

The Role of APS in the Conservatorship Process Transfer of Learning

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The Role of APS in the Conservatorship Process: Transfer of Learning

Objective:

This Transfer of Learning (TOL) is designed to accompany [Adult Protective Services Workforce Innovations](#) *The Role of APS in the Conservatorship Process eLearning*.

How to Use:

This TOL can be used by learners individually to enhance their learning or can be facilitated by a trainer during a one-on-one coaching session or group training session.

- Learners can use the resources and handouts found in the eLearning.
- There are [Facilitator Discussion Points](#) to provide support. It's helpful to add your own expertise and specific organization's protocols/practices to the feedback provided to the learner.

TOL Contents:

- Case scenarios:
 1. [Christoph and Frieda's Complex Case](#)
 - a. *This scenario is divided into five parts, depicting the complexities of the conservatorship process and issues that can come up quickly without notice. Each part has prompts.*
 2. [Understanding Fatemeh's needs: Addressing Health, Finances, and Support](#)
 - a. *There are discussion questions that follow.*
- Suggestions for meeting with community partners
- Videos with discussion questions:
 1. [Conservatorship of the Person](#)
 2. [Conservatorship of the Estate](#)

Content Warning:

We recognize that APS work is both challenging and rewarding and APS professionals are whole human beings who have their own experiences before and during APS work. Questions and discussion in large and small groups, reflection, and participation in video discussion activities may activate feelings based on personal or professional experiences, including secondary trauma and we encourage everyone to do what they need to do in order to safely engage in this transfer of learning.

Case Scenario 1: Christoph and Frieda's Complex Case

Part 1:

Christoph and Frieda are a married couple who are retired and living in a house they own. Christoph is 89 and Frieda is 93. They emigrated from Germany in the 1950's with their son who passed away approximately two years ago. Both are fluent in German and English.

Christoph was diagnosed with Alzheimer's Disease approximately three years ago but was managing well with assistance from Frieda and his son, prior to his death. Frieda has been having Transient Ischemic Attacks (TIAs or mini strokes) and has not been to the doctor since the TIAs started, approximately one year ago.

Recently, Frieda received an eviction notice and ran outside screaming. A neighbor noticed and attempted to help her. The neighbor went through some mail and learned that the couple were being evicted due to being one year behind with HOA fees.

You meet with the couple and observe that their house has a very strong odor of urine. The house is in hoarded condition with papers, bills, kitchen items, books, and more collected all over the house. There is rotting food in the kitchen and the refrigerator is filled with rotting food and not working. There are notices that electricity and gas will soon be shut off. When you ask the couple about this, Christoph is pleasant, but does not appear to follow the conservation well, and continually states that "Frieda takes care of me and everything." Frieda is guarded but later admits that she has not been paying bills and is frequently not feeling well. The couple states they have no family and do not want "government assistance."

- At this point in the investigation should you do a referral for conservatorship for this couple?
- What are some interventions you might initially try?

Part 2:

You attempt to build rapport with Christoph and Frieda to assist with implementing some interventions that would keep them in the least restrictive environment. Christoph is friendly, but confused, and very agreeable. Frieda admits that she needs help but is distrusting of social workers and continually states that she will handle things on her own. She will only agree to a Meals on Wheels (MOW) referral. She refuses assistance

with her bills, is not agreeable to consider moving into alternative housing such as assisted living where she could receive help with Christoph's care and does not want a caregiver or to involve neighbors. You agree to check back in a week.

You visit the couple one week later and there is a notice on the door that the electricity will be turned off in 10 days, if the outstanding bill of \$1,500 is not paid. There are at least 20 MOW meals piled on the front porch. You knock on the door and Christoph answers. He is only wearing soiled underwear and a stained tee shirt and has two different color socks on. He invites you in and tells you that Frieda is sleeping. You notice the same food rotting in the fridge from last week. Christoph says he is hungry and cannot remember the last time he ate something. Frieda wakes and enters the room and starts yelling at Christoph for letting you in without her permission. She gets more agitated and states that she might as well just kill him and herself to "take care of this situation."

- What is your next intervention?
- Is it time to complete the referral for conservatorship?
- Is conservatorship an intervention for a crisis?
- Does this warrant emergent services?

