Probate Dispute Resolution Series

| An Introduction to | Conservatorships



May 10, 2022
Bette Epstein, Esq.
Hon. Barbara Johnson (Ret.)
Bruce Ross, Esq.

Today's Speakers An Introduction



Bette Epstein, Esq.



Hon. Barbara Johnson



Bruce Ross, Esq.

Agenda

- 1. The Basics
- 2. Alternatives to Conservatorship
- 3. 2021 Revisions to Conservatorship Law

The Basics

Probate Conservatorship of the Person and Estate – Probate Code Section 1800, et. seq.

- Order of Preference for Appointment of Conservator Probate Code Section 1810, et. seq.
- Citation to Proposed Conservatee Probate Code Section 1823
- Court Investigator Report Probate Code Section 1826
- Notice to Family Members to Second Degree

Limited Conservator for developmentally disabled adults – Probate Code Section 1828.5

Lanterman-Petris-Short ("LPS") Conservatorships-Welfare & Institutions Code Section 5350, et seq.

Generally to address psychiatric conditions of individuals who are gravely disabled.

Who Can initiate a Probate Conservatorship Proceeding

 Proposed Conservatee, family member, friend, state or local entity or "[A]ny other interested person" – Probate Code Section 1820

Rights a Conservator Does Not Control

- Right to Control an Allowance
- Right to Control Wages or Salary
- Right to Make a Will
- Right to enter into a transaction to the extent reasonable to provide for the necessaries of life

Assets Held in Trust

Consideration of the

Least Restrictive Alternative

- Appointment of Geriatric Care manager
- Appointment of Power of Attorney for Financial Management
- Appointment of Agent under Advance Health Care Directive
- PromoteTransparency among family members

2021 Revisions to Conservatorship Law (Statutes 2021, Ch. 417)

- 1. Increased Regulation of Professional Fiduciaries (PC §6563)
- 2. Mandatory Judicial Council Study of Court Effectiveness (PC §1458)
- 3. Change in Method of Appointment and Role of Legal Counsel for Proposed Conservatee (PC §1471)
- 4. Expanded Role and Duties of Court-appointed Investigator If Proposed Conservatee Does Not Attend the Hearing (PC §1851.6)
- 5. Broadened Court Review of Conservatorship, Investigation, Termination of Conservatorship or Removal of Conservator (PC §1826 & §1851.6)
- 6. Additional Safeguards with Respect to Conservatorship Hearing (PC §1863)

| Questions from the Audience | as Time Allows

Keep in Touch Thank you for joining us



Bette Epstein, Esq.

bepstein@adrservices.com

Case Manager:

katy@adrservices.com



Johnson (Ret.)
bjohnson@adrservices.com
Case Manager:
christie@adrservices.com

Hon. Barbara



Bruce Ross, Esq.

bross@adrservices.com

Case Manager:

janet@adrservices.com

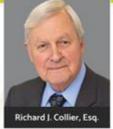
E V E N T

August 10, 2022 at 12:00 p.m.

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Speakers









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