

INVITATION TO COMMENT

Title	Changes in Conservatorship and Guardianship Forms to Reflect 2008 Legislation and the Professional Fiduciaries Act (revise forms GC-310, GC-314, and GC-212).
Summary	The proposed revision of the <i>Petition for Appointment of Probate Conservator</i> (form GC-310) would add allegations required to be included in the petition by 2008 legislation under certain circumstances, including license information under the new Professional Fiduciaries Act for professional fiduciaries petitioning for the appointment of a conservator. The confidential screening forms for proposed conservators and guardians (forms GC-314 and GC-212), would also be revised to delete obsolete requests for information and replace them with requests for information relevant under the Professional Fiduciaries Act.
Source	Probate and Mental Health Advisory Committee Hon. Marjorie Laird Carter, Chair
Staff	Douglas C. Miller (415) 865-7535 douglas.miller@jud.ca.gov
Discussion	<i>Assembly Bill 1340</i> Probate Code section 1821(c), as amended by 2008 legislation effective January 1, 2009, ¹ requires the petition for appointment of a conservator filed by a professional fiduciary to (1) state his or her license information, (2) disclose who engaged the petitioner to file the petition and how that was done, and (3) explain any prior relationship between the petitioner and the proposed conservatee or his or her family or friends. The legislation also amends section 1821(d) to require a petition filed by anyone other than the proposed conservatee to include declarations showing (1) due diligence to find the proposed conservatee's relatives or why it was not feasible to contact any of them, and (2) the preferences of the proposed conservatee concerning the appointment or why it was not feasible to ascertain those preferences. ²

¹ Stats. 2008, ch.293 (Assem. Bill 1340), § 1.

² These provisions mirror identical requirements for the petition for appointment of a temporary conservator added in 2007 (Probate Code sections 2250(c) and (d), as amended by Stats. 2007, ch. 553 (Assem. Bill 1727), § 12).

Professional Fiduciaries Act

In 2006, the Legislature enacted, and Governor Schwarzenegger signed, the Omnibus Conservatorship and Guardianship Reform Act of 2006, a comprehensive revision of the law applicable to these proceedings.³ A major component of that law is the Professional Fiduciaries Act (S.B. 1550, commencing at Bus. & Prof. Code, § 6500). This law established the Professional Fiduciaries Bureau in the Department of Consumer Affairs. The Bureau is responsible for licensing professional fiduciaries, defined in Business and Professions Code section 6501(f) to include certain conservators and guardians.

The Professional Fiduciaries Act replaced local filing and statewide registration requirements for private professional conservators and guardians in former Probate Code sections 2340–2345 and 2850–2855. These provisions were made inoperative effective July 1, 2008 and will be repealed effective January 1, 2009.⁴ Consequently, three Judicial Council forms must be revised.

Form GC-310

The *Petition for Appointment of Probate Conservator* (form GC-310) would be revised as described below.

1. Current items 3b and 3d, containing allegations about the petitioner, would be combined into a single item 3b.⁵
2. Item 3b(12) would be added and item 3c(7) would be revised to inquire into a professional fiduciary's license status under the Professional Fiduciaries Act.⁶

These requirements led to the revision of the temporary conservatorship petition (form GC-111), effective July 1, 2008. See items 7 and 8 of that form on pages 2 and 3. Amended section 1821(c) exempts a general conservatorship petition from the disclosure requirements concerning professional fiduciaries if a temporary conservatorship petition is filed with it. However, no exemption is provided for a general conservatorship petition concerning the due diligence or conservatee-preference allegations even though a temporary conservatorship petition is filed with it containing the same allegations.

³ Stats 2006, ch. 490–493 (respectively, Sen. Bills 1116, 1550, and 1716; and Assem. Bill 1363).

⁴ Probate Code sections 2345 and 2856 (Stats. 2006, ch. 491 (S.B. 1550), §§ 6, 7).

⁵ Item 3b of the current form asks if the petitioner is a creditor or debtor of the proposed conservatee. (See Prob. Code, § 1820(c).) Item 3d of the current form requests all other personal and status information about the petitioner.

⁶ The *petitioner's* status as a licensee is important because of the requirement in amended section 1821 that the petitioner's license status must be alleged in the petition. A professional fiduciary who must be licensed under the Professional Fiduciaries Act may not be appointed as a conservator if he or she is not licensed (Prob. Code, § 2340, as amended by AB 1340, § 6). A professional fiduciary's status as a petitioner is not relevant under section 2340;

All allegations about the proposed conservator, whether or not he or she is also a petitioner, remain in item 3c.

Revised item 3c(7) replaces the inquiry into a proposed conservator's status as a private professional conservator under former law with questions about a proposed conservator who is a professional fiduciary as defined in the Professional Fiduciaries Act. Two options are provided. The first option is a statement that the proposed conservator is licensed under the Act, followed by a request for the relevant license information. The second option is a statement that the fiduciary is not licensed and refers to an explanation provided in the proposed conservator's confidential screening form (form GC-314).

The second option stems from an unusual provision of the Professional Fiduciaries Act that includes certain persons within the definition of a professional fiduciary but exempts them from the license requirements of the Act.⁷ Business and Professions Code section 6530(a) provides that no one may act as a professional fiduciary unless licensed under the Act.⁸ However, sections 6530(b), (c), and (d) exempt persons in three professions from the license requirement although they are professional fiduciaries as defined in section 6501(f). The three exempt professions are attorneys, Certified Public Accountants (CPAs), and enrolled agents.

The license exemptions for CPAs and enrolled agents, however, are limited. Professionals in these fields may act as professional fiduciaries without a license under the Act after January 1, 2009, including as conservators or guardians for two or more unrelated persons, only to the extent that their actions as fiduciaries are within the scope of their professions as CPAs or enrolled agents.

If the proposed conservator is a professional fiduciary but is not

his or her status as a *proposed conservator*, on his or her own petition or on the petition of another, is relevant. For this reason, the license information concerning a professional fiduciary is requested only once in the revised form, in item 3c(7), concerning proposed conservators, rather than in item 3b(12), concerning petitioners.

⁷ There are also certain persons and entities that are excluded from the Act's definition of a professional fiduciary in section 6501(f). These are banks and trust companies and their employees, public officers and agencies, and certain broker-dealers and related securities professionals.

⁸ See also, Probate Code section 2340, as amended by AB 1340, § 6. As of January 1, 2009, a person who is a professional fiduciary within the meaning of Business and Professions Code section 6501(f) and is not exempt from licensure under section 6530 may not be appointed as a conservator or guardian or *permitted to continue to act in that capacity* if he or she is not licensed.

licensed under the Act, this would be indicated in item 3c(7). In addition, an explanation for the lack of a license would be required in the conservator's *Confidential Conservator's Screening Form* (form GC-314). The critical issue concerning the licensure exemption claim of a CPA and an enrolled agent under the Professional Fiduciaries Act will be whether actions that must or may be taken by a conservator or a guardian are within the scope of the practices of these professions.

The advisory committee considered another version of form GC-310 that would expressly identify the exemptions under sections 6530(b), (c), and (d) and directly inquire about them. The committee decided instead to place this inquiry in the confidential screening forms for both conservators and guardians, forms GC-314 and GC-212. The committee desires comments on whether the conservatorship petition should expressly refer to the exemptions under section 6530(b), (c), and (d) and require unlicensed professional fiduciaries claiming the exemptions to demonstrate their applicability in the petition.

Current item 3c(8) of form GC-310, concerning the Statewide Registry, has also been deleted because the registry provisions have been replaced by the Professional Fiduciaries Act. Current item 3c(9), the "other" category, is renumbered as item 3c(8).

3. The pleading title caption box at the top of page 1 of the form would call for the license number of a proposed conservator who is a licensed professional fiduciary.

This change is not required by the recent legislation, but is proposed for the convenience of persons interested in the case, judicial officers, and court staff.

4. The additional statements concerning arrangements made for the professional fiduciary to petition and the prior relationship between the professional fiduciary and the proposed conservatee and his or her family, required by AB 1340, would be placed in revised item 3d or in an attachment to that item.

AB 1340 requires this additional information if the petitioner is licensed under the Professional Fiduciaries Act unless the information has been provided in an accompanying petition for appointment of a temporary conservator (see item 3d(2)). The new material is not required if the petitioner is a professional fiduciary who is exempt from licensure or if a professional fiduciary is a proposed conservator

but is not a petitioner.

5. Facts showing due diligence in finding the relatives of the proposed conservatee and the proposed conservatee's preferences concerning the appointment, required unless the proposed conservatee is a petitioner, would be stated in an attachment to revised item 3f.
6. Item 3b(3), which identifies the proposed conservatee as a petitioner, would be modified by an instruction to complete revised item 3f if item 3b(3) is not selected.
7. Items 3b(5) and (6) and 3c(2) and (3) would be revised to instruct that if the spouse or a current or former registered domestic partner of the proposed conservatee is a petitioner or the proposed conservator, item 6 or 7 of the form must also be answered. These items inquire about facts concerning these relationships that affect the standing of a spouse or domestic partner to petition or be appointed as a conservator. (See Prob. Code, §§ 1813 and 1813.1.)
8. A seventh page would be added to the form to accommodate the changes. This addition also enables additional space to be devoted to the list of the proposed conservatee's relatives in item 11 of the form.

Forms GC-314 and GC-212

The confidential screening forms for conservators and guardians contain two questions about a proposed appointee's status as a private professional conservator or private professional guardian under former law.⁹ These questions would be revised in both forms to ask if the proposed conservator or guardian is (1) a professional fiduciary within the meaning of Business and Professions Code section 6501(f); (2) licensed under the Professional Fiduciaries Act; and if so (3) his or her license number and its issuance or latest renewal date.

If the proposed conservator or guardian is identified as an unlicensed professional fiduciary because he or she claims an exemption under Business and Professions Code section 6530, an instruction directs him or her to show facts that support the exemption in an attachment to the second of the two items on this topic in each form.

⁹ Items 17 and 18 in form GC-314 (conservators), and items 16 and 17 in form GC-212 (guardians).

Although license information for a professional fiduciary is not currently required by statute to be shown in a guardianship petition, the advisory committee seeks comments on whether one or both of the current form guardianship petitions, forms GC-210 and GC-210(P), or the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)), should also be revised to inquire into a proposed guardian’s status as a professional fiduciary and his or her license status. These forms do not currently ask about a petitioner’s or proposed guardian’s status as a private professional guardian under former law; although, as noted above, the guardian’s confidential screening form does so.

The committee understands that there were few private professional guardians under the former law, but expects that there may be more professional fiduciaries under the new law who become guardians.¹⁰

Attachments

¹⁰ Business and Professions Code section 6501(f) could be interpreted to define a professional fiduciary to include a person appointed as a conservator in one matter and as a guardian in one matter. (Former law required two appointments as a conservator or two appointments as a guardian.) Moreover, also unlike former law, a fiduciary may become a professional subject to the new law on his or her second appointment although the second appointment is in a different county than the first, and appointments as a guardian of the person only are not exempt. These facts indicate that there may be more appointments of professional fiduciaries as guardians under the new law than there were appointments of private professional guardians under the old law.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 4 November 20, 2008 Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (Name): _____ (PROPOSED) CONSERVATEE	
PETITION FOR APPOINTMENT OF <input type="checkbox"/> SUCCESSOR PROBATE CONSERVATOR OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship <input type="checkbox"/> Proposed (successor) conservator is a licensed professional fiduciary, license no.: _____	CASE NUMBER: HEARING DATE AND TIME: _____ DEPT.: _____

