

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SIERRA

INFORMATION SHEET ON PERSONALIZED LIST OF RIGHTS

This is an information sheet to help you fill out Sierra County Local Form SIE-0038, Personalized List of Rights.

The Purpose of this Form

Probate Code §1835.5 requires conservatees to be provided with a list of their rights, and any rights that were withheld by the court.

This form must be completed by the conservator.

When to Complete this Form

The conservator must complete and file this form at the following times:

- When a petition is filed that requests an order that will change the rights of the proposed conservatee or conservatee.
- Within 30 days after an order is made that changes the rights of the proposed conservatee or conservatee (if a correct form was not already filed).
- Within 30 days after the court enters an Order Appointing Court Investigator (if correct form was not already filed).

Orders that change the rights of the proposed conservatee or conservatee include the following:

- An Order Appointing Probate Conservator (form GC-340).
- An Order Authorizing Conservator to Give Medical Consent for Medical Treatment (form GC-385).
- An order modifying the voting capacity of the conservatee under Elections Code 2208.
- An order modifying the contractual capacity of a conservatee under Probate Code 1873.
- An order determining the capacity of a conservatee to marry or enter into a registered domestic partnership under Probate Code 1901.
- An order limiting the powers of a conservator under Probate Code 2350 (person) or 2450 (estate).
- An order limiting the conservatee's right to receive visitors, telephone calls, and personal mail under Probate Code 2351(a).
- An order that the conservator obtain and/or consent to specified medical treatment to be performed on the conservatee under Probate Code 2357.
- An order directing the conservator to receive wages of the conservatee under Probate Code 2601.

How to Complete this Form

Separate instructions are provided for conservatorship and limited conservatorship. Please look carefully at your Order Appointing Probation Conservator (form GC-340) to follow the appropriate instructions below.

CONSERVATORSHIP

If you have a conservatorship (not a limited conservatorship), the following instructions will guide you in completing the three portions of the form: Personal Rights, Estate Rights, and Other Rights.

Personal Rights

Separate instructions for completing the “personal rights” are provided below for two situations: 1) no conservator of the person has been appointed, or 2) a conservator of the person has been appointed.

No conservator of the person.

If no conservator of the person has been appointed, check the box for “yes” for each of the eight “personal rights.”

Personal Rights

Yes	Changed	No	Right
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive personal mail.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive visits from family and friends.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Marry or enter into a registered domestic partnership.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your own health care decisions.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vote.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select your residence.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access your confidential records and papers.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your own educational decisions.

Conservator of the person.

If a conservator of the person has been appointed, see if any of the following boxes are checked on the Order Appointing Probate Conservator (form GC-340)

- 22
- 23
- 25
- 26

If none of these boxes is checked, then check the box for “yes” for each of the first five “personal rights,” and “no” for the last three rights as follows:

Personal Rights

Yes	Changed	No	Right
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive personal mail.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive visits from family and friends.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Marry or enter into a registered domestic partnership.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your own health care decisions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vote.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Select your residence.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Access your confidential records and papers.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Make your own educational decisions.

If boxes 22, 23, 25, or 26 are checked on the Order Appointing Probate Conservator (form GC-340), follow the directions below. If these directions do not give guidance as to a right, complete the box for that right as indicated above.

Box 22 or 23

If box 22 or 23 are checked on the Order Appointing Probate Conservator (form GC-340), mark the box “no” for the corresponding right on Sierra County Local Form SIE-0038, as indicated below:

Box on GC-340	Right on SIE-0038	Box to Check on SIE-0038
22	Vote	No
23	Make your own health care decisions	No

Box 25

Box 25 on the Order Appointing Probate Conservator (form GC-340) can be used for two purposes: the right to marry or enter into a domestic partnership, or the right to enter into business transactions.

If attachment 25 finds the conservatee has capacity to marry or enter a domestic partnership or it does not refer to the capacity to marry or enter a domestic partnership, check the box “yes.”

If attachment 25 finds the conservatee does not have capacity to marry or enter a domestic partnership, check the box “no.”

Box 26

Box 26 on the Order Appointing Probate Conservator (form GC-340) can be used either to increase the personal rights of the conservatee, or to limit those rights.

If attachment 26 gives the conservator the right to make *all* decisions concerning either of the following two rights, then check the box “no” for that right. If it gives both the conservator and the conservatee the right to make *some* decisions concerning one of the rights, then check the box “changed” for that right and copy the contents of attachment 26 into the “other rights” section of the form:

- Receive personal mail.
- Receive visits from family and friends.

If attachment 26 gives the conservatee the right to make *all* decisions concerning one of the following three rights, then check the box “yes” for that right. If it gives both the conservator and the conservatee the right to make *some* decisions concerning one of the rights, then check the box “changed” for that right and copy the contents of attachment 26 into the “other rights” section of the form:

- Select your residence.
- Access your confidential records and papers.
- Make your own educational decisions.

Estate Rights

Separate instructions for completing the “estate rights” are provided below for two situations: 1) no conservator of the estate has been appointed; and 2) a conservator of the estate has been appointed.

