfo.ca.gov/selfhelp/lowcost
- California Superior Court's Interactive Electronic Forms Program
www.ezlegalfile.com
- California's Free Website for Legal Help
www.lawhelpcalifornia.org

Lawyer Referral Service may be able to assist you in finding an attorney. Their telephone number is (209) 571-5727. There are books available on how to do a conservatorship at the public library, the Law library and in bookstores. Local rules are available there and on line at the Superior Court's website listed above. For duties and responsibilities of the conservator and rights of the conservatee, please refer to your ***Handbook for Conservators*** which is required to be purchased when you file your petition. It is also available on line at: <http://www.courtinfo.ca.gov/selfhelp/seniors/duties.htm#rights>

NEW CONSERVATORSHIP CASES MUST BE FILED NO LATER THAN 3 PM

FREQUENTLY ASKED QUESTIONS

Persons handling their own cases (self-represented) are required to prepare and present their pleadings (court documents) in complete and proper form without help from the Court staff. **This office is prohibited from giving legal advice in any manner.** Doing so would constitute acting as an attorney or legal counsel. Questions on legal matters regarding the appropriate form or its proper completion and presentation should be referred to an attorney.

PREPARATION

You are required to bring in one (1) original, plus two (2) copies of all documents. Whether typed or hand printed, your papers must be completed in blue or black ink, be legible and clear enough to photocopy. The petitioner's name, address and telephone number must be placed in the space in the upper left hand corner of each form. Pleadings are to be dated and signed before being presented for filing **EXCEPT** for the Letters of Conservatorship.

Each form must have the court name and location in the heading as below:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS
801 10th Street, PO Box 1098
Modesto, CA 95353-1098

Additional information on Temporary Conservator

If the Court chooses you as a Temporary Conservator, you have the same duties and powers that a regular Conservator. The Conservatorship will end on the date written in your **Letters of Temporary Conservatorship**. A Temporary Conservator acts only until a permanent conservator is appointed.

A temporary Conservator should not make long-term decisions or changes that can wait for the permanent Conservator. You cannot move a Conservatee to another home or sell or give away the Conservatee's home or any other property without the Court permission.

Most of the information in the sections on the Conservatee's Rights, Conservator of the Person and Conservator of the Estate also applies to Temporary Conservatorships. You may need to consult with an attorney about what you should and should not do because of the time limit on your Conservatorship.

LETTERS

Letters of Temporary Conservatorship will **NOT** be issued if the oath is taken and dated prior to the time the Petition for appointment as personal representative is signed. The Letters **MUST BE DATED AFTER** the Petition has been signed. When the Petition is filed, the Letter may be signed in front of the clerk.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
TEMPORARY CONSERVATORSHIP OF _____ (<i>Name</i>): _____ CONSERVATEE	CASE NUMBER: _____
PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate	HEARING DATE: _____
	DEPT.: _____ TIME: _____

1. **Petitioner** (*name each*):

requests that

a. (*Name*):

(*Address and telephone number*):

be appointed temporary conservator of the PERSON of the proposed conservatee and Letters issue upon qualification.

b. (*Name*):

(*Address and telephone number*):

be appointed temporary conservator of the ESTATE of the proposed conservatee and Letters issue upon qualification.

c. (1) bond not be required because petition is for a temporary conservatorship of the person only.(2) bond not be required for the reasons stated in attachment 1c.(3) \$ _____ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.

(*Specify reasons in attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).*)

(4) \$ _____ in deposits in a blocked account be allowed. Receipts will be filed.

(*Specify institution and location*):

d. a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.e. the powers specified in Attachment 1e be granted in addition to the powers provided by law.f. other orders be granted (*specify in attachment 1f*).2. **The proposed conservatee is** (*name*):

Current address:

Current telephone no.:

3. **The proposed conservatee requires a temporary conservator to** provide for temporary care, maintenance, and support
 protect property from loss or injury because (*facts are* *specified in attachment 3* *as follows*):

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

4. **Temporary conservatorship is required**

- a. pending the hearing on the petition for appointment of a general conservator.
b. pending the appeal under Probate Code section 1301.
c. during the suspension of powers of the conservator.

5. **Character and estimated value of the property of the estate** (complete if a temporary conservatorship of the estate or the person and estate is requested):

- a. Personal property: \$ _____
b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): \$ _____
d. **Total:** \$ _____

6. **Petitioner requests authority to change the proposed conservatee's residence during the temporary conservatorship**

- a. Petitioner proposes to change the residence of the proposed conservatee to (address):

The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because (reasons are

specified in attachment 6a as follows):

- b. The proposed conservatee must be removed from the State of California to permit the performance of the following nonpsychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment. (Facts and place of treatment are specified in attachment 6b as follows):

7. **Petitioner is a professional fiduciary**

- a. Petitioner holds license no. (specify): _____ from the Professional Fiduciaries Bureau of the Department of Consumer Affairs issued or last renewed on (specify later date of initial issuance or renewal): _____
b. Petitioner was requested to file this petition by (name): _____
c. The circumstances leading to petitioner's engagement to file this petition are described in attachment 7c.
d. Petitioner had: (1) No relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition.
(2) A relationship to the proposed conservatee, his or her family, or his or her friends before engagement to file this petition. That relationship is described in attachment 7d. the Petition for Appointment of Probate Conservator (form GC-310) filed with this petition or an attachment to that petition (specify attachment to general petition): _____

