

How do you obtain a conservatorship?

Key facts

- To obtain a conservatorship, an interested person files a petition with the probate or trial court in the county where the adult lives, explaining why the person can no longer safely manage money, personal care, or both (Utah Courts Self-Help, checked 2026-09-22).
- Courts are required to try the least restrictive option first, such as a power of attorney, a representative payee or supported decision-making, before granting a full conservatorship (U.S. Department of Justice, Elder Justice Initiative, checked 2026-09-22).
- Justice in Aging cites National Center for State Courts figures of about 1.3 million adults currently under guardianship or conservatorship nationwide, controlling roughly \$50 billion in assets, though data collection is inconsistent (Justice in Aging, checked 2026-09-22).
- California law sets an order of preference for who the court appoints when candidates are equally qualified: the conservatee's own stated preference first, then a spouse or domestic partner, an adult child, a parent, a sibling, and finally any other eligible person or entity (California Probate Code Section 1812, checked 2026-09-22).
- California's statewide filing fee to start a limited conservatorship case is \$435, on top of a separate investigation fee (California Courts Self-Help Guide, checked 2026-09-22).
- Once a court grants the petition, it issues letters of conservatorship, the document banks, the IRS and other agencies ask to see as proof of legal authority (Consumer Financial Protection Bureau, checked 2026-09-22).
- A Social Security representative payee, one common alternative, can only manage a person's Social Security or SSI benefit checks, not their other money, property or medical decisions (Social Security Administration; U.S. Department of Justice, Elder Justice Initiative, checked 2026-09-22).

Checklist: obtaining a conservatorship, in order

- ☐ Confirmed that a power of attorney, representative payee or supported decision-making will not meet the need
- ☐ Decided whether a conservatorship of the estate, of the person, or both is needed
- ☐ Identified the correct probate or trial court for the county where the adult lives
- ☐ Obtained or scheduled the required medical or capacity evaluation
- ☐ Completed and filed the petition and any state-required forms
- ☐ Paid the filing fee, or filed for a fee waiver
- ☐ Served notice on the proposed conservatee and required relatives within the state's deadline
- ☐ Cooperated with the court investigator, visitor or examining committee
- ☐ Attended the hearing and received the court's order
- ☐ Posted any required bond and took the oath of office
- ☐ Received certified letters of conservatorship or guardianship
- ☐ Filed the first inventory and calendared the next accounting deadline

