

Do you want to get a Limited Conservatorship? (Developmental Disabilities)

Step 1 Complete the following forms in blue or black ink:

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| <input checked="" type="checkbox"/> (GC-310) Petition for Appointment of Probate Conservator
<input checked="" type="checkbox"/> (GC-350) Letters of Conservatorship
<input checked="" type="checkbox"/> (GC-340) Order Appointing Probate Conservator
<input checked="" type="checkbox"/> (GC-314) Confidential Conservator Screening Form
(One for each Proposed Conservator)
<input checked="" type="checkbox"/> (GC-341) Notice of Conservatee's Rights
<input type="checkbox"/> (GC-341)(MA) Attachment to Notice of Conservatee's Rights
<input checked="" type="checkbox"/> (GC-348) Duties of Conservator
<input checked="" type="checkbox"/> (GC-335) Capacity Declaration – Conservatorship
(To be filled out by doctor) | <input checked="" type="checkbox"/> (GC-312) Confidential Supplemental Information
<input checked="" type="checkbox"/> (GC-320) Citation for Conservatorship
<input checked="" type="checkbox"/> (GC-020) Notice of Hearing for Conservatorship
<input checked="" type="checkbox"/> (Attachment PB-4002) Referral for Court Investigator
<input type="checkbox"/> (FW-001) Application for Waiver of Court Fees and Costs
<input type="checkbox"/> (FW-002) Application for Waiver of Additional Court Fees & Costs
<input type="checkbox"/> (FW-003) Order an Application for Waiver of Court Fees
<input type="checkbox"/> (PB-4076) Verification Of Viewing Of Conservatorship Video |
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Step 2 **Copies:** Make 2 copies in addition to the original. (*Note:* Paper clip all original documents; Staple all copies)

Step 3 **File:** Turn in the original and copy to the Clerk's Office located at:

Filing fee is \$435.00 + \$900.00 unless the fee is waived.

191 North First Street, San Jose, CA 95113, *The Clerk's Office opens at 8:30 a.m. Monday-Friday, closing times are subject to change, visit www.sccscourt.org or call 408-534-5600 for current office hours.*

If you are not asking for a fee waiver, you will pay the filing fee and get filed-stamped copies back when you file.

If you are asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file-stamped forms may be mailed to you. Please ask the clerk who takes your forms.

Note:

- If the proposed conservatee is **currently** a minor, please wait until s/he is **17 years and 9 months before** you file your petition.
- After you file, serve the **San Andreas Regional Center (SARC) *immediately*** (at least 45 days prior to the court hearing) to ensure that your application will be processed in a timely manner (see **Step 5b** below). Call SARC at 408-374-9960 to determine who is the proposed conservatee's assigned service coordinator. Serve the documents in **Step 5b** below to the service coordinator.

Step 4 **Deliver Capacity Declaration to Doctor:** Ask the Proposed Conservatee's doctor or licensed psychiatrist to fill out the Capacity Declaration (Form GC-335). Then **file the original** and a copy at least 5 days before the court hearing at the Clerk's Office located at:

191 North First Street, San Jose, CA 95113

You must also **email a copy** of GC-335 to the **Probate Attorney** at the Public Defender's Office: probate@pdo.sccgov.org

Step 5a **Serve the Person You Are Trying to Conserve:** *"Service" means that someone, NOT YOU, who is at least 18 years old must hand-deliver a copy of your forms to the proposed conservatee. You can ask a friend or relative to serve the papers for you or you can look in the yellow pages and hire a "process server" to deliver the papers for you for a fee.*

1 Filed Copy of (GC-310) Petition for Appointment of Probate Conservator
 1 Filed Copy of (GC-320) Citation for Conservatorship

1. You must have a filed copy of the above forms **hand-delivered** to the person you are trying to conserve at least **15 days before** your first court date.
2. Whoever serves the forms must complete & sign the second page of the *Citation of Conservatorship*. This must be filed at least 5 days before the court date.