Part 3:

You call 911, and the police and psychiatric evaluation team (team trained and certified to perform psychiatric evaluations for a possible 5150 hold) arrive. After a thorough assessment, Frieda denies being suicidal or homicidal and admits that she was very angry that Christoph let "a sneaky social worker" into the home. The team recommended that Christoph and Frieda go to the hospital to be medically cleared due to feeling weak and not eating, but Frieda refused, and the team did not force. You were able to get Frieda some groceries and saw them both eat a meal. After attempting to get the couple linked with various community agencies, Frieda refuses all assistance, including Meals on Wheels, stating the meals are "filth," and that she will take care of everything.

- Can APS implement any involuntary intervention at this point?
- What is the next intervention? Is it time for a referral to the PG's office?

Part 4:

An investigator from the PG's office contacts you after their initial visit with the couple. They want to conduct a team visit to try to see if there is a viable alternative to conservatorship.

You and PG investigator arrive at Christoph and Frieda's house and find Christoph sitting in his chair in feces, and Frieda unconscious on the floor. You call 911 and they are both taken to the hospital for medical evaluations. During this time, the PG investigator can talk to the medical team who agree that neither Christoph nor Frieda have the decision-making ability to care for self and finances. PG proceeds with filing a petition for conservatorship for the couple.

After some recovery in the hospital, Christoph and Frieda are placed in a board and care, together. During the process to find any last resort alternative, family, two nieces are found who have had no contact with the couple for years, but agree to come to the US, from Germany, to assist them. The nieces arrive from Germany and meet with the PG team. Initially, they appear motivated to assist and have the couple's best interest at heart.

After a family meeting at the placement, a social worker hears the nieces talking about how much money they are going to make when they sell the house and they "Can't wait to take the money and run, they never liked that side of the family, and let the US government take them."

- What should be done next?

Part 5:

After the team meets and discusses everything, including what was overheard and stated by the family, PG determines that the family is not appropriate to be conservator and they recommend that the Public Guardian be conservators for Christoph and Frieda. During the conservatorship court hearing, it is determined that PG will be probate conservators for the couple.

The court grants a conservatorship covering both the person and the estate for both Frieda and Christoph. This allows the couple to reside together in a suitable board-and-care facility that adequately addresses their needs.

Case Scenario #2: Understanding Fatemeh's Needs: Addressing Health, Finances and Support

Fatemeh is a 78 year-old Iranian female living alone in an apartment. Fatemeh's neighbor has contacted APS because Fatemeh is about to be evicted from her apartment. Although she has an adequate income, Fatemeh has not paid her rent for the last three months. Fatemeh's health has been deteriorating, and her memory has been getting progressively worse. Her neighbor finally gets her to agree to see a doctor, where she is diagnosed with Moderate Fronto-Temporal Neurocognitive Disorder. You suspect that this is behind her inability to manage her money. You contact Fatemeh's doctor and the physician confirms Fatemeh's diagnosis and also advises that Fatemeh does not have the capacity to make decisions of the person or finances. APS history indicates that numerous self-neglect allegations have been confirmed in the past. Fatemeh has no family or support system and the neighbor is unable to assist further, as she is moving out of the area.

- Is this case appropriate for a probate PG referral? Who would you consult with?
- What additional interventions would you engage in to mitigate the risks to Fatemeh?

Meeting with Partners Activities

The Role of APS in the Conservatorship eLearning covered some foundational information but due the complexity associated with conservatorship and the different types of conservatorship, we encourage the following:

- Have a PG Investigator come to a program or a unit meeting to discuss how they conduct their investigations to determine if an adult is appropriate to be placed on a conservatorship
 - Discuss any similarities and differences between your two roles (APS and PG). Discuss any ways to improve the current process of working together.
- Team with a PG investigator to watch them do an assessment with the client.
- Review a Confidential Capacity Assessment and Declaration form GC-335 and Declaration on Medical Ability to Attend Hearing form GC-325. Answer the following questions:
 - What professionals are allowed to complete each form?
 - Do they need to meet any specific criteria?
 - It's important to note that the statute for Medical Ability to Attend a Hearing changed in 2025 as to who can complete one, which now includes others.
- Attend a probate conservatorship hearing to view the actual court process.
- Meet with local psychiatric care teams and/or psychiatric facilities and discuss their process for an LPS Conservatorship referral.

Video Activity #1: Conservatorship of the Person

On Sacramento County Public Law Library's website there are three videos that Sacramento County requires prospective conservators to watch as well as file a local form verifying these videos have been viewed prior to submitting a petition for conservatorship. These three videos can be located at the following link: [Conservatorship Videos - Sacramento County Public Law Library](#).

