



What you need to know about  
**Conservatorships**

**A conservator is** someone appointed by a probate judge to protect and manage the personal and/or financial needs of someone who can no longer manage on his or her own. The Schofield Law Group can help you file a petition to become a conservator, challenge someone else's petition, and/or help with a conservatorship that has already been established.

**Please prepare the following information** prior to meeting with the Schofield Law Group. (Attach additional sheets if necessary.)

1. Your name and contact information. ↓

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2. The name of the person you are concerned about, and your relationship with that person. ↓

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3. Please explain why you are concerned about this person. Is there an issue with dementia, for example? Potential elder abuse? ↓

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4. The contact information for the person you are interested in having conserved, and his/her birth date and social security number. ↓

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5. If you are interested in having someone control the person's finances (conservatorship of the estate), please provide a list of the known assets of that person—especially real estate and bank accounts. Please be prepared to explain why the person can no longer take care of his/her own financial needs. Did the person ever sign a durable power of attorney? ↓

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6. If you are interested in having someone control health and personal decisions (conservatorship of the person), please be prepared to explain why the person can no longer take care of his/her own financial needs. Did the person ever sign an advance health care directive? ↓

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7. The names and addresses of any immediate family members and anyone who might have knowledge or interest in the situation (friends, neighbors, doctors). ↓

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**Please be prepared to bring with you all of the relevant documents you can find.**

For example:

- prior wills or trusts or powers of attorney for conservatee
- any bank statements, property deeds, medical records, income and benefits statements, etc.

Bring what documents you have; don't put off setting up an appointment because you are missing a few important documents.

**A S C H O F I E L D L A W G R O U P F A C T S H E E T**



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***Basic Facts About Conservatorships***

The Court appoints a “conservator of the person” to help someone take care of his or her daily needs. The Court appoints a “conservator of the estate” to help someone take care of his or her finances. Sometimes only one type of conservatorship is appropriate, but usually both are.

The legal duties of a “conservator of the person” are:

- Arranging for the conservatee’s care and protection;
- Deciding where the conservatee will live;
- Arranging for health care, meals, clothing, personal care, housekeeping, transportation and recreation;
- Reporting to the Court, as required, concerning the conservatee’s current status.

The legal duties of a “conservator of the estate” are:

- Managing the conservatee’s finances;
- Locating and taking control of the conservatee’s assets;
- Collecting income due to the conservatee;
- Creating a budget to show what the conservatee can afford;
- Paying the conservatee’s bills;
- Investing the conservatee’s money;
- Protecting the conservatee’s assets; and
- Accounting to the Court and to the conservatee for your management of the conservatee’s assets.

Before a person can be appointed as someone’s conservator, she must take certain steps to qualify as a conservator, often including obtaining a bond and signing an oath that she will perform the conservatorship duties according to the law. These papers must be filed with the Court, and a judge must approve the appointment.

A lawyer is a valuable resource in applying for and administering a conservatorship. In addition to making certain that all of the court-required paperwork is filed properly, a lawyer can help the conservator make major decisions, such as whether to move the conservatee to a new home, or how to invest or sell assets.

**A S C H O F I E L D L A W G R O U P F A C T S H E E T**