1. **Petitioner (name):** _____ **requests that** _____
 a. (Name): _____ (Telephone): _____
 (Address): _____

be appointed successor conservator limited conservator
 of the PERSON of the (proposed) conservatee and Letters issue upon qualification.
 b. (Name): _____ (Telephone): _____
 (Address): _____

be appointed successor conservator limited conservator
 of the ESTATE of the (proposed) conservatee and Letters issue upon qualification.
 c. (1) bond not be required because the proposed successor conservator is a corporate fiduciary
 or an exempt government agency. for the reasons stated in Attachment 1c.
 (2) bond be fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided
 by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Probate Code
 section 2320.)
 (3) \$ _____ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and
 location): _____

 d. orders authorizing independent exercise of powers under Probate Code section 2590 be granted.
 Granting the proposed successor conservator of the estate powers to be exercised independently under
 Probate Code section 2590 would be to the advantage and benefit and in the best interest of the conservatorship
 estate. (Specify orders, powers, and reasons in Attachment 1d.)
 e. orders relating to the capacity of the (proposed) conservatee under Probate Code section 1873 or 1901 be granted.
 (Specify orders, facts, and reasons in Attachment 1e.)
 f. orders relating to the powers and duties of the proposed successor conservator of the person under
 Probate Code sections 2351–2358 be granted. (Specify orders, facts, and reasons in Attachment 1f.)
 g. the (proposed) conservatee be adjudged to lack the capacity to give informed consent for medical treatment or
 healing by prayer and that the proposed successor conservator of the person be granted the powers
 specified in Probate Code section 2355. (Complete item 9 on page 5.)

Do NOT use this form for a temporary conservatorship. Page 1 of 7

CONSERVATORSHIP OF (Name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
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1. h. (for limited conservatorship only) orders relating to the powers and duties of the proposed successor * limited conservator of the person under Probate Code section 2351.5 be granted. (Specify orders, powers, and duties in Attachment 1h and complete item 1j.)
- i. (for limited conservatorship only) orders relating to the powers and duties of the proposed successor * limited conservator of the estate under Probate Code section 1830(b) be granted. (Specify orders, powers, and duties in Attachment 1i and complete item 1j.)
- j. (for limited conservatorship only) orders limiting the civil and legal rights of the (proposed) limited conservatee be granted. (Specify limitations in Attachment 1j.)
- k. orders related to dementia placement or treatment as specified in the Attachment Requesting Special Orders Regarding Dementia (form GC-313) under Probate Code section 2356.5 be granted. A Capacity Declaration—Conservatorship (form GC-335) and Dementia Attachment to Capacity Declaration—Conservatorship (form GC-335A), executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure with at least two years experience diagnosing dementia, are filed herewith. will be filed before the hearing. (appointment of successor conservator only) will not be filed because an order relating to dementia placement or treatment was filed on (date): _____ . That order has neither expired by its terms nor been revoked.
- l. other orders be granted. (Specify in Attachment 1l.)

2. **(Proposed) conservatee** is (name): _____ (Telephone): _____
 (Present address): _____

3. a. **Jurisdictional facts** (initial appointment only): The proposed conservatee has no conservator in California and is a
- (1) resident of California and
- (a) a resident of this county.
- (b) not a resident of this county, but commencement of the conservatorship in this county is in the best interests of the proposed conservatee for the reasons specified in Attachment 3a. specified below.
- (2) nonresident of California but
- (a) is temporarily living in this county, or
- (b) has property in this county, or
- (c) commencement of the conservatorship in this county is in the best interest of the proposed conservatee for the reasons specified in Attachment 3a. specified below.

b. **Petitioner** (answer items (1) and (2) and check all other items that apply:)

