

# **SUPPORTING YOUR LOVED ONE**

*A guide to guardianship and involuntary  
mental health treatment*



**Los Angeles County  
Department of Mental Health  
Office of the Public Guardian**

2024  
Tenth Edition

# **M E S S A G E**

## *from the Court*

Thank you for agreeing to take on the role of conservator. Whether you are entering this role for the first time, or the court has reappointed you as a conservator, the legal process of obtaining a conservatorship a Lanterman-Petris-Short (LPS) conservatorship can be as difficult a time for the conservator as it is for the conservatee.

You have agreed to take on a great obligation requiring your consistent advocacy, a significant infringement on your time and energy, and extraordinary stores of compassion and understanding. For many of you, the court is aware that you may have already been doing all of this and more for your loved one for years.

As the yearlong journey of treatment, rehabilitation, and care begins for the conservatee, keep in mind that the court is a place where both the conservator and the conservatee can seek help, support, and information. Within and around the solemn walls of the courthouse, an army of court personnel, attorneys, and other state, county, and local employees work hard to bring each individual case before the court. Once called before the court, each person can be assured that the court applies the laws equally, without bias, and treats each litigant with respect and dignity. Your role in an LPS conservatorship and our noble system of justice demand nothing less.

Daniel Juárez  
Former Judge of the Superior Court  
Mental Health Court, Department 95A

# INTRODUCTION

## *for you, the guardian*

This booklet has been prepared to help support you as a court appointed guardian (aka “conservator” or “surrogate decision-maker”) for your loved one. The primary purpose of this document is to facilitate your understanding of the guardianship process, to explain your duties as a guardian, and to supply you with some key information for carrying out those duties successfully.

Though there are different types of guardianship, this booklet focuses on the mental health guardianship. Mental health guardianships are assigned by designated judges who use a legal process that allows them to designate a person (guardian) who is appointed to make treatment decisions for individuals who cannot properly do so for themselves as the result of a serious mental disorder. The goal of guardianship is to help those in need achieve independence and recover the capacity for self-care while living with an illness.

With your love and support and the collaboration with professionals in the health and human service fields, guardianships can often make the difference in paving the road to a full life for individuals with serious mental illness lives.

At the same time, please recognize that serving as a guardian is not easy and we urge you to take advantage of the resources listed in this booklet for support. Of particular note, we suggest you establish contact with the National Alliance for the Mentally Ill (NAMI) to connect with others who have experience with the challenges of the guardianship role.

We extend our sincere appreciation for your willingness to serve as a guardian and send wishes for the *Hope, Recovery and Wellbeing* of a loved one.

**James Kwon**

Deputy Director

Office of the Public Guardian

**Lisa H. Wong, Psy.D.**

Director

Department of Mental Health

# TABLE

## *of contents*

**This is a general guide only. It is intended to familiarize private conservators with their general duties. For specific advice, the private conservator should consult with qualified professionals.**

### **Chapter 1**

Conservatorship.....Page 1

### **Chapter 2**

Duties as Conservator..... Page 4

### **Chapter 3**

Talking to the Doctor ..... Page 6

### **Chapter 4**

Living Arrangements ..... Page 9

### **Chapter 5**

Reporting to the Court ..... Page 11

### **Chapter 6**

Handling the Finances ..... Page 13

### **Chapter 7**

Agencies You'll Talk to and Their Roles ..... Page 14

### **Chapter 8**

Frequently Asked Questions ..... Page 16

### **Chapter 9**

Getting Help..... Page 25

**Chapter 10**

Rights of the Conservatee..... Page 35

**Chapter 11**

Duties of Conservator of the Estate..... Page 38

**Chapter 12**

Forms You Will Need..... Page 41

The law is the last result of  
human wisdom acting upon  
human experience for the  
benefit of the public.

**Samuel Johnson, 1786**

# CHAPTER 1

## *Conservatorship*

### **What is conservatorship?**

"Conservatorship" is the term used in California for the more familiar word "guardianship" when applied to adults. Conservatorship is a legal proceeding in which the court decides if someone should be appointed as the legally responsible party for someone who is unable to properly care for him or herself. The responsible party is the conservator, and the client or patient is the conservatee.

### **Are there different kinds of conservatorships?**

Yes. The kind discussed in this booklet is called LPS conservatorship or mental health conservatorship. (LPS simply stands for the last names of the legislators who authored the LPS Act - Lanterman, Petris, and Short). The key element that distinguishes LPS conservatorship from other kinds concerns involuntary mental health treatment. The LPS conservator is authorized to approve mental health treatment even against the wishes of the patient.



***Conservatorship ensures individualized treatment, supervision, and placement for your loved one.***

## **What is the purpose of conservatorship?**

The purpose of conservatorship, according to the LPS Act, "is to provide individualized treatment, supervision and placement" for the conservatee - the person in need of conservatorship. In basic terms, this means that the conservator will ensure that the basic needs (food, clothing, or shelter), treatment needs and financial needs of the conservatee are met.

## **Does LPS conservatorship apply to children as well as adults?**

Yes. LPS conservatorship applies to children, adults, and older adults. The criteria for establishing LPS for children and adolescents under age 18 are slightly different than for adults. For all age groups, there must be a need for involuntary mental health treatment.

## **Can LPS conservatorship be established for someone facing criminal charges?**

Yes. There are several ways to establish a conservatorship for a person charged with a crime. In general, the criminal defendant must still meet the criteria for LPS conservatorship.

## **How is conservatorship started?**

Conservatorship starts with an evaluation of the individual by authorized mental health professionals, usually from a facility designated by the Department of Mental Health to do LPS evaluations. Typically, the facility is an acute psychiatric hospital, and the evaluation is done while the individual is on an involuntary hold.

The mental health professionals must have current knowledge of the individual's condition. They must find that the person has a mental disorder and that, as a result, he or she cannot provide for food, clothing, or shelter. Once this determination is made, the mental health professionals may submit an application for conservatorship to the Public Guardian.

Only the Public Guardian can petition the Court when an individual is first being placed on an LPS conservatorship.

## **How does the conservatorship process work?**

Upon acceptance of an appropriate application for conservatorship, the Public Guardian petitions Department A of the Superior Court for a hearing on the matter. The court date is usually held within 30 days. In the weeks prior to the hearing, a Deputy Public Guardian will interview the individual referred, review the medical chart, and talk to medical staff and family members. Based on the information gathered during the investigation, the Deputy Public Guardian will submit a written report to the court with a recommendation for or against establishing the conservatorship.

The court decision to establish a conservatorship or not is based on the unique factors in each individual case.

## **What happens in court?**

At a court hearing, all interested parties, such as family members, are present. If the Public Guardian is recommending that a conservatorship be established, County Counsel will present the case and may call witnesses. The individual for whom the conservatorship is recommended, called the proposed conservatee by the court, will be there. He or she will be represented by an attorney, usually the Public Defender, who may oppose the recommendation for conservatorship. Based on the evidence, the court or jury makes the decision regarding the need for conservatorship. The court or jury can deny the conservatorship or appoint a conservator. If a family member is appointed conservator, he or she will receive further information and instructions from the court.