No conservator of the estate

If no conservator of the estate has been appointed, all of the boxes in the “Estate Rights” section should be marked “yes:”

Estate Rights

Yes	Changed	No	Right
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Directly receive and control your wages.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Enter into business transactions.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Possess and manage your property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Collect, manage, and litigate your rentals and other claims
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pay, compromise, or defend claims against you.

Conservator of the estate

If a conservator of the estate has been appointed, if boxes 25 and 29 are not checked in the Order Appointing Probate Conservator (form GC-340) then mark the first box “yes,” and the remaining four boxes “no:”

Estate Rights

Yes	Changed	No	Right
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Directly receive and control your wages.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Enter into business transactions.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Possess and manage your property.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Collect, manage, and litigate your rentals and other claims
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pay, compromise, or defend claims against you.

If boxes 25 or 29 are checked, follow the directions below. If these directions do not give guidance as to a right, complete the box for that right as indicated above.

Box 25 – Business Transactions

Box 25 on the Order Appointing Probate Conservator (form GC-340) can be used for two purposes: the right to marry or enter a domestic partnership, or the right to enter into business transactions.

If attachment 25 finds the conservatee has capacity to enter into all business transactions, then check the box “yes” for this right. If it finds the conservatee has capacity to enter into some business transactions, then check the box “changed” for this right and copy the contents of attachment 25 into the “other rights” section of the form.

Box 29

Box 29 on the Order Appointing Probate Conservator (form GC-340) can be used for any order. This could include an order increasing the estate rights of the conservatee or limiting those rights.

Wages

If attachment 29 gives the conservator authority to control *all* wages of the conservatee, then check the box “no” for that right. If it gives the conservator authority to control *some* of the wages of the conservatee, then check the box “changed” for that right and copy the contents of attachment 29 into the “other rights” section of the form.

Other Estate Rights

If attachment 29 gives the conservatee the right to make *all* decisions concerning one of the following four rights, then check the box “yes” for that right. If it gives both the conservator and the conservatee the right to make *some* decisions concerning one of the rights, then check the box “changed” for that right and copy the contents of attachment 29 into the “other rights” section of the form:

- Enter into business transactions.
- Possess and manage your property.
- Collect, manage, and litigate your rentals, and other claims against others.
- Pay, compromise, or defend claims against you.

For example, if attachment 29 makes an order for the conservator to pay a monthly allowance to the conservatee, then check the box “changed” for “possess and manage your property” should be checked, and the contents of attachment 29 should be copied into the “other rights” section of the form.

Other Rights

The “other rights” section of the form provides information in two situations: 1) when the box “changed” is selected for personal right or an estate right, and 2) when a court order creates an additional right that is not listed on the form.

“Changed” Rights

If the box “changed” was checked for any of the personal rights or estate rights, you must copy into the “other rights” section of the form what is written in the court order concerning this right.

Box 26 – Additional Personal Right

Item 26 of the Order Appointing Probate Conservator (form GC-340) can be used for many purposes, including an order under Probate Code 2358 creating a new personal right for the conservatee. If item 26 is checked and attachment 26 creates a new personal right that is not already on the form, the contents of attachment 26 should be copied into the “other rights” section of the form.

Box 27 – Additional Estate Rights

If item 27 of the Order Appointing Probate Conservator (form GC-340) is checked, copy the contents of attachment 27 into the “other rights” section of the form.

LIMITED CONSERVATORSHIP

If you have a limited conservatorship, the following instructions will guide you in completing the three portions of the form: Personal Rights, Estate Rights, and Other Rights

Personal Rights

Separate instructions for completing the “personal rights” are provided below for two situations: 1) no limited conservator of the person has been appointed, or 2) a limited conservator of the person has been appointed.

No limited conservator of the person.

If no limited conservator of the person has been appointed, check the box for “yes” for each of the eight “personal rights.”

Personal Rights

Yes	Changed	No	Right
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive personal mail.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive visits from family and friends.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Marry or enter into a registered domestic partnership.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your own health care decisions.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vote.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Select your residence.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access your confidential records and papers.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your own educational decisions.

Limited conservator of the person.

If a limited conservator of the person has been appointed, see if any of the following boxes are checked on the Order Appointing Probate Conservator (form GC-340)

- 22

- 23
- 25
- 26
- Attachments 31, 32, and 33 (form SIE-0038), focusing on the column labeled “Conservatee’s Right Limited:”
 - 1
 - 2
 - 3
 - 5
 - 6
 - 7

If none of these boxes is checked, then check the box for “yes” for all eight “personal rights,” as indicated above.

If any of these boxes is checked, follow the directions below. If these directions do not give guidance as to a right, complete the “yes” box for that right, as indicated above.

Box 22 or 23

If box 22 or 23 are checked on the GC-340, follow the directions in the following table:

Box on GC-340	Right on SIE-0038	Box to Check on SIE-0038
22	Vote	No
23	Make your own health care decisions	No

Box 25

Box 25 on the Order Appointing Probate Conservator (form GC-340) can be used for two purposes: 1) the right to marry or enter a domestic partnership, or 2) the right to enter into business transactions.

