Rule 611.06 Capacity to Give Informed Consent for Medical Treatment

If a separate petition is filed concerning the capacity of a conservatee to consent to medical treatment pursuant to Probate Code sections 1880 et seq., the petition shall contain a statement that there is on file a current Notification to Court of Address form, or the petitioner shall file a current Notification to Court of Address form concurrently with the petition.

If a conservatee regains sufficient capacity to give informed consent to any form of medical treatment, the conservator shall promptly petition, pursuant to Probate Code section 1891, to revoke any previous order granting the conservator exclusive authority to consent to medical treatment on behalf of the conservatee.

When the court grants the conservator the exclusive authority to consent to medical treatment on behalf of the conservatee, such authority is subject to the following reservation and condition:

The conservator may not consent to the sterilization of the conservatee. [Such authority must be specifically sought under Section 1952 (developmentally disabled conservatees) or Section 2357 (all other conservatees) of the Probate Code. For required allegations, proof, and findings counsel are advised to consult *In re Valerie N. (1985) 40 Cal.3d 143, 166-169*.]

All orders granting exclusive medical consent authority to a conservator and letters of conservatorship issued thereon shall contain the following condition:

The conservator may not consent to the sterilization of the ~~Conservatee~~conservatee.

If a petition requests that the court grant the conservator the authority to make health care decisions for the conservatee and grant to the conservator the powers specified in Probate Code section 2355 (general conservatorships) the petitioner shall file in the proceedings a completed *Confidential Capacity Assessment and Declaration—Probate Conservatorship* ~~Capacity Declaration~~ on Judicial Council Form GC-335 ~~to which shall be attached a completed Local Form L-3010 Attachment to Form GC-335. Sections 1 through 5 of the Capacity Declaration on Judicial Council Form GC-335~~ and *Confidential Declaration re: Medical Ability to Attend Hearing* on Judicial Council Form GC-325.~~shall be completed and filled out. In lieu of completing and filling out sections 6 through 7 on Form GC-335, the phrase 'See Attached Superior Court of California, Orange County, Local Form L-3010' shall be inserted in a blank space near the top of page 2 of Form GC-335 and the completed Local Form L-3010 (which local form includes the information requested in sections 6 through 7 of Form GC-335 as well as additional information to assist the court in considering the requested powers) shall be attached to Form GC-335 and filed as one complete document.~~

If a petition requests that the court grant the conservator the authority to make health care decisions for the conservatee and grant to the conservator the powers specified in Probate Code section 2351.5(b)(5) (limited conservatorships), the petitioner shall file in the proceedings a completed *Confidential Capacity Assessment and Declaration—Probate Conservatorship* ~~Capacity Declaration~~ on Judicial Council Form GC-335 ~~to which shall be attached a completed Local Form L-3010 Attachment to Form GC-335 in the same manner as set forth above in connection with a request for authority to make health care decisions in a general conservatorship~~. However, if the Regional Center files a report in the limited conservatorship proceedings in connection with such

petition, then no *Confidential Capacity Assessment and Declaration—Probate Conservatorship* on Judicial Council Form GC-335 ~~or attachment to same~~ is necessary.

(Revised effective July 1, 2025; r~~R~~evised effective January 1, 2022; revised effective July 1, 2008; Adopted effective July 1, 1992)