# CHAPTER 2

## *Duties as a conservator*

### **What is expected of me as conservator?**

As conservator, your primary duties are to ensure that:

- Your loved one receives appropriate care and treatment
- Available benefits are obtained and properly managed
- You keep the court informed of certain matters as required

The outcomes you want for your loved one are the same ones the Department of Mental Health wants for all clients: A safe and appropriate place to live; a meaningful way to use one's time; positive relationships with others; the ability to get the assistance needed; the ability to handle crises successfully; and good health.

### **How do I ensure that my loved one receives appropriate care and treatment?**

By working closely with the mental health professionals, they will develop a treatment plan designed to treat the mental illness. They will make recommendations for the type of living arrangement best suited for your loved one. They will also help you identify other resources that may be necessary.

### **How do I ensure that the finances are available and in order?**

Again, start with the mental health professionals. They usually have staff who can give some guidance in financial areas that affect mental health clients. You can also contact the Officer of the day at the Office of the Public Guardian and others listed in this booklet that may be able to help. (See Resources chapter for contact information).

Usually, the conservatee is eligible to Social Security Supplemental Income (SSI) and Medi-Cal health insurance. There may be a need to apply for these and other benefits. As conservator, you are authorized to complete and sign benefits applications. You may also become the payee

authorized to receive checks and other income and to use that income solely for the benefit of the conservatee.

Sometimes, the Family Conservator can manage the finances as a representative payee only and at other times, as conservator of the estate. If the finances are very complicated, you can ask the court for help. In some cases, the court will appoint an attorney to assist you. Even if you are not conservator of the estate, however, you are still expected to make sure that all benefits, such as SSI, are applied for and used to pay for necessary care and treatment.

### **What is meant by keeping the court informed of certain matters as required?**

This means that you must inform the court of address changes for the conservatee and yourself. You must inform the court if the treating staff believes conservatorship is no longer necessary. You may be required to file an accounting or financial report with the court if you were appointed conservator of the estate. You must ask court permission before invasive medical treatment, such as non-emergency surgery, is administered to the conservatee. Also, the court must approve any sale of conservatee's real or personal property.



***As the conservator, you can make sure your loved one receives appropriate care.***

# **CHAPTER 3**

## *Talking to the doctor*

The doctor (physician) and other mental health professionals (nurses, social workers, and others) comprise the "treatment team". They have a critical role. Not only do they provide direct treatment but often they are the only ones who can start the conservatorship process and their opinion is necessary to keep it going.

### **What should I expect in talking to the treatment team?**

You should expect to hear from the treatment team what the treatment plan is and answers to questions you may have: What is the illness? What is the recommended treatment? Are medications prescribed? If yes, what are they for? What should I watch for? Does the treatment plan include rehabilitation services? What are the recommended living arrangements? Who do I talk to if the treatment plan does not seem to be working?

### **What are the types of treatment I may expect to see for my loved one?**

In this booklet, treatment means psychiatric treatment including psychotropic medication, therapy, and other treatment modalities that address the conservatee's psychiatric problems. Treatment needs will vary greatly from one conservatee to another. The needs should be assessed and a "treatment plan" written shortly after the establishment of the conservatorship, as discussed earlier.

### **What about medications?**

The doctor may prescribe one or more medications to treat your loved one's illness. There are various types of medications used for different problems or symptoms.

Most medicines used to treat mental illness are called "psychotropic medications". They may be used in combination with other medicines. The goal should be to treat the patient effectively with

the fewest medications, though it may take time to find the right combination.

If medications are prescribed for your loved one, you should support him or her taking the medication as prescribed, even when he or she starts feeling better and may want to stop taking it. Write down the name (brand or generic) of each medication, the dosage, how it is administered (orally? injection? morning? with meals?) and for how long it is to be taken. It will serve you both well to be in communication with the physician. Be sure to inform the physician prescribing the psychotropic medication of all the medication your loved one is taking, including:

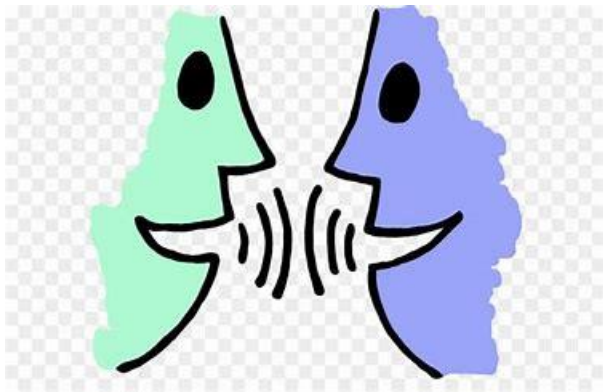
- All medications prescribed by other doctors (including eye drops)
- Over the counter medications
- Herbal medications or alternative treatments
- Alcohol or illegal drugs
- When any medication dose is changed by other doctors
- Be sure to let the other doctors know of all medications the conservatee has been placed on
- Inform the physician of:
  - problems the conservatee may have in following doctor's orders
  - new symptoms that develop after the start or change of a medication
  - any known allergies or any previous medication side effects
  - if the conservatee is pregnant or has a physical health problem

As a conservator, you are not expected to be an expert on the different types of medication, but you will serve your loved one well to be an informed advocate. Read the literature supplied by the pharmacy. Ask questions. For example, ask the physician:

- What may occur if the condition is untreated?
- What are the probable side effects?

- If side effects are short term or long term?
- Are there alternative treatments that may help?
- Has there been a full evaluation (including physical exam and lab tests) to exclude medical problems that may affect or even cause the symptoms?
- Does the illness or the medication require a special diet or other restrictions, such as avoiding exposure to the sun?

By staying informed and in communication with the physician, you will be a more effective conservator and improve your loved one's chances of getting better.



***By staying in communication with the physician, you will be a more effective conservator.***

# **CHAPTER 4**

## *Living arrangements*

### **What is meant by establishing living arrangements?**

This means making sure that your loved one is living in an appropriate place based on the recommendations of the mental health professionals.

### **Can't he or she just live with me in my home?**

Yes. It depends, however, upon what the treatment team recommends, what your loved one wants and what the court has authorized.

### **What if the doctor recommends that my loved one live in a facility and I want him home?**

As conservator, you should follow the treatment plan. Establish and maintain a dialogue with the doctor and other treating staff in order to understand - and even question - their recommendations. Schedule a meeting with the doctor to discuss any differences. You may also want to call some of the resources listed in this booklet.

### **What is meant by placement?**

Placement means "placing" the conservatee into appropriate living arrangements or establishing appropriate living arrangements as discussed earlier.

The conservator bears the primary responsibility for the appropriate placement of the conservatee. Placement assistance is available from the Department of Mental Health and other resources as listed in this booklet.

You, however, are responsible for making sure your loved one is living in an appropriate place.

## **What is meant by the least restrictive setting?**

This is a fundamental principle applied to LPS conservatorship. It means that the conservatee - your loved one - should be living in a place recommended or approved by the doctor that provides the maximum personal freedom to come and go consistent with treatment needs. As the functioning and other factors of the conservatee improve, the conservator would be fulfilling the intent of the law by placing the conservatee in a less restrictive setting, if recommended by treating staff.

