
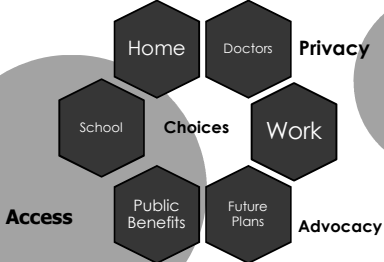


Conservatorship:
What People with Disabilities &
Families Need to Know




Making Decisions as an Adult



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Overview of Presentation



What is Power of Attorney?



What is Power of Attorney?



This legal document allows an individual, the principal, to appoint a trusted relative or friend to be an agent

- Important Questions
- Why would an individual need this form?
 - At what age does a person need this form?

Types of Power of Attorney

How Does It Work?

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- ▶ Pick an agent
- ▶ Think about:
 - * Task you want your agent to perform
 - * Authority you want to share
 - * Instructions to agent
- ▶ Notary & witness requirements
- ▶ Think about who should have a copy of the document
- ▶ Revocation

What is Conservatorship?

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What is
Power of
Attorney?

What Is
Conservatorship?

Rights of
Conservatee &
Responsibilities
of Conservator

Other Tools
for Decision-
Making &
Support

Conservatorship

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--Is a protective legal proceeding where a judge will appoint a person (or an organization) to have care, custody, and control and/or manage the estate of an adult who is unable to provide for their own basic needs.

The court may not grant the conservatorship if there are **less restrictive** alternatives.

Different Types of Conservatorship

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Probate Conservatorships

- 1. General (or with Dementia Powers) Conservatorship
- 2. Limited Conservatorship

Mental Health Conservatorships

LPS Conservatorships

Conservatorship

Conservatorships can be established over the person and/or their estate

Limited Conservatorship

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"Limited conservatorships are for adults with developmental disabilities. Developmental disability refers to a severe and chronic disability due to a mental or physical impairment that started before age 18. Limited conservatorships are set up to assist developmentally disabled adults who are unable to provide for all their personal or financial needs."^{1*}

*<http://www.courts.ca.gov/selfhelp-conservatorship.htm#rdelocaleAttr=en>

Limited Conservatorship, cont. 13

The person applying for conservatorship may request the following:

1. The power to decide where the limited Conservatee will live;
2. The power to gain access to the confidential records and papers of the limited Conservatee;
3. The power to consent or withhold consent to the marriage of, or the entrance into a registered domestic partnership by, the limited Conservatee;

Limited Conservatorship, cont. 14

4. The power to control the right of the limited Conservatee to contract;
5. The power to provide or withhold consent to medical treatment for the limited Conservatee;
6. The power to control the limited Conservatee's social and sexual contacts and relationships; and;
7. The power to make all decisions regarding the limited Conservatee's education.

Limited Conservatorship, cont. 15

Important Questions:

- ❖ Can a Power of Attorney meet the needs of the person needing help?
- ❖ Why do people file?
- ❖ Applicable to what age?
- ❖ When should someone apply?
- ❖ Who should apply?

The Court Process

- 1. Have doctor or psychologist complete Capacity Declaration
- 2. File required paperwork and pay the court fees*
- 3. The Court sets a Hearing Date
- 4. Notice of Hearing-- Certain family members, the Regional Center, and the proposed conservatee are entitled to Notice.



Who is Involved in the Court Process?

- 1. **PVP Counsel:** appointed by the court to represent the interest of the proposed conservatee.
- 2. **Probate Investigator:** employed by the Los Angeles County Superior Court, a Probate Investigator acts as the "eyes and ears" of the court.
- 3. **Regional Center:** The proposed conservatee's designated regional center conducts an assessment and prepares a report for the court
- 4. **Judge:** makes the decision as to whether the conservatorship is needed, what powers are needed, and who is best suited to serve as conservator.

Rights of Conservatee & Responsibilities of Conservator



Rights of an Individual Who Is Conserved

- Representation by a lawyer
- Ask a judge to replace the conservator
- Ask a judge to end the conservatorship
- Directly receive and control his or her salary
- Control an allowance



Rights of an Individual Who Is Conserved, cont.

- Enter into transactions to the extent reasonable to (1) provide the necessities of life to the conservatee and his or her minor children, and (2) provide the necessities of life to his or her spouse/registered domestic partner.

The conservator must involve the conservatee in the decision-making preferences and take consider the conservatee's known preferences.

Responsibilities of the Conservator

As a limited conservator appointed by the court, you have the duty to help the limited conservatee develop maximum self-reliance and independence.



- Also help with:
- Habilitation or treatment
 - Education
 - Medical care, counseling and psychological services
 - Social and vocational opportunities

Other Tools for Decision-Making & Support



Other Tools for Decision-Making & Support



Help with Education:

- Education Authorization

Help with Money & Benefits:

- Payee Representative
- Authorized Representative for Medical/ IHSS
- True Link Card
- Special Bank Accounts
- Special Needs Trust

Other Tools for Decision-Making & Support

Protection from Abuse:

- Elder Abuse/Dependent Adult Restraining Order

Future Care

- Create a Letter of Intent



Resources

1. Bet Tzedek's Limited Conservatorship Guide:
<http://www.bettzedek.org/wp-content/uploads/2011/04/Bettzedek2014LtdConservGuide.pdf>
2. Judicial Counsel Self-Help:
<http://www.courts.ca.gov/selfhelp-conservatorship.htm>

