

2023 Conservatorship Boot Camp

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Goals

Define
Conservatorship

Understand the role of
a Court Investigator

Understand the
requirements of
Probate Code Section
1826.

Understand the
requirements of
Probate Code Section
1851.

Understand the
requirements of
Probate Code Sections
2002 and 1851.1.

Best Practices

Conservatorship Basics



What is a
Conservatorship?



Why are
Court
Investigators
important?



Conservatorship Authorities or Powers

Authorities or Powers Automatic with Conservatorship

- ❖ Person (General)
 - ❖ Probate Code Section 2351
- ❖ Person (Limited)
 - ❖ Probate Code Section 2351.5
- ❖ Estate
 - ❖ Probate Code Section 1872
 - ❖ Probate Code Sections 2451-2453, 2457, 2459, 2461, 2462, 2465, and 2466

Additional Authorities and Powers that can be Requested

❖ Medical

- ❖ Probate Code Section 1880
- ❖ Probate Code Section 2354
- ❖ Probate Code Section 1952

❖ Marriage

- ❖ Probate Code Section 1901

❖ Limited Conservatorship

- ❖ Probate Code Section 2351.5(b)

❖ Out of State Residence

- ❖ Probate Code Section 2352(c)

❖ Major Neurocognitive Disorder

❖ Probate Code Section 2356.5

❖ Estate

- ❖ Probate Code Section 2591

Probate Code Section 1826

Probate Code Section 1826-Interviews

CONSERVATEE

PETITIONERS AND PROPOSED CONSERVATORS

SPOUSE, REGISTERED DOMESTIC PARTNER, RELATIVES IN THE
FIRST DEGREE

RELATIVES IN THE SECOND DEGREE, NEIGHBORS, CLOSE
FRIENDS



Probate Code Section 1826- Determinations



ATTEND COURT

CAPACITY (Probate Code Section 811)

LEAST RESTRICTIVE

VOTING (Elections Code Section 2208)

LEGAL REPRESENTATION



Questions?

Probate Code Section 1851- Conservatorship Reviews

Probate Code Section 1851-Interviews

- ❖ CONSERVATEE
- ❖ CONSERVATOR(S)
- ❖ SPOUSE, REGISTERED DOMESTIC PARTNER, RELATIVES IN THE FIRST DEGREE
- ❖ RELATIVES IN THE SECOND DEGREE, NEIGHBORS, CLOSE FRIENDS

Court Investigator Determinations

- ❖ Is the conservator acting in the best interest of the conservatee?
- ❖ Does the conservatee still meet the criteria for appointment of a conservator?
- ❖ Is a conservatorship still the least restrictive alternative?
- ❖ Is the conservator acting in the conservatee's best interests?
- ❖ Are the current orders still appropriate?
- ❖ Voting
- ❖ Limited Conservatorships

Other Interviews or Records Reviewed

- ❖ CARGIVERS
- ❖ DAY PROGRAM STAFF
- ❖ RELATIVES
- ❖ MEDICAL PERSONNEL
- ❖ MEDICAL RECORDS
- ❖ CLETS
- ❖ APS
- ❖ FINANCIAL INFORMATION
- ❖ CARE FACILITY LICENSE STATUS
- ❖ PROFESSIONAL FIDUCIARY LICENSE STATUS
- ❖ REGIONAL CENTER

Probate Code Sections 2002 and 1851.1-Conservatorship Transfers

Probate Code Section 2002

- ❖ Court Investigator assigned when a petition to transfer the conservatorship to another state has been filed.
- ❖ The Court Investigator assists the Court with determining the following
 - ❖ Is the transfer contrary to the conservatee's best interests?
 - ❖ Is the conservator ineligible to be appointed in the receiving state?
 - ❖ If the conservator is ineligible for appointment in the transferring state, is there an eligible successor available and willing to serve?

Probate Code Section 1851.1- Requirements

- ❖ Everything under 1851 PLUS

- ❖ Interview

- ❖ Conservator
 - ❖ Conservatee's Spouse or Domestic Partner

- ❖ Inform

- ❖ Termination
 - ❖ Right to attend hearing
 - ❖ Right to legal counsel

- ❖ Determinations

- ❖ Attend hearing
 - ❖ Legal representation
 - ❖ Conservatee's Capacity (Probate Code Section 811)
 - ❖ Alternatives to Conservatorship

What are some best practices from your county?



Questions?



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