As a general guideline, six settings may be considered in the order below, beginning with the least to the most restrictive setting:

- Living with family/friends, independently or in supportive housing
- Residential care facilities: board & care, transitional living centers, substance use recovery facilities
- Unlocked skilled nursing facilities and convalescent hospitals
- Locked skilled nursing facilities
- IMD: Institute for the Mentally Diseased (locked mental health treatment facility)
- Acute psychiatric hospitals or state hospitals



***The treatment team determines appropriate living arrangements for the conservatee.***

# CHAPTER 5

## *Reporting to the Court*

### **What do I need to report to the court as conservator?**

As conservator, you must report to the court the following:

Address changes for **both you and your loved one**. You must do this in writing and include the old address, the new address, the court case number, and the date of the address change. **The conservatorship may lapse inadvertently if you do not keep the court informed of your current address.**

- You must inform the court through the attorney representing your loved one, usually the Public Defender, when the treating team or doctor tells you conservatorship is no longer necessary.
- If you are appointed conservator of the estate, you must file regular accounts to explain how you have handled your loved one's finances.
- You must inform the court whenever your loved one has a medical situation requiring surgery or other serious treatment. This can be done after the fact when doctors provide treatment during a medical emergency, as determined by the physician.



***If you are appointed conservator, you must explain how you have handled your loved one's finances.***



- In non-emergency situations, you must inform the court of the medical condition and what treatment is being recommended. In most situations, the court will appoint an attorney to represent you. The court will then issue an order to guide you.
- You must inform the court if you intend to sell, abandon, or give away any personal property (such as car or furniture) or real property or other assets the conservatee may own or have an interest in. **You must get prior court approval.** If necessary, you can ask the court to appoint an attorney to help you in complicated situations.
- Any other matter that the court orders you to report on.

# CHAPTER 6

## *Handling the finances*

### **What is meant by handling the finances?**

See Chapter 2 on your duties as conservator for a general description of this area of responsibility. Keep in mind that if the court appoints you as conservator for both the person and estate, you will be obligated to file a regular accounting of the finances with the court. See Chapter 9 for a description of the most common financial resources and how to access them. See Chapter 11 for a general description of duties as conservator of the estate.

If you are not appointed as conservator of the estate, it was probably due to the likelihood that you could handle the finances as a representative payee for the benefits of your loved one. Even if you do not need to file an accounting, the court still expects you to make sure that your loved one receives all his or her benefits, such as Social Security and Medi-Cal and that the benefits are used to pay for necessary care and treatment.

# CHAPTER 7

## *Agencies you'll talk to and their roles*

### **What is the role of the hospital?**

Those hospitals designated by the Department of Mental Health to involuntarily detain and treat persons usually start the conservatorship process. The hospitals provide care and treatment to the individual or arrange for discharge to an appropriate living arrangement during the processing of a conservatorship application.

### **What is the role of the Public Guardian?**

The Director of the Los Angeles Department of Mental Health is also the Public Guardian (PG). The Office of the Public Guardian is the agency that investigates all LPS conservatorship referrals and makes recommendations to the court. In the absence of willing or able family members, the Public Guardian is also appointed as conservator when determined necessary by the court.



***Hospitals designated to involuntary detain and treat persons usually start the conservatorship process.***

### **What is the Office of the County Counsel?**

Attorneys from the County Counsel's office represent the County of Los Angeles in all legal proceedings, including representation of the Public Guardian in conservatorship matters. They help the Public Guardian to establish the conservatorship.

### **Who are the Public Defenders?**

Attorneys from the Office of the Public Defender represent individuals who are subject to conservatorship and who can't afford an attorney. Their obligation is to that individual and not necessarily to the family. They protect the legal rights of an individual and oppose the conservatorship when the individual does not want it.

### **What is the role of the District Attorney?**

Attorneys from the Office of the District Attorney represent the hospitals in some initial stages of involuntary treatment. They also are involved in other matters that come before the court, including some conservatorships where the individual also has serious criminal charges pending and is incompetent to stand trial.

### **What is the role of the court?**

The role of the court is to ensure fairness and compliance with the laws in all proceedings involving involuntary treatment and conservatorship. The LPS laws try to balance the rights of the individuals to live where they want and to refuse medications against the interests of society at large and family members to protect and help persons who cannot care for themselves as a result of a mental disorder.

# CHAPTER 8

## *Frequently asked questions*

As the professional public conservator for the County of Los Angeles, the Public Guardian has provided or participated in many training and information sessions for family conservators. The following questions, together with those in earlier sections of this booklet, are the most frequently asked questions by family or private conservators:

### **Should I be the conservator, or should I ask the Public Guardian to be conservator?**

This is ultimately a personal question that can only be answered by a family member or close friend contemplating becoming a conservator for a loved one. It is generally agreed that family members should be the conservator when they are able and willing to carry out the necessary duties as described in this booklet. A family member who is already deeply involved in the life of a loved one with serious mental illness knows the difficulties of trying to help. As a conservator, that family member would have the legal authority to take some direct actions to resolve many problems. The conservator has the right to review medical records and discuss otherwise confidential information with treating staff, for example.



***The Public Guardian provides training and information sessions for family conservators.***

## **Is the family conservator obliged to personally care for his or her loved one?**

No. Consult the professional person providing mental health treatment for the most appropriate living arrangements for the conservatee.

## **What is treatment?**

In this guide, "treatment" means psychiatric treatment, including psychotropic medication, therapy, and other treatment modalities that address your loved one's psychiatric problems. Treatment needs will vary greatly from one patient to another. The needs should be assessed by care providers and a "treatment plan" written with the establishment of conservatorship.

## **What about treatment for a medical condition unrelated to my loved one's mental illness?**

Usually, the Mental Health Court grants the conservator the authority to approve only psychiatric treatment. However, the court order is the guide in this matter. If it is specified in the court order, the conservator may require the conservatee to receive treatment for an existing or continuing medical condition. Except in "emergency situations", as determined by a physician, where the conservatee faces loss of life, serious bodily injury, or undue or extreme pain, no surgery or intrusive procedure may be performed upon the conservatee without the conservatee's prior consent or a court order specifically authorizing such surgery. The conservator may petition the court for such authority if the conservatee cannot give consent or refuses medical treatment for a specific medical condition.

## **Am I liable as conservator if my loved one causes someone harm or injury?**

The law (Welfare & Institutions Code 5358.1) specifically states No: "Neither a conservator, temporary conservator, or public guardian appointed pursuant to this chapter shall be held civilly or criminally liable for any action by a conservatee". However, this immunity may not be absolute!

The immunity is generally based on the assumption that the conservator has complied with the court order and has ensured the conservatee is following the recommended treatment plan.

For example, let's say that the court has revoked the driving privileges of your loved one. A few months later, your loved one is doing well in treatment. He asks if he can borrow your car. You know his license has been suspended but you decide to let him because he is doing so well. He gets into an accident, and someone is hurt.

In this example, the conservator has disregarded the court order and has probably increased his/her risk of potential liability. Thus, it underscores the need for the conservator to obey the court order and to follow professional advice regarding treatment, placement, and related recommendations.

In another example, the same loved one is ready for discharge from an acute hospital. The treating staff recommend placement in a board and care home and outpatient treatment. The placement is made, and the outpatient treatment begins. Unknown to you, your loved one becomes friends with another resident who has a car. Your loved one borrows the car and gets into an accident. In this example, the conservator obeyed the court order and followed professional advice about treatment and placement. This car accident would probably not increase the potential liability of the conservator.

**Can I authorize experimental drug treatment for my loved one if he or she wants to participate?**

No. As conservator, you can authorize only generally accepted psychiatric treatment, including approved drugs. Experimental treatment of any kind requires prior specific court approval.

**Do I have a right to review medical records?**

Yes. As mentioned, as conservator you have the right to review medical records. A facility may require you to request a copy from medical records rather than allowing access to the chart or electronic health record.

**What is the distinction between the responsibilities of the conservator and those of agencies such as the Mental Health and Social Service Departments?**

The conservator is directly accountable to the court for carrying out the duties as conservator, while these and other agencies are not. Thus, it is essential that the conservator keep in touch with agencies providing services to the conservatee, so that everybody is working together for the benefit of your loved one. However, the conservator has been designated by the court as responsible for the person of the conservatee. Therefore, any treatment or social services provided to the conservatee are subject to approval by the conservator provided the authorization is according to terms of the court order which established the conservatorship.

**What is meant by conservator of the person or of the estate?**

If the conservatorship is granted, the court will always appoint you as conservator of the person of your loved one. This means having the authority and responsibility over personal care decisions such as treatment. If you are appointed as conservator of the person and estate, you may be required to post a bond and submit an annual accounting of the estate management.



### **Is the conservator of the person legally liable for the conservatee's debts or property?**

No. However, a conservator of the person may or may not also be conservator of the estate. A conservator of the estate is not expected to use his or her personal resources to pay the obligations and liabilities of the conservatee's estate. Be careful, however, when signing documents as conservator. Make sure you are not assuming personal liability to pay in case the estate of the conservatee cannot pay. There are also accounts (financial reports) which must be filed with the court by the conservator of the estate to assure that the conservatee's property is being safeguarded.

### **Who takes care of the conservatee's money and property if no conservator of the estate is appointed?**

The report that the Office of the Public Guardian makes to the court prior to the conservatorship hearing is required to contain an assessment of the person's assets and income together with recommendations for the management of such income and property. If the court determines that a conservator of the estate is not needed, then, the conservatee is entitled to manage his or her income and property as he or she chooses. However, in most cases, the only significant asset is a modest monthly income such as Social Security or SSI. If the conservatee is likely to mismanage this money, arrangements can be to name a substitute payee to receive that income and make the monthly payments for the conservatee's care and benefits. The conservator should contact the benefit-paying agency, such as Social Security, to discuss how to become payee.

### **How do I get financial help such as Social Security and Medi-Cal for my loved one?**

Information on where to go for financial assistance is in Chapter 9 of this booklet.

## **What legal rights does the conservatee retain?**

The court order identifies certain rights that the conservatee either retains or loses while conservatorship is in effect. The conservatee retains all rights not specifically restricted by the court, and in addition, retains certain rights specified by California law. (See Chapter 10 for a list of rights and good cause for denial).

## **What if I can no longer serve as conservator? How do I put this or other issues before the court?**

If you can no longer serve effectively as private conservator, the best procedure is to write a short letter to the court. State your name and address, the conservatee's name and address, the court case number, and the reasons why you can no longer continue as conservator. For good reasons, the court may put the case on calendar and order the Public Guardian to investigate the matter and report back to the court. However, you must continue to carry out your duties until relieved by the court.

### **To put this or other issues before the court:**

#### **Write to:**

Superior Court of California  
Norwalk Courthouse  
12720 Norwalk Blvd.  
Norwalk, CA. 90650  
Attn: Court Clerk

You may mail the letter or deliver it in person to the Clerk's office. You can follow up with a call to the Court Clerk at (562) 345-3700 to check on the status. You may also call the Public Guardian's office or the attorney for the patient to discuss the problem in more detail if necessary. Whether you call or write, please have the following information available:

- Your name with the telephone number and address where you can be contacted.

- Name of the conservatee with his or her address, telephone number and court (“MP” or “ZE”) number.

### **How long does conservatorship last?**

One year, but it may be renewed annually.

Prior to the current law, persons with mental illness were held in state hospitals on involuntary commitments that gave them far less rights than today. To correct this, the current law was written to ensure that the mentally ill are allowed judicial review and the right to appeal involuntary mental health treatment. Part of the legislative intent of the current law was to end the inappropriate, indefinite, and involuntary commitment of persons with mental illness. It is not the existence of mental illness itself that allows for involuntary treatment but that the illness is serious enough to endanger the well-being of the individual or others. Thus, under current law, the conservatorship automatically terminates in a year unless the conservator petitions the court to renew it and the court grants the petition. People under conservatorship regain their right to make their own decisions about their care and treatment if they are found by the court to be no longer gravely disabled or if the conservator does not petition the court to renew the conservatorship prior to the termination date.



If you intend to renew the conservatorship, you need to submit forms, a reappointment packet, to the court at least 30 days prior to the termination date to set up a court date. About 60 days prior to the automatic termination date, the court will mail you a notice. However, it is the conservator’s responsibility to keep track of the termination date in the event the court fails to mail you the reappointment packet. Each time the conservatorship is renewed it must be shown that the conservatee is still gravely disabled. You must have your loved one’s primary physician complete a “Physician’s Declaration” and file it with the court with your renewal request. Also, a psychiatrist or psychologist’s testimony may be required in court, usually when the conservatee contests the

conservatorship, unless the testimony is waived by the conservatee's attorney. There is a copy of the physician's declaration form in Chapter 12. You may call the Clerk's office to obtain a reappointment packet. Their number is (562) 345-3700. You may also go to the website [www.lasuperiorcourt.gov](http://www.lasuperiorcourt.gov) click on "Mental Health", and then click on "Forms".

Once the conservatorship terminates, it can only be re-initiated by a referral from a facility designated to do LPS evaluations and an investigation by Public Guardian's office (see pages 2-3). Once the conservatorship terminates, you may continue to help your loved one, but it is up to him or her to accept treatment voluntarily.

### **Even if the conservatorship terminates, can't I just submit the forms and re-establish it?**

**No!** This is a misconception that causes difficulties for everyone involved with the conservatorship. **The conservatorship must be renewed before it terminates. It cannot be re-established after the fact.** There are several other related misconceptions:

- I am tired or I just can't handle the conservatorship any longer, so I'll let it lapse and the "state" will automatically take over. (Wrong. The state is not involved - the County is - and **it is not automatic**).
- I did not receive the notice from the court that the conservatorship was about to terminate. I'll explain this to the court and the court will renew the conservatorship. (Wrong. It is the conservator's responsibility to know the renewal date and to contact the court when needed).
- I submitted a Physician's Declaration stating my loved one was still gravely disabled, yet the conservatorship still terminated. Why? (The conservator must still petition the court and send notice by submitting all four forms of the re-appointment packet. Submitting the Physician's Declaration alone is not enough. In addition, the doctor's

testimony may be needed if your loved one objects to the conservatorship. Finally, the court must find that the conservatorship is still necessary).

- It is obvious that my loved one is very ill and has been for years. He has never been able to care for himself and never will. Why does the court put me through all this red tape just to do the obvious? (The conservatorship automatically terminates after one year to protect the client's right to a judicial review and to prevent indefinite and inappropriate detention and involuntary treatment - it's the law).

