

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

- Conservatorship
- Person
- Estate of

_____,
Proposed Conservatee

Case No. SPR-

**DECLARATION AND ORDER APPOINTING
LEGAL COUNSEL;**

Probate Code §§1470 et. seq.; 2356.5

Hearing Date:

Time:

Courtroom:

1. Petitioner has filed a Petition for Appointment of a Probate Conservator in this matter. The Court has determined that the appointment of counsel would be helpful to the resolution of the matter or is necessary to protect the rights of the conservatee or proposed conservatee. Counsel is appointed pursuant to:

- Discretionary appointment pursuant to Probate Code section 1470(a); or
- Mandatory appointment pursuant to Probate Code section 1471(b).

2. Petitioner has filed a petition with this Court requesting authority for the conservator(s) to:

place the proposed conservatee in a secured perimeter residential care facility for the elderly operated under Health and Safety Code section 1569.698 and which has a care plan that meets the requirements of California Code of Regulations, title 22, section 87724; and/or

authorize the administration of medications appropriate for the care and treatment of dementia, pursuant to Probate Code section 2356.5(c).

Pursuant to Probate Code section 2356.5(f)(1), the proposed conservatee must be represented by counsel when a request is made for such authority.

A Confidential Capacity Declaration:

has been filed with the Court, or is concurrently being filed herewith;

has not yet been filed with this Court; however, Petitioner reasonably believes that his or her petition will be supported by the declaration of a licensed physician, or a licensed psychologist within the scope of his or her licensure, regarding the findings necessary to be made under Probate Code section 2356.5 for the above-referenced power(s) requested. Petitioner is presently attempting to obtain said written declaration and will file the same with the Court.

Petitioner understands that counsel will not be appointed until a capacity declaration has been filed indicating that the proposed Conservatee would benefit from a secured placement and/or administration of psychotropic medications.

I declare under perjury under the laws of the State of California that the foregoing is true and correct. Executed on, _____ at _____, California.

DATED: _____

THEREFORE, IT IS HEREBY ORDERED that:

1. Pursuant to Probate Code section 1470(a), the appointment of legal counsel would be helpful to the resolution of the matter or is necessary to protect the proposed conservatee's interests; or

Pursuant to Probate Code section 1471(b), the appointment of legal counsel would be helpful to the resolution of the matter or is necessary to protect the proposed conservatee's interests;

2. The following attorney,

Law Offices of the Sonoma County Public Defender; or

_____, Esq.

Address: _____

is appointed to represent the proposed conservatee in the conservatorship proceeding;

3. Legal counsel for Petitioner in these proceedings is directed to expeditiously serve court-appointed counsel with all pleadings and promptly file a proof of service with the court;

4. Said counsel is directed to file and serve a report on the parties, and the Office of the Probate Court Investigator on or before seven (7) calendar days prior to the hearing date;

5. This matter is set for hearing on the Probate Calendar of _____(date), in Courtroom 18 at 2:30 p.m. The parties are directed to appear on that date.

DATED: _____

JUDGE OF THE SUPERIOR COURT