<p>Step 5b</p>	<p>Serve other People/Agencies by Mail: “<i>Service</i>” means that someone, <i>NOT YOU</i>, who is at least 18 years old, must mail a copy of your forms to these people/agencies. Whoever serves the papers must complete & sign the second page of the <i>Notice of Hearing</i> form. This must be filed with the court at least 5 days before the court date.</p> <p><input checked="" type="checkbox"/> 1 Filed Copy of (GC-310) Petition for Appointment of Probate Conservator</p> <p><input checked="" type="checkbox"/> 1 Filed Copy of (GC-020) Notice of Hearing for Conservatorship</p> <p>The law says that you must serve a copy to the following people by mail:</p> <ul style="list-style-type: none"> • all grandparents • any brothers/sisters 12 or older • Parents • Spouse/Domestic Partner • San Andreas Regional Center • *Public Defender (*service by Email*) <p>OR</p> <p>IF there are no grandparents, parents, children or grandchildren, THEN you must serve a copy to the following people:</p> <ul style="list-style-type: none"> • any aunts, uncles, nieces and nephews 12 or older • Spouse/Domestic Partner of a predeceased parent of the conservatee • Children of a predeceased Spouse/Domestic Partner 12 or older
<p>Step 6</p>	<p>- Watch “<i>With Heart: Understanding Conservatorships</i>” at https://www.youtube.com/watch?v=A-SX6YkFsP4.</p> <p>- File PB-4076 with the Probate Clerk.</p> <p>- Day of your hearing, appear in person OR dial into your hearing via telephone or video conference at least 15 minutes before the hearing. For instructions on virtually appearing for your hearing, visit www.courts.ca.gov and click on “Remote Hearing Instructions”</p>
<p>Step 7</p>	<p>Serve the Notice of Conservatee’s Rights by mail within 30 days of the court issuing the Order Appointing Probate Conservator. The Conservator serves the papers and then must complete and sign the PROOF OF MAILING on page 3 of the form. The PROOF OF MAILING must be filed with the court.</p> <p><input checked="" type="checkbox"/> 1 Filed Copy of (GC-341) Notice of Conservatee’s Rights (and all attachments)</p> <p><input checked="" type="checkbox"/> 1 Filed Copy of (GC-340) Order Appointing Probate Conservator with Judge’s signature</p> <p>The law says that you must serve a copy to the following people:</p> <ul style="list-style-type: none"> • all grandparents • any brothers/sisters 12 or older • Parents • Spouse/Domestic Partner • San Andreas Regional Center • Public Defender (*service by Email*) <p>OR</p> <p>IF there are no grandparents, parents, children or grandchildren, THEN you must serve a copy to the following people:</p> <ul style="list-style-type: none"> • any aunts, uncles, nieces and nephews 12 or older • Spouse/Domestic Partner of a predeceased parent of the conservatee • Children of a predeceased Spouse/Domestic Partner 12 or older

HOW CAN I GET MORE INFORMATION?

There are a few ways that you can get more information:

- hire an attorney (**Please note: we cannot help people who have attorneys.**);
- go online to the State’s website, (<http://courts.ca.gov/selfhelp>); or Santa Clara County Superior Court’s website at www.scscourt.org;
- visit the Self-Help Center/Family Law Facilitator’s Office. Please go to www.scscourt.org (and click on the self-help section of the site) for details on how to sign up for help at our Limited Conservatorship workshop. **Please note: we cannot help people who have attorneys.**

Superior Court, County of Santa Clara
Self-Help Center/Family Law Facilitator’s Office
201 N. First Street, San Jose, CA 95113

VISIT US ONLINE:
www.scscourt.org
www.courts.ca.gov/selfhelp

EMAIL US:
www.scscourt.org
click “Self-Help” then
click “Contact the Self-Help Center”

CALL US:
408-882-2926 (Self-Help)