

CONSERVATORSHIP QUESTIONNAIRE

INSTRUCTIONS: Please answer these questions fully and truthfully. You will eventually be swearing to your answers under penalty of perjury. For questions that require further explanation, a space for additional information is included on the last page of this questionnaire. Please reference the question numbers. If you have any questions, please feel free to call the office.

HELPFUL TERMINOLOGY:

The PROPOSED CONSERVATOR is the person who will petition the court to be appointed as the person (the conservator) responsible for managing the daily life and/or financial affairs of another adult (the conservatee).

The PROPOSED CONSERVATEE is an adult who is unable to care for himself or herself and/or manage his or her own financial affairs due to physical and/or mental limitations, for whom the court will determine whether a conservatorship is required.

A. INFORMATION ABOUT PROPOSED CONSERVATOR

1. Name: _____
2. Contact information
 - a. How do you prefer to be contacted? ☐ Home ☐ Work ☐ Cell ☐ E-mail
 - b. Home phone number: _____
May we leave a message? ☐ Yes ☐ No
 - c. Work phone number: _____
May we leave a message? ☐ Yes ☐ No
 - d. Cell phone number: _____
May we leave a message? ☐ Yes ☐ No
 - e. Email address: _____
3. Principal residence address: _____
4. Mailing address (if different): _____
5. Do you rent or own your current home? ☐ Rent ☐ Own ☐ Other: _____
6. Social security number: _____
7. Date of birth: _____
8. Driver's license number: _____
9. Driver's license state: ☐ California ☐ Other: _____
10. Relationship to proposed conservatee (include 'maternal' or 'paternal' designation, if applicable): _____
11. How long have you known the proposed conservatee? _____ years _____ months

Please answer "yes" or "no" to the following questions. For all "yes" answers, please provide an explanation on a separate page.

- | | | |
|---|------------------------------|-----------------------------|
| 12. Do you owe money or have a financial obligation to the proposed conservatee? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13. Does the proposed conservatee owe money or have a financial obligation to you? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14. Are you an agent for a creditor of the proposed conservatee? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 15. Have you filed for bankruptcy protection within the last 10 years? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 16. Have you ever been convicted of a felony or had a felony expunged from your record? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 17. Have you ever been charged with, arrested for, or convicted of embezzlement, theft, or any other crime involving the taking of property? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 18. Have you ever been charged with, arrested for, or convicted of a crime involving fraud, conspiracy, or misrepresentation of information? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 19. Have you ever been charged with, arrested for, or convicted of any form of elder abuse or neglect? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 20. Have you had a restraining order or protective order filed against you in the last 10 years? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 21. Are you required to register as a sex offender under California Penal Code section 290? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 22. Have you previously been appointed conservator, executor, or fiduciary in another proceeding? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 23. Have you been removed or resigned as a conservator, guardian, executor, or fiduciary in any other case? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 24. Do you, or might you, have any adverse interest that the court may consider to be a risk to, or to have an effect on, your ability to faithfully perform the duties of conservator? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 25. Do you, or does any person living in your home, have a social worker or parole or probation officer assigned to him or her? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

B. INFORMATION ABOUT PROPOSED CONSERVATEE

1. Name
 - a. Full legal name: _____
 - b. Also known as: _____
 - c. Former name(s): _____
2. Address of current location: _____
3. Address of residence, if different: _____
4. Phone number: _____ ☐ Home ☐ Cell ☐ Other: _____
5. Date of birth: _____
6. Social security number: _____

7. If the proposed conservatee is or has been married/in a registered domestic partnership (RDP), please complete the following, as applicable.

a. If currently married or RDP:

- i. Spouse/RDP name: _____
- ii. Spouse/RDP address: _____
- iii. Spouse/RDP phone number: _____
- iv. Has the current spouse/RDP filed, or does the current spouse/RDP intend to file, for legal separation, dissolution of marriage, annulment, adjudication of the marriage, or termination of RDP? ☐ Yes ☐ No

b. If previous spouse/RDP is deceased:

- i. Deceased spouse/RDP name: _____
- ii. Deceased spouse/RDP date of death: _____
- iii. Deceased spouse/RDP residence at time of death: _____

c. If previous marriage/RDP ended in divorce:

- i. Ex-spouse/RDP name: _____
- ii. Date of divorce or termination of RDP: _____

8. Does the proposed conservatee have any dependents? ☐ Yes ☐ No

a. If yes, list name(s) and relationship of dependent(s), as well as amount of money provided monthly for support:

Name	Relationship	Amount of Monthly Support

C. GENERAL INFORMATION ABOUT THE CONSERVATORSHIP

1. A temporary conservatorship can be established by court order if there is an urgent need to care for the proposed conservatee's health, well-being, and/or finances. Is there an urgent need to seek a temporary conservatorship for the proposed conservatee?

