Rule 611.03 Appointment of General Conservator

All petitions for appointment of a conservator must state whether there is presently a conservator appointed under the Lanterman-Petris-Short (LPS) Act (Welf. & Inst. Code, § 5000 et seq.). If an LPS conservatorship exists, notice must be given to the LPS conservator and counsel representing the LPS conservatee.

The petitioner shall file in the proceedings a completed *Everyday Activities Attachment to Confidential Capacity Assessment and Declaration—Probate Conservatorship* on Judicial Council Form GC-335A attached to the Confidential Capacity Assessment and Declaration—Probate Conservatorship on Judicial Council Form GC-335.

When the proposed conservatee is, or was, the subject of a guardianship, the petition must include the case number of the prior guardianship, the name of the prior guardian(s), and the names of the attorneys for the prior guardian(s) or ward.

At the time of filing of a petition for conservatorship, the petitioner must advise the court if the proposed conservatee is the settlor of a pre-existing trust, or is a beneficiary of any trust. If so, the petitioner must inform the court of the estimated value of the assets of the trust, if known.

When the petitioner, or the proposed conservator, also serves as the trustee of a trust in which the conservatee has a beneficial interest, the existence of the trust, and the petitioner or proposed conservatee's status and interest in the trust, must be disclosed in the petition.

This information must be provided to the court using local form L-935, *Declaration of Petitioner Regarding Assets of Proposed Conservatee*, which must be filed concurrently with the petition for appointment of conservator.

In any case in which the petitioner requests dismissal of a petition for the appointment of a conservator or successor conservator or to have a petition placed off calendar, a declaration by the petitioner in support of the request must be filed with the court stating:

A. The change in circumstances since the filing of the petition that has eliminated the need for a conservatorship;

B. Any transfers of the proposed conservatee's property since the filing of the petition (including, but not limited to, purchases, sales, gifts and declarations of trust), or, in the alternative, a statement that no single such transaction regarding the proposed conservatee's property exceeded $500.00, and the aggregate of such transactions during the period did not exceed $3,000.00; and

C. Any assets marshaled by the temporary conservator, and any transfers of conservatorship assets (including, but not limited to, purchases, sales, gifts and declarations of trust) by the temporary conservator.

(Revised effective July 1, 2025; revised effective July 1, 2024; revised effective July 1, 2020; revised effective July 1, 2009; adopted effective July 1, 1992.)