

**FILED**  
SAN MATEO COUNTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

AUG 19 2011

IN AND FOR THE COUNTY OF SAN MATEO

Clerk of the Superior Court

By *[Signature]*  
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA / STANDING GENERAL ORDER  
COUNTY OF SAN MATEO / APPOINTING THE COURT  
/ INVESTIGATOR

California Rules of Court, Rule 7.1060  
Local Court Rule, Rule 4.81.4

**GOOD CAUSE APPEARING THEREFORE**, pursuant to California Rules of Court Rule 7.1060 authorizing the court by local rule to require a general order instead of optional forms GC-330, GC-331 and GC-332 be used to appoint and direct the actions of court investigators concerning all or any of the investigations and reports described therein, and pursuant to Local Court Rule 4.81.4,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:** Court Investigators designated/assigned through the Court Investigator's office of the Superior Court of California, County of San Mateo (hereafter referred to as San Mateo Superior Court) are appointed and directed upon the conditions set forth below:

**1. Appointment of a General Conservator-** Upon the filing of a Petition for Conservatorship and prior to the appointment of a general conservator, an investigator designated/assigned through the Court Investigator's office of the San Mateo Superior Court is appointed and directed to:

- a. Interview the proposed conservatee personally and conduct all other interviews required by Probate Code section 1826(a).

- 1 b. Provide the information required by Probate Code section 1826(b) to the proposed  
2 conservatee.
- 3 c. Determine whether it appears that the proposed conservatee is, or is not, able to  
4 attend the hearing and, if able to attend, whether he or she is willing to attend.
- 5 d. Make the determinations required by Probate Code sections 1826(d)-(j). In making  
6 those determinations, review the allegations of the Petition for Appointment of  
7 Probate Conservator (form GC-310) as to why the appointment of a conservator is  
8 required and refer to the Confidential Supplemental Information (form GC-312)  
9 submitted by the petitioner. Consider the facts shown in the latter form and address  
10 each of the categories specified in Probate Code section 1821(a)(1)-(5) and consider,  
11 to the extent practicable, whether you believe the proposed conservatee suffers from  
12 any of the mental function deficits listed in Probate Code section 811(a) that  
13 significantly impairs his or her ability to understand and appreciate the consequences  
14 of his or her actions in connection with any of the functions described in Probate  
15 Code section 1801(a) (if a conservator of the person is sought) or section 1801(b) (if a  
16 conservator of the estate is sought). If you believe the proposed conservatee suffers  
17 from one or more mental function deficits listed in Probate Code section 811(a),  
18 identify all observations that support your belief.
- 19 e. Report to the court in writing, at least five days before the hearing, concerning all of  
20 the foregoing, including the proposed conservatee's express communications  
21 concerning (1) representation by legal counsel; and (2) whether he or she is not  
22 willing to attend the hearing, does not wish to contest the establishment of the  
23 conservatorship, and does not object to the proposed conservator or prefers that  
24 another person act as conservator.
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1 **2. Appointment of Temporary Conservator-** Upon the filing of a Petition for Appointment  
2 of a Temporary Conservator and prior to the appointment of a temporary conservator an  
3 investigator designated/assigned through the Court Investigator's office of the San Mateo  
4 Superior Court is appointed and directed:

- 5 a. To the extent feasible, before the hearing on the petition or, if not feasible, within two  
6 court days after the hearing, interview the proposed conservatee personally and  
7 conduct all other interviews required by Probate Code section 2250.6(a) (pre-hearing)  
8 or 2250.6(b)(1) (post-hearing).
- 9 b. To provide to the temporary conservatee or proposed temporary conservatee the  
10 information required by Probate Code section 2250.6(a)(2) (pre-hearing) or  
11 2250.6(b)(2) (post-hearing).
- 12 c. To the extent feasible, make the determinations required by Probate Code section  
13 2250.6(a)(3)-(5) before the hearing on the petition.
- 14 d. To the extent feasible, before the hearing on the petition, report to the court in writing  
15 concerning all of the matters stated in items 2 a.-c..
- 16 e. If the court investigator does not visit the temporary conservatee until after the  
17 hearing at which a temporary conservator was appointed and the temporary  
18 conservatee objects to the appointment of the temporary conservator or requests an  
19 attorney, to report this information to the court promptly and in no event more than  
20 three court days after the date of your interview with the temporary conservatee.
- 21 f. If it appears to the court investigator that the temporary conservatorship is  
22 inappropriate, to immediately, and in no event more than two court days after you  
23 make your determination, make a written report of your determination to the court.  
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1 **3. Change of Residence of the Temporary Conservatee-** Upon the filing of a petition that  
2 includes a request for authorization to change the residence of a temporary conservatee and prior  
3 to the court granting an order under Probate Code section 2253 authorizing the temporary  
4 conservator to change the residence of the temporary conservatee, an investigator  
5 designated/assigned through the Court Investigator's office of the San Mateo Superior Court is  
6 appointed and directed to:

- 7 a. Personally interview and inform the temporary conservatee of the contents of the  
8 request by the temporary conservator for authority to change the temporary  
9 conservatee's residence; of the nature, purpose, and effect of the proceedings; and of  
10 the right to oppose the request, attend the hearing, and be represented by legal  
11 counsel.
- 12 b. Make the determinations required by Probate Code section 2253(b)-(7).
- 13 c. At least two days before the hearing on change of residence, report your findings  
14 concerning the foregoing in writing to the court, including in your report the  
15 temporary conservatee's express communications concerning representation by legal  
16 counsel and whether he or she is not willing to attend the hearing and does not wish  
17 to contest the petition.
- 18 d. To comply with other orders as directed, including an order NOT to conduct the  
19 investigation and NOT to make the report described in Probate Code section 2253(b).

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21 **4. Medical consent under Probate Code section 1880-** Upon receipt of a petition for an  
22 order determining that there is no form of medical treatment for which the conservatee or  
23 proposed conservatee has the capacity to give informed consent and alleging that he or she is not  
24 willing to attend the hearing, or upon the court having received an affidavit or certificate  
25 attesting to the medical inability of the conservatee or proposed conservatee to attend the

1 hearing, and prior to the court granting an order relating to medical consent under Probate Code  
2 section 1880, an investigator designated/assigned through the Court Investigator's office of the  
3 San Mateo Superior Court is appointed and directed to:

- 4 a. Personally interview and inform the conservatee or proposed conservatee of the  
5 contents of the petition; of the nature, purpose, and effect of the proceedings; and of  
6 the right to oppose the petition, attend the hearing, and be represented by legal  
7 counsel.
- 8 b. Make the determinations required by Probate Code section 1894 (c) -(g).
- 9 c. At least five days before the hearing on the petition, report your findings concerning  
10 the foregoing in writing to the court, including in your report the conservatee's  
11 express communications concerning representation by legal counsel and whether the  
12 conservatee is not willing to attend the hearing and does not wish to contest the  
13 petition.
- 14 d. Comply with additional orders as specified by the court.

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16 **5. Appointment of a Successor Conservator-** Upon receipt of a petition for the appointment  
17 of a successor conservator alleging that the conservatee will not be present at the hearing, or  
18 upon the conservatee's failure to appear at the hearing for appointment of a successor  
19 conservator after having alleged in the petition that they would appear, an investigator  
20 designated/assigned through the Court Investigator's office of the San Mateo Superior Court is  
21 appointed and directed to:

- 22 a. Interview the conservatee personally.
- 23 b. Inform the conservatee of the nature of the proceeding to appoint a successor  
24 conservator, of the name of the proposed successor conservator, of the conservatee's  
25 rights to appear personally at the hearing, to object to the person proposed as

1 successor conservator, to nominate a person to be appointed as successor conservator,  
 2 to be represented by legal counsel if the conservatee chooses, and to have legal  
 3 counsel appointed by the court if the conservatee is unable to retain legal counsel.

4 c. Determine whether the conservatee objects to the person proposed as successor  
 5 conservator or prefers another person to be appointed.

6 d. If the conservatee is not represented by legal counsel, determine whether he or she  
 7 wishes to be represented by legal counsel and, if so, identify the attorney whom the  
 8 conservatee wishes to retain or whether he or she desires the court to appoint legal  
 9 counsel.