☐ Yes – If yes, please explain the urgency below. ☐ No

2. Is the proposed conservatee unable to properly provide for his or her personal needs for physical health, food, clothing, or shelter? ☐ Yes ☐ No

If yes, provide supporting facts, with specific examples from the proposed conservatee's daily life showing significant behavior patterns:

3. Is the proposed conservatee unable to manage his or her financial resources or resist fraud or undue influence? ☐ Yes ☐ No

If yes, provide supporting facts, with specific examples from the proposed conservatee's daily life showing significant behavior patterns:

4. Estimate the value of the property of the proposed conservatee's estate:

- a. Estimated value of personal property: _____
- b. Estimated value of real property: _____
- c. Annual gross income from:
 - i. Real property: _____
 - ii. Personal property: _____
 - iii. Pensions: _____
 - iv. Wages: _____
 - v. Public assistance benefits: _____
 - vi. Other: _____

5. Is the proposed conservatee's income sufficient to support the proposed conservatee's living expenses (e.g., rent/mortgage, medical costs, clothing, food, etc.)? ☐ Yes ☐ No

If no, how will the difference be covered? Will someone provide financial assistance to the proposed conservatee? Are there assets that may be sold? Please explain.

6. The following powers listed below are not normally granted to a conservator without a special request and a showing of need. If you feel that any of the powers listed below are needed for the proposed conservatee, please *check the box* next to the power and *provide an explanation* on a separate page. (*Prob. Code §2590*)

- ☐ The power to operate, for a period longer than 45 days, at the risk of the estate, a business, farm, or enterprise constituting an asset of the estate.
- ☐ The power to grant and take options.
- ☐ The power to sell at public or private sale real or personal property of the estate without confirmation of the court of the sale, other than the personal residence of a conservatee.
- ☐ The power to sell at public or private sale the personal residence of the conservatee without confirmation of the court of the sale.
- ☐ The power to create by grant or otherwise, easements and servitudes.
- ☐ The power to borrow money.
- ☐ The power to give security for the repayment of a loan.
- ☐ The power to purchase real or personal property.
- ☐ The power to alter, improve, raze, replace, and rebuild property of the estate.
- ☐ The power to let or lease property of the estate, or extend, renew, or modify a lease of real property, 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.
- ☐ The power to lend money on adequate security.
- ☐ The power to exchange property of the estate.
- ☐ The power to sell property of the estate on credit if any unpaid portion of the selling price is adequately secured.
- ☐ The power to commence and maintain an action for partition.
- ☐ The power to exercise stock rights and stock options.
- ☐ 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.
- ☐ The power to pay, collect, compromise, or otherwise adjust claims, debts, or demands upon the conservatorship, or to arbitrate any dispute relating to the estate between the conservator and a third person.

7. Do you feel the proposed conservatee is able to give informed consent to any form of medical treatment? (*Prob. Code §2355*) ☐ Yes ☐ No
8. Is the proposed conservatee an adherent of a religion that relies on prayer alone for healing?
☐ Yes – If yes, please explain on a separate page. ☐ No
9. Does the proposed conservatee suffer from any major neurocognitive disorder (such as dementia) such that he or she needs to be confined in a locked or secure facility and/or given psychotropic medications for the treatment of said disorder?
☐ Yes – If yes, please explain on a separate page. ☐ No
10. Is the proposed conservatee currently living in his/her residence? ☐ Yes ☐ No
- a. If yes, please choose from the following:
- ☐ Proposed conservatee will continue to live in his/her residence unless circumstances change.
- ☐ Proposed conservatee will need to be moved after a conservator is appointed. Please provide an explanation on a separate page.
- ☐ Other. Please provide an explanation on a separate page.
- b. If no, please choose from the following:
- ☐ Proposed conservatee will return to his/her residence by (date): _____. Please provide an explanation on a separate page.
- ☐ Proposed conservatee will not return to live at his/her residence. Please provide an explanation on a separate page.
- ☐ Other. Please provide an explanation on a separate page.
11. Is the proposed conservatee a patient in or on leave from a state institution under the jurisdiction of the State Department of Mental Health or the State Department of Developments Services? ☐ Yes ☐ No
- If yes, specify the state institution: _____
12. Is the proposed conservatee receiving or entitled to receive benefits from the U.S. Department of Veterans Administration? ☐ Yes ☐ No
- If yes, provide the claim number, address of the office handling the claim, and amount of monthly benefit: _____
13. Is the proposed conservatee a member of a federally recognized Indian tribe? ☐ Yes ☐ No
- If yes, provide the name and location of tribe: _____
14. Is the proposed conservatee developmentally disabled? ☐ Yes ☐ No
- If yes, provide the name and address of the regional center working with the proposed conservatee: _____
- _____
15. Is the proposed conservatee of sufficient mental capacity to consent to the proposed conservatorship? ☐ Yes ☐ No