For this activity, using the Conservatorship of the Person Video, view suggested segments or in it's entirety. Once you have viewed the segment you can answer the questions that follow to check your knowledge.

[Conservatorship of the Person](#) link.

Start at 1:12, stop at 1:51

Answer the following questions:

- What is a Conservatorship of the person?
- Who can be a conservator?
- Who appoints the conservator?

Start at 2:31, stop at 5:32

- There are different types of conservatorship of the person. Who is referred for a General Conservatorship?
- Who is referred for a limited conservatorship and what are two of the seven powers that the conservatorship can ask to be granted to make decisions for the individual?
- Who is referred for a LPS conservatorship and how are persons referred to the court?

Start at 7.25, stop at 7:49

- There are different types of conservatorships within conservatorships. One of these is a temporary conservatorship. What is a temporary conservatorship and what types of situations necessitate a temporary conservatorship?

Start 12:48, end 16:15

- What additional document needs to accompany the temporary conservatorship filing?
- What are some examples of situations where the court might grant a temporary conservatorship?
- Does a temporary conservatorship have an expiration date and if so, when does it end?

Video Activity #2: Conservatorship of the Estate

On Sacramento County Public Law Library's website there are three videos that Sacramento County requires prospective conservators to watch as well as file a local form verifying these videos have been viewed prior to submitting a petition for conservatorship. These three videos can be located at the following link: [Conservatorship Videos - Sacramento County Public Law Library](#).

For this activity, using the Conservatorship of the Estate Video, view suggested segments or in it's entirety. Once you have viewed the segment you can answer the questions that follow to check your knowledge.

[Conservatorship of the Estate](#) link.

Start 00.00, end at 2:57

- If a person is a conservator of the person, do they also file a petition to be a conservator of the estate?
- What does the term fiduciary mean?
- The trainer in the video discussed some instances when someone could be a payee instead of a conservator of the estate. When can a person be a representative payee vs being a conservator of the estate?

Start at 16.34, end at 19.14

- What does it mean that a conservator of the estate cannot hire or refer any business to an entity owned by the conservatorship without court permissions?
- Can the conservator have the conservatee pay for their attorney's fees and payment for being their conservator?

Facilitator Discussion Points

Case Scenario #1: Christoph and Frieda's Complex Case

Part 1:

- Should you do a referral for conservatorship for this couple?
 - *Not likely at this point.*
 - *It is important to keep in mind that conservatorship is a last resort. When the PG's office receives a referral, part of the application asks the referring party to provide all interventions that have been tried and failed. Typically, but not always, by the time APS is making a referral to the PG's office, there is a history of many APS reports and many interventions that have been tried.*
 - *As we know, Alzheimer's Disease and other types of irreversible neurocognitive disorders, are progressive and get worse over time. In the beginning stages, an individual might be able to handle their daily affairs well. Over time, they might become more forgetful or confused and be unable to manage their finances or activities of daily living. There could also be a sudden medical issue, such as a stroke, that can affect one's ability to manage their affairs.*
 - *Another issue to consider is whether someone has support. As we age, we may suffer losses. While some people have no support, others might have been cared for by loved ones who have passed away, so they suddenly lost the support they had.*
- What are some interventions you might initially try with this couple?
 - *There are many resources that can assist folks who need assistance in their home. In Home Supportive Services (IHSS) can assist with getting a caregiver in the home for those who are eligible.*
 - *Meals on Wheels (MOW) provides home delivered meals to older adults and adults with disabilities and can also assist with some other supportive services.*
 - *Setting up auto bill pay can assist so that the individual doesn't need to remember to pay bills each month. This helps them stay current on essential services.*

- *Adult Day Care provides a professional care setting for older adults and adults with disabilities in need of supervised care and activities during the day. It can also provide respite to caregivers caring for someone with a neurocognitive disorder.*
- *Exploring placement in a care facility is another intervention to be tried. There are various levels of care facilities that can provide assistance to seniors needing help with activities of daily living and instrumental activities of daily living.*
- *It is always best to try to access any and all support for the individuals. Does the person have any family or friends that can assist? Even if estranged, sometimes family or friends will help in these types of situations, rather than have the PG intervene.*