- (1) is is not a **creditor** or an agent of a creditor of the (proposed) conservatee.
- (2) is is not a **debtor** or an agent of a debtor of the (proposed) conservatee.
- (3) is the proposed successor conservator.
- (4) is the (proposed) conservatee. (If this item is **not** checked, you must also complete item 3f.)
- (5) is the spouse of the (proposed) conservatee. (You must also complete item 6.)
- (6) is the domestic partner or former domestic partner of the (proposed) conservatee. (You must also complete item 7.)
- (7) is a relative of the (proposed) conservatee as (specify relationship): _____
- (8) is an interested person or friend of the (proposed) conservatee.
- (9) is a state or local public entity, officer, or employee.
- (10) is the guardian of the proposed conservatee.
- (11) is a bank other entity authorized to conduct the business of a trust company.
- (12) is a professional fiduciary within the meaning of Business and Professions Code section 6501(f) who is licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs under the Professional Fiduciaries Act. Petitioner's license number is provided in item 3c(7)(a). (You must also complete item 3d.)

* See Item 5b on page 4.

CONSERVATORSHIP OF (Name): 	CASE NUMBER:
CONSERVATEE	

3. c. **Proposed** **successor conservator** is (check all that apply):
- (1) a nominee. (Affix nomination as Attachment 3c(1).)
 - (2) the spouse of the (proposed) conservatee. (You must also complete item 6.)
 - (3) the domestic partner or former domestic partner of the (proposed) conservatee. (You must also complete item 7.)
 - (4) a relative of the (proposed) conservatee as (specify relationship):
 - (5) a bank other entity authorized to conduct the business of a trust company.
 - (6) a nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
 - (7) a professional fiduciary, as defined in Business and Professions Code section 6501(f), who is licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs, license no.: _____, issued or last renewed on (specify later date of issuance or last renewal): _____ . not licensed by the Professional Fiduciaries Bureau for the reason or reasons given in item 18 of the proposed conservator's Confidential Conservator Screening Form (form GC-314), filed with this petition.
 - (8) other (specify):

- d. **Engagement and prior relationship with petitioning professional fiduciary** (complete this item if petitioner is licensed by the Professional Fiduciaries Bureau.)
- (1) Statements of who engaged petitioner, how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) conservatee or his or her family and friends, are provided on Attachment 3d.
 - (2) A petition for appointment of a temporary conservator is filed with this petition. That petition contains statements of who engaged petitioner, how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) conservatee or his or her family and friends.

- e. **Character and estimated value of the property of the estate** (complete items (1) or (2) and (3), (4), and (5)):
- (1) (For appointment of successor conservator only, if complete Inventory and Appraisal filed by predecessor):
 Personal property: \$ _____, per Inventory and Appraisal filed in this proceeding on (specify dates of filing of all inventories and appraisals): _____
 - (2) Estimated value of personal property: \$ _____
 - (3) Annual gross income from
 - (a) real property: \$ _____
 - (b) personal property: \$ _____
 - (c) pensions: \$ _____
 - (d) wages: \$ _____
 - (e) public assistance benefits: \$ _____
 - (f) other: \$ _____
 - (4) **Total** of (1) or (2) and (3): \$ _____
 - (5) Real property: \$ _____
 - (a) per Inventory and Appraisal identified in item (1).
 - (b) estimated value.

- f. **Due diligence** (complete this item if the (proposed) conservatee is not a petitioner):
- (1) Efforts to find the (proposed) conservatee's relatives or reasons why it is not feasible to contact any of them are described on Attachment 3f(1).
 - (2) Statements of the (proposed) conservatee's preferences concerning the appointment of any (successor) conservator and the appointment of the proposed (successor) conservator or reasons why it is not feasible to ascertain those preferences are contained on Attachment 3f(2).

CONSERVATORSHIP OF (Name): _____ _____ _____	CASE NUMBER: _____ _____ _____
CONSERVATEE	

5. c. **(Proposed) conservatee** requires a conservator and is
- (2) substantially unable to manage his or her financial resources or to resist fraud or undue influence.
 Supporting facts are specified in Attachment 5c(2) as follows:
5. d. **(Proposed) conservatee** voluntarily requests the appointment of a successor conservator.
(Specify facts showing good cause in Attachment 5(d).)
- e. Confidential Supplemental Information (form GC-312) is filed with this petition. *(Initial appointment of conservator only. All petitioners must file this form except banks and other entities authorized to do business as a trust company.)*
- f. **(Proposed) conservatee** is is not developmentally disabled as defined in Probate Code section 1420. Petitioner is aware of the requirements of Probate Code section 1827.5. *(Specify the nature and degree of the alleged disability in Attachment 5f).*
6. **Petitioner or proposed** **successor conservator is the spouse of the (proposed) conservatee.**
(If this statement is true, you must answer a or b.)
- a. The (proposed) conservatee's spouse is not a party to any action or proceeding against the (proposed) conservatee for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.
- b. Although the (proposed) conservatee's spouse is a party to an action or proceeding against the (proposed) conservatee for legal separation, dissolution, annulment, or adjudication of nullity of their marriage, or has obtained a judgment in one of these proceedings, it is in the best interest of the (proposed) conservatee that:
- (1) a successor conservator be appointed.
- (2) the spouse be appointed as the successor conservator.
(If you checked item 6b(1) or (2) or both, specify the facts and reasons in Attachment 6b.)
7. **Petitioner or proposed** **successor conservator is the domestic partner or former domestic partner of the (proposed) conservatee.** *(If this statement is true, you must answer a or b.):*
- a. The domestic partner of the (proposed) conservatee has not terminated and does not intend to terminate the domestic partnership.
- b. Although the domestic partner or former domestic partner of the (proposed) conservatee intends to terminate or has terminated the domestic partnership, it is in the best interest of the (proposed) conservatee that:
- (1) a successor conservator be appointed.
- (2) the domestic partner or former domestic partner be appointed as the successor conservator.
(If you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY Draft 2 November 5, 2008 Not Approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF <i>(Name):</i> _____ PROPOSED CONSERVATEE	CASE NUMBER: _____
<p align="center">CONFIDENTIAL CONSERVATOR SCREENING FORM</p> Conservatorship of <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Limited Conservatorship	HEARING DATE AND TIME: _____ DEPT.: _____

The proposed conservator must complete and sign this form. The person requesting appointment of a conservator must submit the completed and signed form to the court with the conservatorship petition. This form must remain confidential.

How This Form Will Be Used

This form is **confidential** and will not be a part of the public file in this case. Each proposed conservator must complete and sign a separate copy of this form under rule 7.1050 of the California Rules of Court. The information provided in this form will be used by the court and by the persons and agencies designated by the court to assist the court in determining whether to appoint the proposed conservator as conservator. The proposed conservator **must** respond to each item.

1. a. **Proposed conservator (name):**
 b. Date of birth: _____
 c. Social security number: _____ d. Driver's license number: _____ State: _____
 e. Telephone numbers: Home: _____ Work: _____ Other: _____
2. a. I am related to the proposed conservatee as *(specify relationship):* _____
 b. I have personally known the proposed conservatee for: _____ years, _____ months.
3. I was _____ I was not _____ nominated as conservator of the _____ person _____ estate of the proposed conservatee, by _____ the proposed conservatee. _____ the spouse or registered domestic partner of the proposed conservatee. _____ a parent of the proposed conservatee. *(If you checked "I was," provide documentation in Attachment 3.)*
4. a. I am the spouse of the proposed conservatee. I have _____ I have not _____ filed for legal separation, dissolution of marriage, annulment, or adjudication of nullity of the marriage. *(If you checked "I have," explain in Attachment 4.)*
 b. I am not the spouse of the proposed conservatee.
5. a. I am the registered domestic partner of the proposed conservatee. I do not I do intend to terminate my domestic partnership with the proposed conservatee. *(If you checked "I do," explain in Attachment 5.)*
 b. I am a former domestic partner of the proposed conservatee. My domestic partnership with the proposed conservatee was terminated on *(date):* _____ . *(Explain circumstances in Attachment 5.)*
 c. I am neither a current nor former domestic partner of the proposed conservatee.
6. a. I do I do not owe money or have a financial obligation to the proposed conservatee. *(If you checked "I do," explain in Attachment 6.)*
 b. The proposed conservatee does does not owe money or have a financial obligation to me. *(If you checked "does," explain in Attachment 6.)*
 c. I am I am not an agent for a creditor of the proposed conservatee. *(If you checked "I am," explain in Attachment 6.)*

