

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	<i>Reserved for Clerk's File Stamp</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		HEARING DATE:
IN THE CONSERVATORSHIP OF:		CASE NUMBER:
PROBATE COURT APPOINTED COUNSEL'S REPORT FOR DEVELOPMENTALLY DISABLED ADULTS		JUDICIAL OFFICER/DEPT

I, _____, having been appointed by the Los Angeles Superior Court as Probate Appointed Counsel for _____, the proposed conservatee pursuant to Probate Code section 1471, present my report as follows:

Appointed Counsel's Disclosures
I declare that:
A. I am an active member of the State Bar. _____ (Initial) There are no disciplinary actions pending and none were filed against me during the past twelve months. _____ (Initial)
B. I have professional liability insurance coverage in effect. _____ (Initial)
C. I do not and have not in the past represented any party to this proceeding other than this present appointment. _____ (Initial)
OR
As explained below, I do or have in the past represented the following party(ies) in this or another proceeding: _____ _____ _____

- Describe the proposed conservatee's diagnosis: _____

- I personally interviewed the proposed conservatee on _____
Location: _____
- I informed the proposed conservatee that I am required to report to the court the proposed conservatee's wishes, and if my own observations and recommendations or opinions as to what action(s) are in the proposed conservatee's best interests are different, then I will advise the court that an expert (Evidence Code section 730) should be appointed in this matter. _____ (Initial)
- _____ In my professional opinion the conservatee was unable to comprehend the disclosures set forth in paragraphs 5, 6 and 7 of this report.
- I informed the proposed conservatee that I am required to make a written report to the court and that this report

would become part of the permanent court file, which is public record. _____ (Initial)

6. I informed the proposed conservatee of the following:

The nature and purpose of the proceeding. _____ (Initial)

The identity of the petitioner. _____ (Initial)

The identity of the proposed conservator(s). _____ (Initial)

Name of the proposed conservator(s): _____

Relationship(s): _____

He/she may be disqualified from voting. _____ (Initial)

The request for Probate Code section 2351.5 powers and the effect of each. _____ (Initial)

_____ Probate Code section 2351.5 powers are not requested.

7. I informed the proposed conservatee of the contents of the citation; of the nature, purpose, and effect of the proceeding, and his/her right to oppose the proceeding, to attend the hearing; to have the matter of the establishment of the conservatorship tried by a jury; and to be represented by legal counsel if the proposed conservatee so chooses. _____ (Initial)

8. The following is a summary evaluation of the proposed conservatee:

Physical abilities and limitations:

_____ Ambulatory _____ Uses wheelchair _____ Bed bound
_____ Verbal Language spoken (other than English) _____
_____ Sign language
_____ Blind

The proposed conservatee _____ does _____ does not possess daily living skills (ability to dress, feed and toilet oneself). If the proposed conservatee does possess such skills, he/she performs them _____ with _____ without direction.

Community Involvement and Education:

_____ Is _____ Is not enrolled in Public School Special Education Program
_____ Is _____ Is not a client of the Regional Center
_____ Is _____ Is not employed. If employed, the employer is a _____ Skill Center
_____ Private Employer

Placement:

_____ Family home _____ Group home _____ Developmental Center/Facility
_____ Other, describe: _____

The petitioner _____ is _____ is not a provider of board and care, treatment, habilitation or other services to persons with disabilities, or is the spouse or employee of such a provider.

Comments: _____

Case Name:

Case Number:

9. It appears that the conservatee is:

Able and wishes to attend the hearing: _____ Yes _____ No

Unable to attend: _____ Yes _____ No

Supported by Declaration of Medical Practitioner? _____ Yes _____ No

Able but unwilling to attend the hearing: _____ Yes _____ No _____ N/A

Comments: _____

10. Does the proposed conservatee wish to contest the establishment of the conservatorship?

_____ Yes _____ No _____ N/A (Does not have or cannot express an opinion)

Comments: _____

11. Does the proposed conservatee object to the proposed conservator or does he/she prefer another person to act as conservator?

_____ Yes _____ No _____ N/A (Does not have or cannot express an opinion)

If the proposed conservatee answered yes, the name(s) of person(s) he/she prefers: _____

Comments: _____

12. Has the proposed conservatee retained legal counsel? _____ Yes _____ No

Does the proposed conservatee intend to retain legal counsel? _____ Yes _____ No

If yes, the name of the attorney the proposed conservatee has or wishes to retain, if known.

13. I have interviewed the following:

_____ The proposed conservatee.

_____ The proposed conservator(s).

_____ The proposed conservatee's physician.

Name: _____

_____ A Regional Center Representative.

Name: _____

Title: _____

_____ Caregiver(s) Name(s): _____

_____ Others (describe): _____

Comments: _____

Case Name:

Case Number:

14. I have reviewed the following:

- The Petition for Appointment of Conservator/Limited Conservator, including:
 - Request(s) for Probate Code section 2351.5 powers
 - Request(s) to limit the legal and civil rights of the proposed conservatee
- The Regional Center Report The Court Investigator's Report
- Facility Records The Confidential Supplemental Form
- The Capacity Declaration The Confidential Screening Form
- Other (describe): _____

15. Based on review of the documents and interview with the proposed conservatee, I have:

- Inquired into the nature and extent of the general intellectual functioning of the proposed conservatee.
- Evaluated the extent of the impairment of his or her adaptive behavior.
- Ascertained the proposed conservatee's capacity to care for himself or herself and his or her property.
- Inquired into the qualifications, abilities, and capabilities of the person(s) seeking appointment as limited conservator(s).