Part 2

- What is your next intervention?
 - *This has now turned into an emergency situation. The APS professional needs to call 911 immediately. The couple's safety is possibly at risk, and the APS professionals safety might also be at risk, depending on the intent of Frieda. Most likely, law enforcement and a psychiatric emergency team will be dispatched to the location. Frieda will need to be evaluated to see if she meets criteria for an involuntary hold due to stating that she might harm herself or Christoph.*
- Is it time to complete the referral for probate conservatorship?
 - *A probate conservatorship application becomes necessary when the adult is unable to provide for their basic needs and manage their finances or daily life. Based on this information, it appears that this should be the next intervention.*
- Is probate conservatorship an intervention for a crisis?
 - *The application for probate conservatorship and the process itself, takes time. Probate conservatorship is not an intervention for a crisis.*
- Does this warrant emergent services?

- *Yes, based on the current scenario during the second visit, with Frieda making statements to harm herself and/or Christoph, this is a 911 call.*

Part 3:

- Can APS implement any involuntary interventions at this point?
 - *APS called the appropriate crisis agencies, and after an assessment/evaluation, it was determined that a forced intervention such as a 5150 psychiatric hold was not appropriate at this time. APS is reliant on other agencies to force interventions and might not always agree with the decision made, i.e., APS really thinks the couple should be hospitalized even though County Mental Health and law enforcement did not agree). This can be frustrating at times, but APS has to work within their scope and collaborate with community partners when needed. Hence the reason that relationships with community partners are very important.*
- What is the next intervention?
 - *At this point, it is time for a referral to the PG's office for probate conservatorship. Various interventions have been tried. Frieda is becoming more noncompliant and uncooperative. There is no known support people to assist the couple, so we have reached the last resort of referring for probate conservatorship.*

Part 4:

- What should be done next?
 - *Once it became clear that the nieces were not acting in the couple's best interest, it would be appropriate to convene a MDT meeting with the PG, APS, and the board and care operator to discuss how to ensure the couple's safety and protect them from any potential harm. APS can assist PG in preparing for the trial for conservatorship by providing historical information. As always, it is vital that APS documents are factual and thorough, as they could be reviewed along with the APS professional testifying when the conservatorship case goes to court.*

Part 5:



- *Unfortunately, APS cases do not always have a happy ending. In this situation, although contentious most of the time, it became clear that the couple needed assistance and they were unable and unwilling to receive it due to their medical issues causing memory loss and problems managing their finances and activities of daily living. There were many interventions tried, and as a last resort, PG became involved, and the couple was able to be placed together in a least restrictive environment that allowed them to live well and thrive.*

Case Scenario 2: Understanding Fatemeh's Needs: Addressing Health, Finances and Support

- Is this case appropriate for a probate PG referral?
 - *Unfortunately, all types of irreversible neurocognitive disorders are progressive, meaning that symptoms worsen over time. There are medications that can slow the progression, and there are various different types of neurocognitive disorders that progress at different rates, but there is no cure or stopping the symptoms from worsening. In this case, Fatemeh, is in the moderate stage of Fronto-Temporal NCD, and has been having trouble navigating her bills and daily life skills, to the point that she is going to be evicted from her apartment. She has no support, except her neighbor, who is moving out of the area and will no longer be able to assist. Fatemeh as confirmed by her physician lacks decision-making ability for both the person and finances. She presents with significant memory impairment, and is at risk of a crisis occurring. As a result of these circumstances, this case is appropriate for a referral to PG for probate conservatorship. Again, this is a last resort, but the client's safety is at risk if she continues living alone.*
- Who would you consult with?
 - *A good place to start is with your supervisor. Present the case at a MDT and invite the PG to attend. Arrange for Fatemeh to be seen by a neurologist for a thorough assessment and request a capacity declaration. Consult with Fatemeh's physician to*

ascertain if Fatemeh is taking medication and follow up with Fatemeh to confirm. Ask physician if Fatemeh would be a candidate for home health services.

- What other interventions would you engage in to mitigate the risks to Fatemeh?
 - *Referral to IHSS if she's eligible for services. Referral to MOWs, Friendly visitor programs, case management services and auto bill pay if possible. If APS has a case management program, consider a referral to keep the case open for case management services and on-going face to face visits as conservatorship can be a lengthy process. The more agencies that visit Fatemeh in her home, the better we can mitigate the risks to her.*

Video Activity 1: Conservatorship of the Person

Conservatorship of the Person video [link](#)

Start the video at 1:12, end at 1:51

Answer the following questions:

- What is a Conservatorship of the person?
 - *It is a legal arrangement where a responsible person takes care for another adult who cannot care for themselves.*
- Who can be a conservator?
 - *A lot of times it is a family member but it does not have to be. It can be a friend or a private professional.*
- Who appoints the conservator?
 - *It is the court that appoints the conservator.*

Start at 2:31, end at 5:32

- There are different types of conservatorship of the person. Who is referred for a General Conservatorship?