# CHAPTER 9

## *Getting help*

### **Resources and Where to Call**

As conservator, you will encounter many situations requiring the help of others. Most of the situations will revolve around your loved one's health (physical and mental health), finances or living arrangements. In this chapter, we list the primary resources you'll likely need to carry out your duties as conservator.

### **Primary Resource**

As discussed in prior chapters, your primary resource should be the doctor and other mental health professionals providing treatment and case management services for your loved one. They not only provide mental health treatment but can usually guide you to resources necessary to successfully implement the treatment plan, such as housing and financial help. If you need help in obtaining mental health treatment for your loved one, call the Los Angeles County Department of Mental Health at 1-800-854-7771.

### **Financial Help**

As conservator, you must ensure that the conservatee receives all the financial benefits he or she is entitled to. If he or she is receiving benefits, such as Social Security or Veterans benefits, you'll have to let them know you are the conservator. You can become the payee for such benefits with their approval.

If your loved one is not receiving any benefits and is possibly eligible to some, you will have to contact the appropriate agency and apply for the benefits as conservator.

Benefits include cash assistance, health insurance and other considerations necessary to meet the personal care and health needs of your loved one.

The following information is only a brief introduction to the subject of benefits. The rules governing eligibility are lengthy and often complex. But don't delay applying for benefits! It is critical for the well-being of your loved one.

## **SSA/Old Age, Retirement, Survivors and Disability Insurance (OASDI)**

Social Security is a federal program that provides benefits for covered workers and their families regardless of other income. Social Security provides four main kinds of benefits: retirement, disability, survivor, and Medicare. Income from this source is often called SSA or OASDI (Old Age, Survivors and Disability Insurance) benefits. It is available for persons with qualifying work history or for their dependents.

Current laws prevent Social Security benefits going to any non-citizen not "lawfully present" in the United States.

## **Supplemental Security Income (SSI)**

SSI is essentially a federal welfare program that provides cash benefits for low-income persons 65 and over and for blind and disabled persons of any age, including infants and children. The disability may be physical, mental or both. SSI may be your entire income, or it may supplement your income up to the SSI limit. It is not based on a qualifying work history.

To qualify for SSI a person must meet income and resource limitations and one of the following criteria:

- Age 65 or older
- Blind
- Disabled (meaning an adult is unable to work for at least a year. The disability may be physical or mental.)
- A child under 18 with a qualifying physical or mental disability
- Alcohol or drug dependent, with another qualifying disability, such as mental health problems

## **Applying for Benefits**

To make applications for any Social Security benefits, obtain information, or ask general questions, call toll-free: 1-800-772-1213, from 7 a.m. to 7 p.m. from Monday to Friday or use the website [www.ssa.gov](http://www.ssa.gov).

You can obtain the address of your local Social Security office from the telephone directory under U.S. Federal Government or from the 800 number.

## **Medi-Cal**

Medi-Cal is California's version of the federal Medicaid program. Medicaid provides health care insurance for persons receiving public assistance or who have a low income and meet other requirements. Persons receiving cash welfare benefits, including SSI, are automatically eligible for Medi-Cal.

You can get Medi-Cal even if you have other health insurance such as Medicare. To apply for Medi-Cal, contact the County Department of Public Social Services (DPSS). You can access their website at [www.dpss.lacounty.gov](http://www.dpss.lacounty.gov), or call 1-866-613-3777.

Note: Even though a person receiving SSI is automatically eligible to Medi-Cal, you may have to apply for Medi-Cal for your loved one while the SSI application is pending because it often takes months to process. Medi-Cal can also go back three months in its coverage from the month you apply, unlike SSI.

## **Medicare**

Medicare is a federal health insurance program which provides benefits for eligible persons. Established in 1965, it is generally linked to a person's age or disability and work history. Unlike Medi-Cal, it is not based on financial need. There are several parts to the program: "Part A" is hospital insurance, and "Part B" is medical insurance for physician care and many outpatient services. "Part D" helps pay for medications doctors prescribe for treatment.

Part A is free of charge for persons who:



- Are 65 or older and are eligible for Social Security or railroad retirement benefits.
- Are federal employees who retire after 1982 with qualifying Social Security work history.
- Have been receiving Social Security Disability Income payments for 24 consecutive months, regardless of age.
- Are age 50 or older and are a disabled widow or widower who has received Social Security through a spouse for at least 2 years.
- Have end-stage kidney disease, regardless of age.

For low-income persons, the state may pay for the Medicare premium under the Qualified Medicare Beneficiary Program (Parts A and B) or under the Specified Law Income Beneficiary Program (Part B only).

Persons 65 or older and not eligible for Social Security benefits may purchase Medicare. However, they must be a U.S. citizen, or a legal resident who has lived in the U.S. continuously for at least five years.

Part A covers most hospital costs and certain other costs, such as:

- Hospice care for people who are terminally ill.
- Care in an approved skilled nursing facility for up to 100 days per benefit period, (Medicare will cover care in a nursing facility only if it is "medically necessary" and is preceded by a hospital stay of at least three days).
- Some skilled home health care if the person is homebound, the treatments are medically necessary, and the doctor orders them.

Part B is voluntary medical insurance. Everyone pays for Part B, unless Medi-Cal or some other source pays it. Part B pays 80% of "allowable" charges such as those for doctors, physical therapy, outpatient services, supplies, and tests. The beneficiary must pay the remaining 20%, a yearly deductible and a certain amount the doctor charges over the Medicare allowable charge.

Some doctors and other service providers accept "assignment" under Part B. This means that they will bill Medicare and they will accept

Medicare's "allowable charge" and your 20% share as full payment. Ask the doctor if he or she will accept assignment. Every Social Security office has a list of doctors and other providers who will take assignment. You can also call Medicare at (800) 633-4227 or [www.medicare.gov](http://www.medicare.gov) for information. All doctors must submit claims directly to Medicare on behalf of Medicare recipients and cannot charge for that service. Providers of clinical lab work must accept assignment.

Anyone who has Medicare hospital insurance (Part A), medical insurance (Part B) or a Medicare Advantage Plan (Part C) is eligible for prescription drug coverage (Part D).

Medicare still may not cover custodial care (which is not skilled) in a nursing home or at home, some prescriptions, dental care, eyeglasses, hearing aids, routine check-ups, and certain other items and services. Be sure to clarify what is covered before authorizing treatment.

For additional information on Social Security and Medicare, contact the Social Security Administration.

### **Other Benefits**

There are many other benefits your loved one may qualify for, such as General Relief (GR) through the County Department of Public Social Services or Veterans Benefits through the federal Department of Veterans Affairs. There are also programs that provide "In-Home Supportive Services" for certain elderly or disabled persons and subsidized housing for certain homeless, elderly, disabled or low-income individuals and families. There are too many potential resources, in fact, to list here but you can get help in determining what other benefits may be available by calling **Los Angeles County 211** - an information and referral service jointly provided by the County of Los Angeles and the United Way. They have skilled information specialists available 24 hours a day, 7 days a week.

## **Living Arrangements**

Establishing appropriate living arrangements for the conservatee is an expectation the court has of the conservator. This can usually be done with the recommendation and assistance of the mental health professionals providing treatment.

Your loved one may live on his or her own or with family if it is recommended and approved by the treating doctor. If the doctor recommends other living arrangements, such as a State Hospital, board and care home or other facility, the treatment team should be able to help you locate an appropriate facility near your home.