- a. If the proposed conservatee is *able* to consent, do you believe he or she *will* consent?
☐ Yes ☐ No
- b. If the proposed conservatee does consent, do you believe he or she will sign a form nominating you to be his or her conservator? ☐ Yes ☐ No
- c. If the proposed conservatee does nominate you, do you believe he or she will waive the bond requirement? (The conservatorship bond is a type of court bond that protects the conservatee against theft, fraud, misrepresentation, or improper handling of assets by the conservator.) ☐ Yes ☐ No
16. Do you believe the proposed conservatee will contest the conservatorship? ☐ Yes ☐ No
17. Do you know of any other person who might contest the conservatorship? ☐ Yes ☐ No
If yes, provide the name, address, and phone number of the person:

18. Are you aware of anyone else who may have been previously nominated as conservator of the proposed conservatee in any document? ☐ Yes ☐ No
If yes, provide the name, address, and phone number of the nominee:

19. As far as you know, has a conservatorship or equivalent proceeding concerning the proposed conservatee been filed in another jurisdiction? ☐ Yes ☐ No
If yes, provide the jurisdiction and the date the case was filed: _____
20. Do you believe the proposed conservatee will be unable to attend the hearing due to medical inability?
☐ Yes, I believe the proposed conservatee will be *unable* to attend due to medical inability.
☐ No, I believe the proposed conservatee will be *able* to attend.
a. If the proposed conservatee is *able* to attend the hearing, do you believe he or she *will* attend the hearing? ☐ Yes ☐ No
21. Is the proposed conservatee willing and able to accept informal or formal assistance with his or her health, well-being, and/or finances as an alternative to conservatorship? ☐ Yes ☐ No
22. Does the proposed conservatee have any of the following documents in place?
a. Power of attorney? ☐ Yes – If yes, please provide a copy. ☐ No
b. Advance health care directive? ☐ Yes – If yes, please provide a copy. ☐ No
c. Trust? ☐ Yes – If yes, please provide a copy. ☐ No

23. Has the proposed conservatee received any of the following services in the last 12 months?

a. Health services? ☐ Yes ☐ No ☐ Unknown

Please explain:

b. Social services? ☐ Yes ☐ No ☐ Unknown

Please explain:

c. Estate management assistance? ☐ Yes ☐ No ☐ Unknown

Please explain:

24. Are there any other court cases in which either the proposed conservatee or the proposed conservator are involved? ☐ Yes ☐ No

If yes, provide the case number, type of case, and the court in which the case is being handled:

25. List all relatives of the proposed conservatee within the second degree of kinship (i.e., parents, grandparents, siblings, children, and grandchildren). If the relative is deceased, please check the box beneath the name and leave the age, address, and phone number sections blank.

If there are **no** relatives within the second degree of kinship, you must instead list the spouse/RDP of a predeceased parent, children of a predeceased spouse/RDP, siblings of the proposed conservatee's parents (or, if there are none, children of the siblings of the proposed conservatee's parents), and children of the proposed conservatee's siblings.

Name	Relationship to Proposed Conservatee	Age	Address	Phone Number
<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased				
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<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased				
<input type="checkbox"/> Deceased?				

D. CONSERVATEE'S ASSETS

Please provide a list of all assets owned by the proposed conservatee. Include account numbers, estimated values, and/or other pertinent information where appropriate. Examples of common assets include real estate, bank accounts, safe deposits boxes, securities, IRA/pension/retirement account, life insurance policies, business interests, vehicles, etc.

E. CONSERVATEE'S DEBTS

Please list all known debts owed by the proposed conservatee. Include the creditor's name, account number, estimated balance owed, and other pertinent information where appropriate. Examples of common debts include credit card balances, auto loans, home loans, medical bills, etc.

F. ADDITIONAL INFORMATION

Please provide any additional information in the space below.



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ATTACHMENT TO CONSERVATORSHIP QUESTIONNAIRE
(LIMITED CONSERVATORSHIP)

Name of proposed conservator: _____

Name of proposed conservatee: _____

I, the proposed conservator, request that the Court limit the following civil and legal rights of the proposed conservatee:

- a. ☐ the right to choose a residence or specific dwelling
- b. ☐ the right to sole access to his/her confidential records and papers
- c. ☐ the right to consent or withhold consent to marriage or enter into a registered domestic partnership
- d. ☐ the right to contract
- e. ☐ the right to consent or withhold consent to medical treatment
- f. ☐ the right to control his/her own social and sexual contacts and relationships
- g. ☐ the right to make decisions concerning his/her education