How do I find a lawyer for conservatorship?

Key facts

- A person facing a conservatorship petition has the right to hire their own lawyer, and in several states the court must appoint one if they cannot afford it (New York Mental Hygiene Law Section 81.10; Florida Statutes Section 744.331; Texas Estates Code Section 1054.001, checked 2026-09-19).
- The CFPB points people looking for an elder law attorney to free legal aid for those 60 and older, the NAELA directory, and their local bar association (Consumer Financial Protection Bureau, checked 2026-09-19).
- California charges $435 to file a petition to appoint a probate conservator, and a household that cannot afford it can ask the court to waive that fee and investigation costs (Judicial Branch of California Self-Help Guide, checked 2026-09-19).
- A conservator's attorney cannot be paid from the conservatee's estate until a judge reviews the request and finds the fee reasonable (California Probate Code Section 2640, checked 2026-09-19).
- In Florida, an attorney the court appoints for a person alleged to be incapacitated is paid from the ward's property, or by the state if indigent (Florida Statutes Section 744.331, checked 2026-09-19).
- The Uniform Law Commission's Guardianship, Conservatorship, and Other Protective Arrangements Act gives states two models for appointing counsel: a right to request one, or automatic appointment once a petition is filed (Uniform Law Commission, checked 2026-09-19).
- CANHR's Lawyer Referral Service, certified by the State Bar of California, refers callers to elder law attorneys handling conservatorship cases at no charge (CANHR, checked 2026-09-19).

Checklist: hiring the right conservatorship lawyer

- ☐ Confirm whether you are hiring a lawyer for the petitioner or for the proposed conservatee; these are different roles and cannot be the same attorney.
- ☐ Ask if an existing power of attorney or a representative payee could avoid the need for conservatorship entirely.
- ☐ Check eligibility for legal aid through a Legal Services Corporation grantee or Area Agency on Aging before paying privately.
- ☐ Get a written fee agreement stating hourly rate or flat fee, the retainer, and what is and is not included.
- ☐ Ask how the attorney bills for the ongoing accounting most conservatorships require every year, not just the initial filing.
- ☐ Ask whether the attorney or firm has handled cases in the specific county and court where you will file.
- ☐ If the proposed conservatee already has a preferred attorney, confirm their right to keep that choice over a court appointment.
- ☐ Keep every invoice, court order approving fees, and the attorney's contact information in one place.