10 e. If the conservatee does not plan to retain legal counsel and has not requested  
 11 appointment of legal counsel by the court, determine whether the appointment of  
 12 legal counsel would be helpful to resolution of the matter or is necessary to protect  
 13 the interests of the conservatee.

14 f. Report to the court in writing, at least five days before the hearing or continued  
 15 hearing, concerning items (b) through (e), including the conservatee's express  
 16 communications concerning representation by legal counsel and whether the  
 17 conservatee objects to the person proposed as successor conservator or prefers that  
 18 some other person be appointed.

19 g. Mail, at least five days before the hearing or continued hearing, a copy of the report  
 20 identified in item (f) to the attorneys, if any, for the petitioner and the conservatee and  
 21 to additional persons as otherwise ordered.

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 23 **6. Review Investigation** – When court review is required pursuant to Probate Code section  
 24 1850 (a)(2); or pursuant to Probate Code section 1850.5, or as otherwise ordered pursuant to  
 25 Probate Code section 1850 (b), an investigator designated/assigned through the Court

1 Investigator's office of the San Mateo Superior Court is appointed and directed to conduct the  
2 required investigations as follows:

3 a. Reviews conducted pursuant to Probate Code Section 1850(a)(2) and 1850.5:

- 4 1) Unless otherwise ordered by the court for necessity or to prevent harm to the  
5 conservatee, the court investigator shall, without prior notice to the conservator,  
6 visit the conservatee personally and give the name of the conservator to the  
7 conservatee.
- 8 2) Make determinations required by Probate Code section 1851(a), including  
9 whether the conservator is acting in the best interests of the conservatee. This  
10 last determination must include an examination of the conservatee's placement;  
11 the quality of care, including physical and mental treatment; and the  
12 conservatee's finances and must include, to the greatest extent possible,  
13 interviews with the conservator, the conservatee's spouse or registered domestic  
14 partner and relatives within the first degree, or, if none, the conservatee's  
15 relatives within the second degree.
- 16 3) If the case includes orders under Probate Code section 1873 (authority of  
17 conservatee to enter into transactions), Probate Code section 1880  
18 (conservatee's capacity to give informed consent to medical treatment), Probate  
19 Code section 1901 (conservatee's capacity to marry), determine whether the  
20 present condition of the conservatee is such that the terms of the court order or  
21 orders identified above should be modified or revoked.
- 22 4) To the extent practicable, review the conservator's accounting with the  
23 conservatee if he or she has sufficient capacity.
- 24 5) Inform the court immediately if the investigator is unable at any time to locate  
25 the conservatee.

1           6) If the conservator is authorized to act under Probate Code section 2356.5  
2           (dementia treatment or placement), advise the conservatee specifically that he or  
3           she has the right to object to the conservator's powers granted under this section.  
4           If the conservatee objects to the conservator's powers under this section,  
5           determine whether the powers granted under this section are warranted, and  
6           whether some change in those powers is warranted.

7           7) In the case of a limited conservatorship, make a recommendation regarding the  
8           continuation or termination of the limited conservatorship.

9           8) The court investigator may personally visit the conservator and other persons as  
10          may be necessary to determine whether the present conservator is acting in the  
11          best interests of the conservatee.

12          9) Certify in writing to the court not less than 15 days prior to the date of the  
13          review the investigators determinations and findings, including the facts upon  
14          which the findings are based.

15          b. Reviews conducted pursuant to Probate Code Section 1850(b). Review  
16          investigations initiated upon the court's own motion or as otherwise ordered pursuant  
17          to a request by an interested party will be conducted and reported by the court  
18          investigator as directed by the court and within the scope of the issues to be  
19          addressed.

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23           **IT IS FURTHER ORDERED** that this order shall remain in effect until such time as the  
24          order is vacated or superseded by order of the Presiding Judge or Local Rule of Court.



1 Dated: August 19, 2011.

IT IS SO ORDERED:

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5 Hon. Beth Labson Freeman, Presiding Judge  
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