TEMPORARY CONSERVATORSHIP OF (Name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
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8. Petitioner's contact with persons named in *Petition for Appointment of Probate Conservator*

- a. Petitioner is the proposed conservatee. *(If this item is selected, go to item 9.)*
- b. Petitioner is not the proposed conservatee. All persons other than the proposed conservatee named in the *Petition for Appointment of Probate Conservator* filed with this petition:
 - (1) Have been found and contacted. All will be given notice of the hearing on this petition.
 - (2) Have not been found or have not been contacted. Efforts to find the persons who have not been found and the reasons why any person cannot be contacted are described in one or more declarations under penalty of perjury attached to this petition as attachment 8b. *(Attachment 8b is not a request for a good cause exception to notice. See Prob. Code, § 2250(e) and rule 7.1062 of the Cal. Rules of Court.)*
- c. Petitioner is not the proposed conservatee. Facts showing the preferences of the proposed conservatee concerning the appointment of any temporary conservator, and the appointment of the temporary conservator proposed in this petition, or why it was not feasible to ascertain those preferences, are specified in one or more declarations attached to this petition as attachment 8c.

9. Petitioner is informed and believes that the proposed conservatee

- a. will attend the hearing.
- b. is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
- c. is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as attachment 9c.
- d. is not the petitioner, is out of state, and will not attend the hearing.

10. Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

11. All attachments to this form are incorporated by this reference as though placed here in this form. There are _____ pages attached to this form.

Date:

 (SIGNATURE OF ATTORNEY*)

* (Signature of all petitioners also required (Prob. Code, § 1020).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER)

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): _____ CONSERVATEE	
ORDER APPOINTING TEMPORARY CONSERVATOR	CASE NUMBER: _____
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of a temporary conservator came on for hearing as follows (*check boxes c-j to indicate personal presence*):

- a. Judicial officer (*name*): _____
- b. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
- c. Petitioner (*name*): _____
- d. Attorney for petitioner (*name*): _____
- e. Conservatee (*name*): _____
- f. Attorney for conservatee (*name*): _____
- g. Conservatee's spouse or registered domestic partner, and relatives (*names and relationships*): _____

h. Attorneys for persons listed in item g (*names and persons represented*): _____

- i. Public Guardian (*name*): _____
- j. Attorney for Public Guardian (*name*): _____

THE COURT FINDS

2. a. Notice of time and place of hearing has been given as required by law.
 b. Notice of time and place of hearing has been modified or dispensed with under *Order on Ex Parte Application for Good Cause Exception to Notice on Petition for Appointment of Temporary Conservator* filed on (*date*): _____
3. It is necessary that a temporary conservator be appointed to provide for temporary care, maintenance, and support
 protect property from loss or injury
- a. pending the hearing on the petition for appointment of a general conservator.
 b. pending an appeal under Probate Code section 1301.
 c. during the suspension of powers of the conservator.
4. To prevent irreparable harm, the residence of the conservatee must be changed. No means less restrictive of the conservatee's liberty will prevent irreparable harm.

TEMPORARY CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

5. The conservatee must be removed from the State of California to permit the performance of nonpsychiatric medical treatment essential to the conservatee's physical survival. The conservatee consents to this medical treatment.
6. The conservatee need not attend the hearing.

THE COURT ORDERS

7. a. (Name): _____ (Telephone): _____
(Address): _____

is appointed temporary conservator of the PERSON of (name): _____
and Letters shall issue upon qualification.

- b. (Name): _____ (Telephone): _____
(Address): _____

is appointed temporary conservator of the ESTATE of (name): _____
and Letters shall issue upon qualification.

8. a. Bond is not required.
- b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
- c. Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location): _____

and receipts shall be filed. No withdrawals shall be made without a court order. Additional orders in attachment 8c.

- d. The temporary conservator is not authorized to take possession of money or any other property without a specific court order.
9. The temporary conservator is authorized to change the residence of the conservatee to (address): _____
10. The temporary conservator is authorized to remove the conservatee from the State of California to the following address to permit the performance of nonpsychiatric medical treatment essential to the conservatee's physical survival (address): _____
11. The conservatee need not attend the hearing.
12. In addition to the powers granted by law, the temporary conservator is granted other powers. These powers are specified in attachment 12 below (specify): _____

13. Other orders as specified in attachment 13 are granted.
14. Unless modified by further order of the court, this order expires on (date): _____
15. Number of boxes checked in items 7-14: _____
16. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP
OF (name): MINOR CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
 Person Estate

FOR COURT USE ONLY

LETTERS

1. (Name):
is appointed temporary guardian conservator of the person
 estate of (name):

2. Other powers that have been granted or restrictions imposed on the temporary
 guardian conservator are specified in Attachment 2.
 specified below:

3. These Letters shall expire
a. on (date): or upon earlier issuance of Letters to a general guardian or conservator.
b. on other date (specify):

4. The temporary guardian conservator is not authorized to take possession of money or any other property
without a specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: _____
Clerk, by _____, Deputy

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name):	CASE NUMBER:
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter, or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe deposit box held by the financial institution. A single form may be filed for all affected accounts or safe deposit boxes held by the financial institution.

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of temporary guardian. conservator.

Executed on (date): _____, at (place): _____

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____, Deputy