- *An older adult or an adult with a developmental disability who has no ability to make any decisions for themselves.*
- Who is referred for a limited conservatorship and what are two of the seven powers that the conservatorship can ask to be granted to make decisions for the individual?
 - *It is a person living with a developmental disability. The seven powers include Residence: Fixing the conservatee's home, Records: accessing the conservatee's confidential records, Marriage: consenting or withholding consent to marriage, contracts: controlling the conservatee's ability to enter into contracts, Medical: consent or withhold consent to medical treatment, Social: limit or exercise the conservatee's social and sexual relationships, Education: Make decisions about the conservatee's education*
- Who is referred for a LPS conservatorship and how are persons referred to the court?
 - *It is a person a person living with a mental health disorder who is determined to be gravely disabled. This means that they are unable to provide for their basic needs of food, shelter, or clothing due to a mental health disorder. Persons are referred by whomever the county designates to make the referral.*

Start at 7:25, stop at 7:49

- There are different types of conservatorships within conservatorships. One of these is a temporary conservatorship. What is a temporary conservatorship and what types of situations necessitate a temporary conservatorship?
 - *A temporary conservatorship is exactly as it is stated, it's temporary. It may be filed immediately if the investigator determines that there is an emergency occurring with the individual and the investigator will go out and investigate family or other parties to determine if it is an emergency prior to filing with the court.*

Start 12:48, end 16:15

- What additional document needs to accompany the temporary conservatorship filing?
 - *A temporary conservatorship must be filed along with a General petition for conservatorship. Both petitions must be filed together.*
- What are some examples of situations where the court might grant a temporary conservatorship?
 - *If a proposed conservatee is in the hospital, needs medical intervention and there is no POA of healthcare. If a proposed conservatee is sending lots of money to a person that financially abusing the conservatee and using their money for their own financial gain, or if the conservatee is living without utilities and they are lacking the decision-making ability to pay their utilities.*
- Does a temporary conservatorship have an expiration date and if so when does it end?
 - *It ends when the court date occurs for the General conservatorship*

Video Activity 2: Conservatorship of the Estate

Conservatorship of the Estate video link [Conservatorship of the Estate](#)

Start 00.00, stop 2:57

- If a person is a conservator of the person, do they also file a petition to be a conservator of the estate?
 - *A person can be a conservator of the person or estate or both. It could be for example that the conservatee can manage their healthcare decisions but is unable to manage their finances.*

- What does the term fiduciary mean?
 - *If a person is appointed Conservator of the estate the court recognizes that person as a Fiduciary. A Fiduciary means that the court is expecting you to manage someone else's money.*
- The Trainer in the video discussed some instances when someone could be a payee instead of a conservator of the estate? When can a person be a representative payee vs being a conservator of the estate?
 - *If the conservatee is only receiving public benefits such as social security or VA benefits then a person may be able to be a payee on those benefits, those monies received and a conservatorship of the estate may not be needed. If there is a retirement that is coming in, investments, if there is a house, or real property that is involved, or any other bank accounts that need to be managed, then a conservatorship of the estate will be needed.*

Start at 16.34, stop at 19.14

- What does it mean that a conservator of the estate cannot hire or refer any business or an entity to the conservatorship without court permissions?
 - *It means that you must get permission from the court to contract work, for instance contracting work with a CPA to assist with managing the conservatee's taxes. There are exceptions such as routine work that has been previously in place like housecleaning or lawn maintenance.*
- Can the conservator have the conservatee pay for their attorney's fees and payment for being their conservator?
 - *No payment for attorney's fees or for duties performed as conservator can be paid unless approved by the court.*

References and Resources

The Academy for Professional Excellence. (2025) *The role of APS in the conservatorship process [eLearning]*. Retrieved from <https://theacademy.sdsu.edu/programs/apswi/advanced-training/the-role-of-aps-in-the-conservatorship-process/>

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OUR WHY: **REVOLUTIONIZE
THE WAY PEOPLE
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