Please be aware that access to DMH County contracted facilities such as the State Hospital, IMD or Enriched Residential Services (ERS) is through the Intensive Care Division (ICD).

Be aware that there are different types of facilities, such as board and care homes, nursing homes, Institutes for Mental Disease, and others. These are licensed by the state and have certain admission criteria and certain responsibilities to those who live in them.

## **Advocacy/Special Help**

Family conservators can get emotional support, constructive help, and advocacy through the National Alliance for the Mentally Ill (NAMI) and its local affiliates. In Los Angeles, call (213) 386-3615 or [www.namilacc.org](http://www.namilacc.org).

For general questions about conservatorship, the legal process and for related guidance, you can call the Office of the Public Guardian at (213) 974-0515. For general questions or concerns about mental health services in Los Angeles County as they affect your loved one, you can call the Office of Consumer & Family Affairs Los Angeles County Department of Mental Health at (213) 738-3948 or email [FamilyAdvocate@dmh.lacounty.gov](mailto:FamilyAdvocate@dmh.lacounty.gov).

## Ready Reference Resource List

It is not possible to cover all the conceivable problems that might arise or to list all the resources that you may need to contact for assistance. In this chapter the key resources previously discussed, and others are listed in this "ready reference" section. The primary therapist and the private resources with which you are familiar should be your first point of contact for most concerns.

### General Information

Office of the Public Guardian  
(213) 974-0515

### Living Arrangements and Placement Assistance

B&C Homes Referral Services, State Community Care  
Licensing, Adult Residential Care for Mentally III Adults

All L.A. County.....	(323)	980-4934
Facilities for Seniors		
North L.A. County.....	(818)	596-4334
South L.A. County.....	(310)	568-1807
Website: <a href="http://www.cclld.ca.gov/default.htm">www.cclld.ca.gov/default.htm</a>		

### Mental Health Resources

Information and Referral Services (24 hours a day)..... (800) 854-7771

### Financial Assistance

Social Security and SSI.....	(800)	772-1213
Veteran's Administration.....	(800)	827-1000
General Medi-Cal.....	(877)	597-4777
Medi-Cal Long Term Care (for nursing home patients).....	(626)	854-4987

### Nursing Home Referral Service

CA Registry..... (800) 777-7575

**Advocacy, Support and Help**

NAMI [www.namilacc.org](http://www.namilacc.org) ..... (310) 889-7200  
**or** (800) 950-6264  
Family Advocates  
Department of Mental Health..... (213) 738-3948

**Complaints**

To report complaints against facilities for alleged inadequacy of care or suspected mistreatment of conservatees, call:

**Nursing Home Complaints**

Los Angeles County Department of Public Health..... (626) 569-3724  
(800) 228-1019

**Board and Care Home Complaints State Community Care Licensing**

Adult Residential Care for Mentally Ill Adults

All L.A. County..... (323) 980-4934

Facilities for Seniors

North L.A. County..... (818) 596-4334

West L.A. County

Website: [www.cclcd.ca.gov/default.htm](http://www.cclcd.ca.gov/default.htm) ..... (310) 568-1807

**Patient’s Rights to report violations of specific patient rights, call:**.....

(213) 738-4888

**Financial or Accounting Reports**

For information on accounts or financial reports that must be filed with Superior Court contact the following: (Note: For conservators over the estate only).

**Your Conservatorship Attorney:**

**Name** \_\_\_\_\_

**Phone** \_\_\_\_\_

Public Guardian..... (213) 974-0515

Public Defender..... (562) 345-3900

## **Legal Matters**

For assistance with conservatorship legal matters that concern the conservatee.

Los Angeles County Bar Association.....	(213) 243-1500
For referral to an attorney.....	(213) 243-1525
<i>(Monday through Friday, 9:00 a.m. – 4:45 p.m.)</i>	
Los Angeles County Public Defender.....	(562) 345-3900

## **Other Useful Telephone Numbers**

### **Superior County Department A (Mental Health Court)**

Norwalk Courthouse.....	(562) 345-3700
Clerk’s Office.....	(562) 345-3700
Fax Filing.....	(442) 247-3972

### **Hollywood Courthouse**

Department 103.....	(323) 441-1893
Department 113.....	(323) 441-1892
Department 203.....	(323) 441-1894
Department 213.....	(323) 441-1895
Clerk’s Office.....	(323) 441-1898
	(323) 441-1800
Clerk’s Office Fax .....	(323) 247-3957

## Useful Websites

If you have access to the internet, you'll find thousands of websites. Many will provide useful information. Here are some that you should access to help you help your loved one and to help yourself. They also provide links to other helpful sites and useful information in different languages.

---

Los Angeles County Department of Mental Health  
[dmh.lacounty.gov](http://dmh.lacounty.gov)

---

Los Angeles County (All services)  
[www.lacounty.gov](http://www.lacounty.gov)

---

Superior Court of California County of Los Angeles  
(Mental Health Court, Department A)  
[www.lacourt.org/division/mentalhealth/mentalhealth.aspx](http://www.lacourt.org/division/mentalhealth/mentalhealth.aspx)

---

National Alliance for the Mentally Ill (NAMI)  
[nami.org](http://nami.org)

---

Social Security  
[socialsecurity.gov](http://socialsecurity.gov)

---

Medicare  
[www.medicare.gov](http://www.medicare.gov)

---

DMH Network of Care  
Go to [dmh.lacounty.gov](http://dmh.lacounty.gov) and click on DMH Network of Care or  
go to: [losangeles.networkofcare.org/mh](http://losangeles.networkofcare.org/mh)

---

## Other Helpful Websites

---

---

---

# CHAPTER 10

## *Rights of the conservatee*

Persons with mental illness have the same legal rights and responsibilities guaranteed all other persons by the Federal Constitution and laws and by the Constitution and laws of the State of California, unless specifically limited by federal or state law or regulations.

It is the intent of the California State Legislature that persons with mental illness shall have rights including, but not limited to the following:

- A right to treatment services which promote the potential of the person to function independently. Treatment should be provided in ways that are least restrictive of the personal liberty of the individual.
- A right to dignity, privacy, and humane care.



**Persons with mental illness have legal rights, including a right to dignity, privacy, and humane care.**



- A right to be free from harm, including unnecessary or excessive physical restraint, isolation, medication, abuse, or neglect. Medication shall not be used as punishment, for the convenience of staff, as a substitute for program, or in quantities that interfere with the treatment program.
- A right to prompt medical care and treatment.
- A right to religious freedom and practice.
- A right to participate in appropriate programs of publicly supported education.
- A right to social interaction and participation in community activities.
- A right to physical exercise and recreational opportunities.
- A right to be free from hazardous procedures.

### **Rights That May Be Denied with Good Cause**

- To wear his/her own clothes; to keep and use his/her own personal possessions, including toilet articles; and to keep and be allowed to spend a reasonable sum of his/her own money for canteen expenses and purchases.
- To have access to individual storage space for his/her private use.
- To see visitors each day.
- To have reasonable access to a telephone and to make confidential calls.
- To receive mail and unopened correspondence.
- To have letter writing materials, including stamps.