If attachment 25 finds the conservatee has capacity to marry or enter a domestic partnership, check the box “yes” for “Marry or enter into a registered domestic partnership.”

If attachment 25 finds the conservatee does not have capacity to marry or enter into a domestic partnership, check the box “no.”

If attachment 25 does not refer to the capacity to marry or enter a domestic partnership, see if item 3 of Attachments 31, 32, 33 (SIE-0038) has the box checked for “Conservatee’s Rights Limited.” If this box is checked, check the box “no” for “Marry or enter into a registered domestic partnership.” If this box is not checked, check the box “yes.”

Box 26

Box 26 on the Order Appointing Probate Conservator (form GC-340) can be used either to increase the personal rights of the conservatee, or to limit those rights.

If attachment 26 gives the conservator the right to make *all* decisions concerning any of the personal rights, then check the box “no” for that right. If it gives both the conservator and the conservatee the right to make *some* decisions concerning one of the rights, then check the box “changed” for that right and copy the contents of attachment 26 into the “other rights” section of the form.

Items 1, 2, 3, 5, 6, or 7 of Attachments 31, 32, and 33 (SIE-0038)

If the box “Conservatee’s Right Limited” is checked for boxes 1, 2, 3, 5, 6, or 7 of Attachments 31, 32, and 33 (SIE-0038), following the directions in the following table:

“Conservatee’s Right Limited” Box on SIE-0038	Right on SIE-0038	Box to Check on SIE-0038
1	Select your residence	No
2	Access your confidential records and	No
3	Marry or enter into a registered domestic partnership	No
5	Make your own health care decisions	No
6	Receive personal mail and Receive visits from family and friends	No
7	Make your own educational decisions	No

Item 8 of Attachment 31, 32, and 33 (SIE-0038)

If box 8 is checked on Attachments 31, 32, and 33 (SIE-0038), copy the contents of sub-attachment 8 into the “other rights” section of the form.

Estate Rights

Separate instructions for completing the “estate rights” are provided below for two situations: 1) no limited conservator of the estate has been appointed, or 2) a limited conservator of the estate has been appointed.

No limited conservatorship of the estate

If no limited conservator of the estate has been appointed, all the boxes in the “Estate Rights” section should be marked “yes.” However, if the court limited the contractual authority of the limited conservatee by checking the “Conservatee’s Right Limited” box on item 4 of Attachments 31, 32, and 33 (SIE-0038), then the “business transactions” box should be marked “no.”

Limited conservatorship of the estate

If limited conservator of the estate has been appointed, check the “yes” box for all of the rights unless one of the following applies:

Items 1, 2, 3, 5, 6, or 7 of Attachments 31, 32, and 33 (SIE-0038)

If the box “Conservatee’s Right Limited” is checked for item 9, 11, or 12 of Attachments 31, 32, and 33 (SIE-0038), then use the following table to select the box for the corresponding right. If the box “all” in (SIE-0038) is also checked, then check the box “No” on (SIE-0038). If instead the box “only the...” box in (SIE-0038), is also checked, then check the box “Changed” on (SIE-0038), and copy the contents of the sub-attachments into the “other rights” section of the form:

“Conservatee’s Right Limited” Box is checked on SIE-0038	Right on SIE-0038
9	Possess and manage your property
11	Pay, compromise, or defend claims against you
12	Enter into business transactions

Item 10 of Attachments 31, 32, and 33 (SIE-0038)

If the boxes “Conservatee’s Rights Limited” and “all” are checked for item 10 of Attachments 31, 32, and 33 (Form SIE-0038) then check the boxes “no” for both of the following rights:

- Directly receive and control your wages.
- Collect, manage, and litigate rentals, and other claims against others.

If the box “all” is not checked, but instead the box “only the...” is checked, review sub-attachment 10

Wages

If sub-attachment 10 gives the conservator the right to make *all* decisions concerning wages, then check the box “no” for “Directly receive and control your wages.” If it gives both the conservator and the conservatee the right to make *some* decisions concerning wages, then check the box “changed” for that right and copy the contents of sub-attachment 10 into the “other rights” section of the form.

Rentals and Other Claims

If sub-attachment 10 gives the conservator the right to make *all* decisions concerning rentals and other claims, then check the box “no” for “Collect, manage, and litigate your rentals, and other claims against others.” If it gives both the conservator and the conservatee the right to make *some* decisions concerning rentals and other claims, then check the box “changed” for that right and copy the contents of sub-attachment 10 into the “other rights” section of the form.

Item 13 of Attachments 31, 32 and 33 (SIE-0038)

If box 13 is checked of Attachments 31, 32, and 33 (SIE-0038), copy the contents of sub-attachment 13 into the “other rights” section of the form.

Other Rights

The “other rights” section of the form provides information in two situations: 1) when the box “changed” is selected for a personal right or an estate right, and 2) when a court order creates an additional right that is not listed on the form.