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CONSERVATORSHIP QUESTIONNAIRE

Instructions: Please answer these questions fully and truthfully. You eventually will be swearing to your answers under penalty of perjury. If you need to attach separate sheets, please do so. If you do, please reference the question number on your attached sheet. Your prompt attention is appreciated, as we cannot begin the proceedings until we get all this information. If you have any questions, please feel free to call the office.

Section I: General Information

Your

Name & Address:

Last	First	Middle	
Street	City	State	Zip

Telephone: Home: _____ Work: _____

Other: _____

Date of Birth: _____ Social Security No. ____ - ____ - _____

Driver's License Number: _____

Relationship to proposed conservatee: _____

Years you've known the proposed conservatee: _____

Proposed Conservatee's

Name:

Last	First	Middle	
Street	City	State	Zip

Address of residence, if different from above:

Street City State Zip

Telephone numbers: Home: _____ Other: _____

Date of Birth: _____ Social Security No. ____ - ____ - ____

Driver's License Number: _____

Proposed Conservatee's Doctor(s):

Name: _____ Facility Name: _____

Address _____
Street City State Zip

Telephone number: _____

Name: _____ Facility Name: _____

Address _____
Street City State Zip

Telephone number: _____

Proposed Conservatee's Financial Planner/CPA/Tax Preparer (if known):

Name: _____ Company: _____

Address _____
Street City State Zip

Telephone number: _____

Name: _____ Company: _____

Address _____
Street City State Zip

Telephone number: _____

Proposed Conservatee’s Spouse or Register Domestic Partner (if any)

Name & Address:

Last	First	Middle	
Street	City	State	Zip

Telephone: Home: _____ Work: _____
Other: _____

If predeceased, date of death: _____

Residence at time of death:

Street	City	State	Zip
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If divorced, date of divorce or termination of partnership: _____

Section II: Conservator Information

Please check Yes or No:

1. Do you owe money or have a financial obligation to the proposed conservatee?
Yes ___ No ___
2. Does the proposed conservatee owe you money or have a financial obligation to you?
Yes ___ No ___
3. Are you an agent for a creditor of the proposed conservatee?
Yes ___ No ___
4. Have you filed for bankruptcy protection within the last 10 years?
Yes ___ No ___
5. Have you ever been convicted of a felony or had a felony expunged from your record?
Yes ___ No ___
6. Have you ever been charged with, arrested for, or convicted of embezzlement, theft, or any other crime involving the taking of property? Yes ___ No ___
7. Have you ever been charged with, arrested for, or convicted of a crime involving fraud, conspiracy, or misrepresentation of information? Yes ___ No ___
8. Have you ever been charged with, arrested for, or convicted of any form of elder abuse or neglect? Yes ___ No ___
9. Have you had a restraining order or protective order filed against you in the last 10 years? Yes ___ No ___
10. Are you required to register as a sex offender under California Penal Code section 290?
Yes ___ No ___
11. Have you previously been appointed conservator, executor, or fiduciary in another proceeding? Yes ___ No ___
12. Have you been removed or resigned as a conservator, guardian, executor, or fiduciary in any other case? Yes ___ No ___

13. 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 ___

All yes answers should be completely explained on a separate page.

Section III: Conservatee Information

1. What County is the proposed conservatee a resident of: _____

2. Considering where the proposed conservatee now lives, is there any reason to relocate the proposed conservatee to a new residence? Yes ___ No ___ Explain:

3. Estimate the character and value of the property of the estate:

i) Personal Property \$ _____

ii) Annual Gross Income from:

(1) Real property \$ _____

(2) Personal property \$ _____

(3) Pensions \$ _____

(4) Wages \$ _____

(5) Public assistance \$ _____

(6) Other \$ _____

iii) Gross value of real property \$ _____

iv) Other \$ _____

Total \$ _____

4. Attached to this questionnaire, as Exhibit "A", is a copy of Probate Code section 2591. These are powers not normally granted without a special request and a showing of need. Do you feel that any of these powers are now needed?

Yes ___ No ___ If so, explain:

5. The law presumes that a conservatee still has the capacity to marry. Special orders can be requested and proceedings held to remove this right. Do you anticipate this will be a problem of sufficient immediacy to take up in our petition for Conservatorship? Yes ___ No ___ If so, explain:

6. Do you believe there are any specific financial transactions that the proposed conservatee should still be allowed to do? Yes ___ No ___ If so, explain:

7. The law permits us to request specific limitations to the power of a conservator of the person, allowing the proposed conservatee greater decision-making rights than they otherwise would enjoy. Are there any such limitations to the power of the conservator of the person you wish to request? Yes ___ No ___ If so, explain:

8. Does the proposed conservatee suffer from dementia, and need to be confined in a locked or secure facility and/or given psychotropic medications for the treatment of dementia? Yes ___ No ___ If so, explain:

9. Is the proposed conservatee on leave from a state institution under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services? Yes ___ No ___

10. Is the proposed conservatee entitled to receive benefits from the Veterans Administration? Yes ___ No ___ If so, give the address of the office handling the claim and the claim number:

19. Do you believe the proposed conservatee will be unable to attend the court hearing due to medical inability? Yes ___ No ___

20. If the proposed conservatee is able to attend the court hearing, will he or she do so? Yes ___ No ___

21. Do you feel the proposed conservatee is able to give informed consent to any form of medical treatment? Yes ___ No ___

22. Is the proposed conservatee an adherent of a religion that relies on prayer alone for healing? Yes ___ No ___

23. Is the proposed conservatee currently living in his or her residence? Yes ___ No ___ If so, will he or she continue to be able to do so, or will he or she need to be moved after appointment of a conservator? Please specify supporting facts if you plan to move him or her:

24. If the proposed conservatee is not currently not living in his or her residence, explain:

25. Do you anticipate that the proposed conservatee will be able to return to his or her residence? Yes ___ No ___ If so, please estimate when he or she will return, and list brief supporting facts:

26. Does the proposed conservatee have:
Voluntary assistance? Yes ___ No ___
Explain:

Power of Attorney? Yes ___ No ___ If so, provide a copy.

Advance Health Care Directive? Yes ___ No ___ If so, provide a copy.

Living Trust? Yes ___ No ___ If so, provide a copy.

27. Within the last 12 months, has the proposed conservatee received any health services? Yes ___ No ___ If so, describe. If you have no knowledge whether assistance was provided or not, so state:

28. Within the last 12 months, has the proposed conservatee received any social services? Yes ___ No ___ If so, describe. If you have no knowledge whether assistance was provided or not, so state:

29. Within the last 12 months, has the proposed conservatee received any estate management assistance? Yes ___ No ___ If so, describe. If you have no knowledge whether assistance was provided or not, so state:

30. On a separate sheet(s) list all living relatives of the proposed conservatee within the second degree of kinship, i.e. parents, grandparents, siblings, children and grandchildren. Include name, relationship to proposed conservatee, age, address and phone number. If there are no relatives within the second degree of kinship, you must provide us instead with all of the following names, addresses, phone numbers and relationships: 1) Spouse (or domestic partner) of a predeceased parent of the proposed conservatee; 2) Children of a predeceased spouse (or domestic partner) of the proposed conservatee; 3) Siblings of the proposed conservatee's parents (aunts and uncles), but if there are none, children of the proposed conservatee's parents' siblings (first cousins); 4) Children of the proposed conservatee's siblings (nieces and nephews).

31. List the names, address and phone numbers of two neighbors of the proposed conservatee and two close friends of the proposed conservatee.

Neighbor #1: _____ Phone: _____

Neighbor #2: _____ Phone: _____

Friend #1: _____ Phone: _____

Friend #2: _____ Phone: _____

Section IV: Standard of Living

1. What are the monthly sources and amounts of income of the proposed conservatee?

2. What are the monthly living expenses, including rent or mortgage payments, medical costs, clothing and food, etc. of the proposed conservatee?

3. If income is insufficient for living expenses, what assets of the proposed conservatee are available for sale?

4. Does the proposed conservatee have dependents? Yes ___ No ___ If so, list name and relationship of dependent, and monthly amount for support:

5. Does the proposed conservatee have a safe deposit box? Yes ___ No ___ If so, list name, location and box number, and location of box key:

6. Provide a detailed list of all assets of the proposed conservatee including account numbers. Copies of statements should be included.

Exhibit A

Probate Code §2591. Powers that may be granted

- (a) 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.
- (b) The power to grant and take options.
- (c)(1) 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.
(2) The power to sell at public or private sale the personal residence of the conservatee as described in Section 2591.5 without confirmation of the court of the sale. The power granted pursuant to this paragraph is subject to the requirements of Sections 2352.5 and 2541.
(3) For purposes of this subdivision, authority to sell property includes authority to contract for the sale and fulfill the terms and conditions of the contract, including conveyance of the property.
- (d) The power to create by grant or otherwise easements and servitudes.
- (e) The power to borrow money.
- (f) The power to give security for the repayment of a loan.
- (g) The power to purchase real or personal property.
- (h) The power to alter, improve, raze, replace, and rebuild property of the estate.
- (i) The power to let or lease property of the estate, or extend, renew, or modify a lease of real property, for which the monthly rental or lease term exceeds the maximum specified in Sections 2501 and 2555 for any purpose (including exploration for and removal of gas, oil, and other materials and natural resources) and for any period, including a term commencing at a future time.
- (j) The power to lend money on adequate security.
- (k) The power to exchange property of the estate.
- (l) The power to sell property of the estate on credit if any unpaid portion of the selling price is adequately secured.
- (m) The power to commence and maintain an action for partition.
- (n) The power to exercise stock rights and stock options.
- (o) 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.

(p) The power to pay, collect, comprise, or otherwise adjust claims, debts, or demands upon the guardianship or conservatorship described in subdivision (a) of Section 2501, Section 2502 or 2504, or to arbitrate any dispute described in Section 2406.