Good cause for denying any of the rights means that the professional person in charge has a good reason to believe that allowing a specific right would cause:

- Injury to that person or others; or
- A serious infringement on the rights of others; or
- Serious damage to the facility; and
- There is no less restrictive way to protect against those occurrences

## CHAPTER 11

### *Duties of the conservator of the estate*

This is a general description of the duties as described in the handbook for Probate conservators published by the Judicial Council of California [www.courts.ca.gov/documents/handbook](http://www.courts.ca.gov/documents/handbook). The Mental Health Court may also provide guidelines for you to follow. An attorney is usually advisable.

The conservatee's income and assets are known as the conservatorship estate, which you are to manage. As conservator, you must protect and manage the conservatee's assets for his or her benefit. The court also may authorize you to use these assets for the benefit of the conservatee's spouse or other relatives such as minor children.

In general, you must:

- Locate and take control of the assets and make sure they are adequately protected against loss.
- File an inventory of the assets for the court.
- Collect all the conservatee's income and other money due and apply for benefits to which the conservatee is entitled.
- Make a budget for the conservatee.
- Pay the conservatee's bills and expenses on time and in line with the budget you have set up.

## **Duties and Timeline**

### **Day 1**

You are appointed conservator of the estate.

### **Day 30**

You must qualify to serve as conservator of the estate by obtaining a bond if it is required. (The court will inform you if required).

Obtain your Letters of Conservatorship and use certified copies of these Letters to notify the conservatee's banks, creditors, stockbrokers, and others (such as Social Security or the Veterans Administration) that you are authorized to act on the conservatee's behalf.

### **Day 60**

Determine what the assets and income are.

### **Day 90**

Prepare an Inventory and Appraisal of the conservatee's assets. File it with the court within 90 days after your appointment.

### **1 Year**

You must file an accounting of the estate with the court one year after your appointment as conservator of the estate, unless waived by the court.

## **Actions to Take**

- Set up a simple, accurate system for keeping records of conservatorship income and expenditures.
- To protect and manage the conservatee's finances:
  - Take control of the conservatee's assets.
  - Collect income due to the conservatee.
  - Make a budget for the conservatee to live on.
  - Pay the conservatee's bills with the conservatee's money.
  - Invest the conservatee's money in an insured bank account.
  - Protect the conservatee's assets.
  - Keep good records of income and expenditures.

## **Persons and Agencies to Notify of Your Appointment as Conservator of the Estate**

- The conservatee's employer, if the conservatee is working.
- Banks, savings and loans, credit unions and other financial institutions.
- Stockbrokers.
- Companies in which the conservatee owns stock.
- Insurance companies and agents.
- All companies and banks where the conservatee has charge accounts, credit cards, or a bank cash machine card.
- Government agencies, such as Social Security, from which the conservatee receives payment.
- Retirement plans.
- People who owe the conservatee money.
- People the conservatee owes money to.
- County recorders in every county where you think the conservatee may own real estate.
- The post office if you want the conservatee's mail to be forwarded to your address.
- Anyone involved in a lawsuit by or against the conservatee.

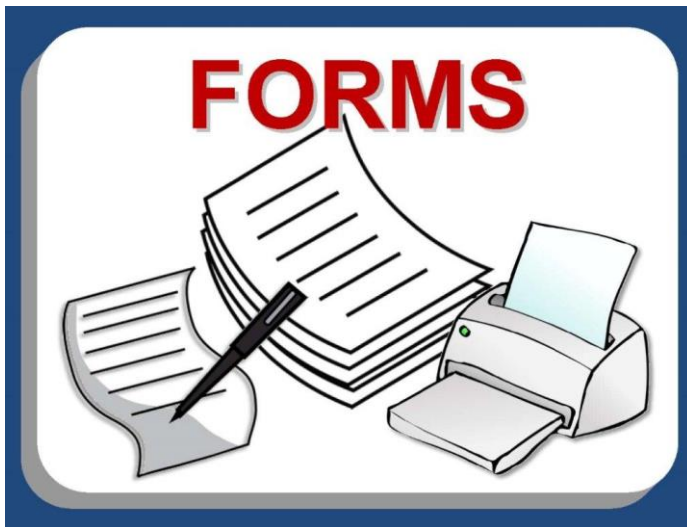
# CHAPTER 12

## *Forms you will need*

As conservator, you are responsible to keep various agencies and the Mental Health Court, Department A, informed of the status or changes involving your conservatee. Included in this booklet are some forms you may complete and send in or use as a guide to the information you need to submit. The following describes these forms.

### **Department of Motor Vehicles Notification (for the Public Guardian)**

The court usually revokes conservatee's driving privileges (Welfare & Institutions Code chapter 5357 [a]). This is one of the legal "Disabilities" spelled out in the order of conservatorship. If the court revokes a conservatee's driving privileges, the Public Guardian's office uses this form to automatically notify the Department of Motor Vehicles (DMV) that privileges were revoked and whether a private conservator or Public Guardian is appointed as conservator.



**Included in this booklet are forms you may photocopy, send in, or use as a guide.**

## **Department of Motor Vehicles Notification (for the Private Conservator)**

The court restores driving privileges when conservatorship is terminated. The court can also restore a person's driving privileges while they are still on conservatorship. You can write the Superior Court, Department A, Norwalk Superior Court 12720 Norwalk Blvd, Norwalk, CA. 90650 and attach a letter from the conservatee's doctor saying that their mental state or their medication has not made them unsafe to drive.

It is your responsibility to inform DMV when the court has restored driving privileges, and you may use this form to do so. Complete it and send it with the order restoring the driving privileges or terminating conservatorship to the address in the upper left corner.

## **Instructions for LPS Reappointment**

Included in this handbook are all the documents necessary to re-establish the conservatorship. The documents include the Information sheet on LPS reappointments; Petition for reappointment of conservator; Conservatorship re-evaluation physician's declaration; Notice of hearing and Declaration of service. These documents should be sent to you by the Mental Health Court but if you don't receive them, you may make copies of the ones in the handbook. In addition, A sample letter to send to the physicians requesting they complete the declaration is included.

## **Change of Placement**

You must notify the court whenever your conservatee moves or changes placement and this form is used to do that. Mark whether the change is more or less "restrictive" to the conservatee's freedom and the reason for the change. You should send the original to the court, Department A with two copies (or three if the placement is more restrictive) and keep a copy for yourself.

## **Forms and Samples**

The following pages contain necessary forms and samples you will need. Please make copies as needed.

**Los Angeles County Department of Mental Health**  
**Department of Motor Vehicles Notification Form**  
*(Sample form to be used by the Public Guardian only.)*

<b>Date</b> _____	<b>Case Name</b> _____
	<b>DOB</b> _____
<b>To: Department of Motor Vehicles</b>	<b>Previous Address</b> _____
<b>Drivers Safety Review Unit</b>	_____
<b>P.O. Box 942890</b>	<b>Court No.</b> _____ <b>License No.</b> _____
<b>Sacramento, CA 94290-0001</b>	<b>Social Security Number</b> _____
<b>Re: Driving Privileges</b>	<b>Effective Date</b> _____
	<b>Name of Conservator</b> _____

Dear Sir/Madam:

As Investigating Conservatorship Officer for the County of Los Angeles and in accordance with Welfare & Institutions Code 5357a we are notifying your agency of the following action taken by the Superior Court in the above referenced case.