CONSERVATORSHIP OF <i>(Name)</i> :	CASE NUMBER:
PROPOSED CONSERVATEE	

7. I have I have not filed for bankruptcy protection within the last 10 years. *(If you checked "I have," explain in Attachment 7.)*
8. I have I have not been convicted of a felony or had a felony expunged from my record. *(If you checked "I have," explain in Attachment 8.)*
9. I have I have not been charged with, arrested for, or convicted of embezzlement, theft, or any other crime involving the taking of property. *(If you checked "I have," explain in Attachment 9.)*
10. I have I have not been charged with, arrested for, or convicted of a crime involving fraud, conspiracy, or misrepresentation of information. *(If you checked "I have," explain in Attachment 10.)*
11. I have I have not been charged with, arrested for, or convicted of any form of elder abuse or neglect. *(If you checked "I have," explain in Attachment 11.)*
12. I have I have not had a restraining order or protective order filed against me in the last 10 years. *(If you checked "I have," explain in Attachment 12.)*
13. I am I am not required to register as a sex offender under California Penal Code section 290. *(If you checked "I am," explain in Attachment 13.)*
14. I have I have not previously been appointed conservator, executor, or fiduciary in another proceeding. *(If you checked "I have," explain in Attachment 14.)*
15. I have I have not been removed or resigned as a conservator, guardian, executor, or fiduciary in any other case. *(If you checked "I have," explain in Attachment 15.)*
16. I have or may have I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of conservator. *(If you checked "I have or may have," explain in Attachment 16.)*
17. I am I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f).
18. I am I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license number is *(specify)*: _____, issued or last renewed on *(specify later date of issuance or renewal)*: _____.
- (If you checked "I am" in response to item 17 and "I am not" in response to this item, explain why you are not currently licensed in Attachment 18. If you are a professional fiduciary within the meaning of Bus. & Prof. Code, § 6501(f) but claim an exemption from the license requirement under Bus. & Prof. Code, § 6530, show facts supporting your claim in this attachment.)*
19. I am I am not a responsible corporate officer authorized to act for *(name of corporation)*: _____
- a California nonprofit charitable corporation that meets the requirements for appointment as conservator of the proposed conservatee under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as conservator. *(If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed conservatee in Attachment 19.)*
20. Do you, or does any other person living in your home, have a social worker or parole or probation officer assigned to him or her?
 Yes No *(If you checked "Yes," explain in Attachment 20 and provide the name, address, and telephone number of each social worker, parole officer, or probation officer.)*

DECLARATION

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 OF PROPOSED CONSERVATOR)	▶	(SIGNATURE OF PROPOSED CONSERVATOR)*
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*Each proposed conservator must fill out and file a separate screening form.

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
TELEPHONE 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: _____			
GUARDIANSHIP OF _____ (Name):		CASE NUMBER: _____	
MINOR			
CONFIDENTIAL GUARDIAN SCREENING FORM Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate		HEARING DATE AND TIME: _____	DEPT.: _____

The proposed guardian must complete and sign this form. The person requesting appointment of a guardian must submit the completed and signed form to the court with the guardianship petition.
This form must remain confidential.

How This Form Will Be Used

This form is **confidential** and will not be a part of the public file in this case. Each proposed guardian must complete and sign a separate copy of this form under rule 7.1001 of the California Rules of Court. The information provided will be used by the court and by persons and agencies designated by the court to assist the court in determining whether to appoint the proposed guardian as guardian. The proposed guardian **must** respond to each item.

1. a. **Proposed guardian (name):**
b. Date of birth: _____
c. Social security number: _____ d. Driver's license number: _____ State: _____
e. Telephone numbers: Home: _____ Work: _____ Other: _____
2. I am I am not required to register as a sex offender under California Penal Code section 290.
(If you checked "I am," explain in Attachment 2.)
3. I have I have not been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor. (If you checked "I have," explain in Attachment 3.)
 (Check here if you have been arrested for drug or alcohol-related offenses.)
4. I have I have not had a restraining order or protective order filed against me in the last 10 years.
(If you checked "I have," explain in Attachment 4.)
5. I am I am not receiving services from a psychiatrist, psychologist, or therapist for a mental health-related issue.
(If you checked "I am," explain in Attachment 5.)
6. Do you, or does any other person living in your home, have a social worker or parole or probation officer assigned to him or her?
 Yes No (If you checked "Yes," explain in Attachment 6 and provide the name and address of each social worker, parole officer, or probation officer.)
7. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of any form of child abuse, neglect, or molestation? Yes No (If you checked "Yes," explain in Attachment 7.)
8. I am I am not aware of any reports alleging any form of child abuse, neglect, or molestation made to any agency charged with protecting children (e.g., Child Protective Services) or any other law enforcement agency regarding me or any other person living in my home. (If you checked "I am," explain in Attachment 8 and provide the name and address of each agency.)
9. Have you, or has any other person living in your home, habitually used any illegal substances or abused alcohol?
 Yes No (If you checked "Yes," explain in Attachment 9.)

Page 1 of 2

GUARDIANSHIP OF (Name): <div style="text-align: right;">MINOR</div>	CASE NUMBER:
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10. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?
 Yes No *(If you checked "Yes," explain in Attachment 10.)*
11. Do you or does any other person living in your home suffer from mental illness?
 Yes No *(If you checked "Yes," explain in Attachment 11.)*
12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?
 Yes No *(If you checked "Yes," explain in Attachment 12.)*
13. I have or may have I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian.
(If you checked "I have or may have," explain in Attachment 13.)
14. I have I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding.
(If you checked "I have," explain in Attachment 14.)
15. I have I have not been removed as guardian, conservator, executor, or fiduciary in any other proceeding.
(If you checked "I have," explain in Attachment 15.)
16. I am I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f).
17. I am I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license number is (specify): _____, issued or last renewed on _____
(specify later date of issuance or renewal): _____
(If you checked "I am" in response to item 16 and "I am not" in response to this item, explain why you are not currently licensed in Attachment 17. If you are a professional fiduciary within the meaning of Bus. & Prof. Code, § 6501(f) but claim an exemption from the license requirement under Bus. & Prof. Code, § 6530, show facts supporting your claim in this attachment.)
18. I am I am not a responsible corporate officer authorized to act for (name of corporation): _____

a California nonprofit charitable corporation that meets the requirements for appointment as guardian of the proposed ward under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as guardian.
(If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed ward in Attachment 18.)
19. I have I have not filed for bankruptcy protection within the last 10 years.
(If you checked "I have," explain in Attachment 19.)

MINORS' CONTACT INFORMATION		
20. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
21. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
22. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
<input type="checkbox"/> Information on additional minors is attached.		

DECLARATION

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 OF PROPOSED GUARDIAN)



(SIGNATURE OF PROPOSED GUARDIAN)*

* Each proposed guardian must fill out and file a separate screening form.

Item W09-04 Response Form

Title: **Changes in Conservatorship and Guardianship Forms to Reflect 2008 Legislation and the Professional Fiduciaries Act** (revise forms GC-310, GC-314, and GC-212)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be written on this form, prepared in a letter format, or submitted online. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments.

Internet: www.courtinfo.ca.gov/invitationstocomment

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, January 21, 2009

*Circulation for comment does not imply endorsement by the Judicial Council
or the Rules and Projects Committee.
All comments will become part of the public record of the council's action.*