

**SUPERIOR COURT OF CALIFORNIA – COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT**

Case Number: _____

Case Name: _____

**ORDER APPOINTING COUNSEL FOR CONSERVATEE,
PROBATE CODE §§ 1470, 1471, AND 2356.5(f)(1)**

The Court appoints private legal counsel for the [proposed] conservatee, based upon the following determination:

1. The [proposed] conservatee is not represented by legal counsel **AND**
2. Counsel would be helpful to the resolution of this case or is necessary to protect the [proposed] conservatee's interests because: (check all that apply)
 - a. Allegations of physical, psychological or financial abuse to the conservatee.
 - b. Petition for Substituted Judgment.
 - c. Petition to Transfer Property to Competent Spouse.
 - d. Competing petitions for appointment of conservator have been filed.
 - c. The filing petitioner is not represented by counsel and objections by persons other than the proposed conservatee have been raised.
 - d. The conservator is not represented by counsel and has failed to file any of the following: a care plan, an inventory and appraisal, or an accounting.
 - e. Discovery has been served on the conservatee personally or the conservatee is the subject of a deposition subpoena.
 - f. Other _____
3. [**AND/OR**] Mandatory appointment of counsel is made under the following grounds: (check all that apply)
 - a. Request by proposed conservatee for counsel in a petition to establish a Conservatorship
 - b. Request by proposed conservatee for counsel in a petition to terminate a Conservatorship.
 - c. Request by proposed conservatee for counsel in proceedings to remove the conservator.
 - d. The [proposed] conservatee objects to any part or all of the petition for conservatorship.
 - e. Request by proposed conservatee for counsel when there is a proceeding for a court order affecting the legal capacity of the conservatee (voting rights, fix residence, etc.).
 - f. Petition seeking order to remove a temporary conservatee from the temporary conservatee's residence.
 - g. Dementia powers being requested.

- h. Seeking a Limited Conservatorship.
- i. The petition seeks medical treatment under Probate Code § 2357.
- j. Information from the Court Investigator or obtained from any other source allows the court to determine if appointment would be helpful to the resolution of the matter or is necessary to protect the interest of the [proposed] conservatee.

IT IS THEREFORE ORDERED THAT:

Pursuant to Probate Code §§ 1470, 1471, 1870, 2356.5(f)(1), the court hereby appoints _____
 _____ whose office address and telephone number are _____
 _____ as counsel for the [proposed] conservatee _____.

Counsel is appointed to address the following issue(s): _____

Counsel shall have:

1. Reasonable access to the proposed conservatee/conservatee with adequate notice;
2. Notice of any proceeding;
3. Access to any and all documents, report, and test results pertaining to the proposed conservatee/conservatee from therapists, physicians, mental health professionals, regional centers, etc.;
4. Full access to any mental health professional and/or medical professional treating the proposed conservatee/conservatee;
5. Full access to daycare providers, home health care providers, and any other individual who, in the attorney’s opinion, has information which would be beneficial to the attorney in representing the proposed conservatee’s/conservatee’s best interest;
6. The right to assert any privilege on behalf of the proposed conservatee/conservatee.
7. The right to veto any physical or psychological evaluation, for purposes of the proceedings, which has not been ordered by the Court; and
8. The right to seek independent psychological or medical evaluation for purpose of any pending proceeding, upon application to the Court.

The attorney shall advise the Court as to the client’s wishes in the proceeding. The attorney shall, if practical, ensure that the client is afforded an opportunity to address the Court directly. The Court, in its discretion, may discharge the existing appointed counsel and appoint a new attorney to represent the interest of the client in further proceedings.

Dated: _____

 Judge/Commissioner