16. I have determined that the proposed conservatee:

Receives public benefits only and has no estate or his/her estate meets the requirements of Probate Code section 2628.

Is a beneficiary of a trust as follows:

Special Needs Trust, Trust Funded by Court Order [as defined in CRC Title 7 Rule 7.903(a)(1)] or otherwise subject to the Court's continuing jurisdiction

A proceeding relating to the Trust has been filed in _____ County under case number _____

No trust proceeding has been commenced

A trust that is not subject to court jurisdiction

A trust established by a third party for the benefit of the proposed conservatee.

Comments: _____

17. The proposed conservatee _____ is _____ is not a party to another court action as follows:

Dissolution.

The proposed conservatee is the _____ Petitioner _____ Respondent.

Criminal. Nature of the proceeding: _____

Civil. Nature of the proceeding: _____

The proposed conservatee is a _____ Plaintiff _____ Defendant.

Bankruptcy.

Estate Beneficiary.

The above referenced proceeding was filed in _____ County under case number _____.

Comments: _____

Case Name:

Case Number:

RECOMMENDATIONS

Based upon my interview with the persons noted above and my review of the documents described above,

1. I ____ will ____ will not waive service of the citation and the appearance of the proposed conservatee at the hearing.
2. ____ An Evidence Code section 730 expert should be appointed to advise the Court on the best interests of the proposed conservatee.
3. The proposed conservatee is ____ able ____ unable to properly provide for his or her personal needs.
4. The proposed conservatee is ____ able ____ unable to manage his or her own financial resources.
5. The proposed conservatee is ____ able ____ unable to communicate, with or without reasonable accommodations, a desire to participate in the voting process.

6. The proposed conservatee:

____ Consents or does not oppose the establishment of the conservatorship and the appointment of the proposed conservator(s).

____ The proposed conservatee is opposed to the establishment of a conservatorship and/or the appointment of the proposed conservator.

Comments: _____

____ The proposed conservatee cannot express an opinion regarding the appointment of a conservators because he/she is non-communicative or is not capable of engaging in meaningful communications.

7. ____ The proposed conservatee is in need of a conservator and
____ the proposed conservator(s) should be appointed.
____ the proposed conservator(s) should not be appointed and the following person/entity should be appointed: _____
____ Should be referred to the Public Guardian for appointment pursuant to Probate Code section 2920(b).
____ Should be referred to the Regional Center for alternatives to the conservatorship.
____ The proposed conservatee is not in need of a conservatorship.

Comment: _____

8. The proposed conservator should be appointed as:
Limited Conservator of the ____ Person _____ Estate ____ Person and Estate
OR
General Conservator of the ____ Person _____ Estate ____ Person and Estate

9. The proposed conservatee ____ has ____ lacks capacity to give informed medical consent.
____ Medical authority is not requested or there is prior court adjudication regarding lack of medical capacity.

Case Name:

Case Number:

10. Probate Code section 2351.5 powers should be acted upon by the court as follows:

- A. Fix the residence or specific dwelling of the proposed conservatee.
_____ Grant _____ Deny _____ Modify: _____
- B. Access to the confidential records and papers of the proposed conservatee.
_____ Grant _____ Deny _____ Modify: _____
- C. To consent or withhold consent to the marriage of, or the entrance into a registered domestic partnership by, the limited conservatee.
_____ Grant _____ Deny _____ Modify: _____
- D. The right of the conservatee to contract.
_____ Grant _____ Deny _____ Modify: _____
- E. The right of the conservatee to give or withhold medical consent.
_____ Grant _____ Deny _____ Modify: _____
- F. The conservatee's right to control his or her own social and sexual contacts and relationships.
_____ Grant _____ Deny _____ Modify: _____
- G. Decisions concerning the education of the proposed conservatee.
_____ Grant _____ Deny _____ Modify: _____

_____ Are not requested.

Comments: _____

11. Orders limiting the legal and civil rights of the conservatee should be:

- _____ Granted as prayed.
- _____ Modified as follows: _____

- _____ Denied without prejudice.
- _____ Are not requested.

Comments: _____

12. _____ Other Orders:

_____ Bond should be ordered in the amount of: _____

_____ Bond, accounts and payment of Court Investigator's Assessments should be waived as long as the requirements of Probate Code sections 2323 and 2628 are satisfied.

_____ Specify other orders: _____

Case Name:

Case Number:

ATTORNEY FEE REQUEST

I request the sum of _____ as reasonable compensation for legal services rendered to the conservatee (proposed) and the sum of _____ for expenses incurred in representing the conservatee (proposed) in this proceeding.

I have expended a total of _____ hours which were billed at the rate of _____ per hour. A detailed description of the services rendered are set forth in Exhibit A, attached hereto. No detail is needed if compensation is for less than 5 hours and payment will be made from the estate.

I waive compensation for legal services rendered to the conservatee (proposed) herein. _____ (Initial)

The conservatee (proposed) has the ability to pay _____ none _____ a portion _____ all of the fees and expenses requested.

The fees should be ordered paid as follows:
_____ from the estate of the conservatee
_____ by Los Angeles County.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

Signature: _____

Print Name: _____

Updated 7/20/06

Case Name:

Case Number: