

CONSERVATORSHIP QUICK REFERENCE

A probate conservatorship is a court proceeding in which a judge appoints a responsible person or organization (called a *conservator*) to care for another adult who cannot care for him/herself or his/her finances (called a *conservatee*).

There are 2 kinds of conservators:

- **A conservator of the person** cares for and protects a person when the judge decides that the person (called the “conservatee”) can’t do it.
- **A conservator of the estate** handles the conservatee’s financial matters—like paying bills and collecting a person’s income—if the judge decides the conservatee can’t do it.

A conservator of the person, estate, or both may be appointed, depending upon the conservatee’s needs.

When can I establish a probate conservatorship?

You must be sure that establishing a conservatorship is the only way to meet the person’s needs. If there is another way, the court may not grant your petition. **Possible Alternatives are:**

- Power of Attorney for finances or health care matters
- Becoming a substitute payee for public benefits. VA Benefits (38 USC §3202), Social Security (42 USC §405(j))
- Health & Safety Code §1418.8 allows health care decisions to be made by an interdisciplinary panel.

Responsibilities

As a reminder, if you are *conservator of the person*, you must take care of the conservatee’s food, health care, clothing, personal care, housekeeping, transportation, shelter, and well-being.

You will be required to report to the court on the conservatee’s current status.

If you are *conservator of the estate*, you must:

- Manage and protect the conservatee’s assets,
- Locate and take control of all assets,
- Collect the conservatee’s income,
- Make a budget to show what the conservatee can afford,
- Pay the conservatee’s bills,
- Invest the conservatee’s money, and
- Account to the court and to the conservatee for your management of the conservatee’s assets.

LIMITED CONSERVATORSHIP

Limited conservatorships are for adults with developmental disabilities. Developmental disability refers to a severe and chronic disability that is attributable to a mental or physical impairment that started before age 18. Limited conservatorships are set up to assist developmentally disabled adults who are unable to provide for all their personal or financial needs.

What kind of decisions does a limited conservator make?

A limited conservator’s duty is to help the limited conservatee develop maximum self-reliance and independence. Because developmentally disabled people can usually do many things on their own,

the judge will only give the limited conservator power to do things the conservatee cannot do without help. The limited conservator's *Letters of Conservatorship* and the court's order of appointment list the exact areas in which the limited conservator is authorized to act.

If I am a limited conservator, do I also need a conservatorship of the estate?

You do *not* need a conservatorship of the estate if:

- the developmentally disabled adult you care for gets public assistance, like Supplemental Security Income (SSI) or Social Security (SSA) but has no other assets, or
- if the developmentally disabled adult earns a wage.

But you do need a conservatorship of the estate if the developmentally disabled adult has other assets, like an inheritance or a settlement from a lawsuit that is not in a special needs trust.

To learn more about Conservatorships read the *Handbook for Conservators*.