- The Public Guardian was appointed Lanterman-Petris-Short Conservator for the above-named person. The court imposed a legal disability revoking his/her privilege of possessing a license to operate a motor vehicle.
  
- Conservatorship for the above-named person was terminated by the court and driving privileges have been restored.
  
- The conservatorship has not been terminated but driving privileges were restored by the court for the above-named person.
  
- A private individual (above) was named Lanterman-Petris-Short Conservator for the above-named person. The court revoked the privilege of possessing a license. Should the court terminate the private conservatorship or restore driving privileges for these type cases, it is the responsibility of the private conservator to notify the DMV.

Very truly yours,

\_\_\_\_\_

Deputy Public Guardian



# Department of Motor Vehicles Notification Form

*(This form is to be utilized by Private Conservator.)*

**Date** \_\_\_\_\_

**Case Name** \_\_\_\_\_

**DOB** \_\_\_\_\_

**To: Department of Motor Vehicles**

**Previous Address** \_\_\_\_\_

**Drivers Safety Review Unit**

**P.O. Box 942890**

**Court No.** \_\_\_\_\_ **License No.** \_\_\_\_\_

**Sacramento, CA 94290-0001**

**Social Security Number** \_\_\_\_\_

**Effective Date** \_\_\_\_\_

**Re: Driving Privileges**

**Name of Conservator** \_\_\_\_\_

**Address** \_\_\_\_\_

**Phone** \_\_\_\_\_

Dear Sir/ Madam:

- Conservatorship for the above-named person was terminated by the court and driving privileges have been restored.
- The conservatorship has not been terminated but driving privileges were restored by the court for the above-named person.

Very truly yours,

\_\_\_\_\_  
Private Conservator



DAVID W. SLAYTON  
EXECUTIVE OFFICER / CLERK OF COURT

NORWALK COURTHOUSE  
12720 NORWALK BLVD.  
NORWALK, CA 90650

***Superior Court of California  
County of Los Angeles***

**INFORMATION SHEET FOR LANTERMAN-PETRIS-SHORT  
CONSERVATORSHIP REAPPOINTMENT**

Your documents may be submitted to the Court by mail or at the Mental Health Clerk's office located at:

Norwalk Courthouse  
12720 Norwalk Blvd.  
Norwalk, CA 90650  
ATTN: Clerk's Office

The following forms are required at the time of filing:

- Petition for Reappointment of Conservator (LASC MH028)
  - Conservatorship Re-evaluation Declaration of Physician or Qualified Licensed Psychologist (LASC MH004)
  - Notice of Hearing (LASC MH003)
  - Declaration of Service (LASC MH005)
- All documents must be signed, dated and typed/printed neatly. Please use black ink. You must include a self-addressed stamped envelope if you are filing via mail and would like your copies "conformed" stamped and returned to you.
  - You must file for re-appointment at least 30 days before the Termination date. The Court will send a Notice of Termination 60 days before the Termination date; however, the case will terminate whether you receive the notice or not. Always file for re-appointment before the termination date if you believe the conservatorship should continue.
  - The Petition for Reappointment of Conservator MUST have attached the opinions of two (2) physicians or qualified licensed psychologists declaring that the conservatee is still gravely disabled.
  - File all of the above documents to obtain a hearing date from the Court.
  - Upon receiving a hearing date, place the date on the Notice of Hearing.
  - Mail copies of the Petition for Reappointment of Conservator, the Notice of Hearing and Declarations by first class mail to the parties listed on the Declaration of Service form. You must mail a copy to the attorney representing the conservatee.
  - Complete the Declaration of Service and file with the Court.
  - YOU MUST ATTEND THE HEARING. You must attend even if the conservatee tells you that he or she will not oppose your reappointment; the conservatee may have expressed a different position to his or her attorney. You will be notified by the conservatee's attorney if your presence at the hearing is not required.
  - The conservatee has the right to oppose your reappointment as conservator and to request an evidentiary hearing. At such a hearing, you have the burden of proving that the conservatee is still gravely disabled. You will need to secure the testimony of a psychiatrist or psychologist who has examined the conservatee. You may want to hire an attorney for that purpose.
  - The conservator is required to keep the Court informed of all correct addresses for the conservatee and the conservator. This MUST be done in writing within ten (10) days of any address change and forwarded to the Court. The Change of Address form is available for use for the Conservator/Conservatee. (LASC MH039)

LASC MH 012 Rev. 01/23  
For Optional Use

<b>CONSERVATOR/ ATTORNEY:</b> Name: _____ Address: _____ City: _____ State/Zip: _____ Telephone: (    ) _____  Hearing Date: _____	FOR COURT USE ONLY           CASE NUMBER: _____
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> COURTHOUSE ADDRESS: _____  _____	
<b>CONSERVATORSHIP OF:</b>  _____	
_____ Conservatee	
<b>PETITION FOR REAPPOINTMENT OF CONSERVATOR</b>	

The Petitioner \_\_\_\_\_ Conservator/Attorney, states that on \_\_\_\_\_  
(Name) (Appointment Date)

The above named Conservatee was declared to be a gravely disabled person as a result of a mental disorder and the Petitioner was appointed as conservator pursuant to Welfare and Institutions Code Section 5350 et. Seq.

The Conservatee is still gravely disabled as a result of a mental disorder. The opinions of two physicians that the Conservatee is still gravely disabled:

- are attached as Exhibit "A" and incorporated by reference.
- will be filed prior to the hearing.
- cannot be obtained (see attached).

So far as known to the Petitioner, the following persons and/or agencies are entitled to Notices of Hearing on this petition:

- Director of Health, State of California
- Los Angeles County Director of Mental Health/Public Guardian
- Attorney for the Conservatee
- Conservatee
- Facility in which Conservatee resides
- Other: \_\_\_\_\_

Wherefore, Petitioner prays that s/he be re-appointed as Conservator for the Conservatee named in this petition. That the additional powers previously granted to the Conservator and the disabilities imposed on the Conservatee in the original order appointing petitioner be continued.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Conservator/Petitioner

LASC MH 028 Rev 11/18  
For Optional Use

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS:	
PLAINTIFF/PETITIONER	
DEFENDANT/RESPONDENT	
<b>Conservatorship Re-Evaluation Physicians Declaration</b>	CASE NUMBER

NAME AND ADDRESS OF CONSERVATEE:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

AGE: \_\_\_\_\_  
 DATE OF BIRTH: \_\_\_\_\_  
 MALE  
 FEMALE

PREVIOUS DIAGNOSIS \_\_\_\_\_  
 DATE OF EVALUATION \_\_\_\_\_

Please **LEGIBLY** complete the following four areas of interest to assist the Judge in making a decision as to whether or not the above referenced person should continue to have a Conservatorship.

1. Is there a mental disorder?  YES  NO  
Please give a **DIAGNOSIS** and explain the symptoms in lay language.
2. Can individual provide for basic needs; food, clothing, shelter in an unsupervised setting?  YES  NO  
WHY? **State facts in lay language.**
3. Do you feel this individual is capable and willing to accept voluntary treatment?  YES  NO  
WHY? **State facts in lay language.**
4. Does this individual have the capacity of knowingly and intelligently accepting or refusing to accept prescribed medication?  
 YES  NO

I declare under penalty of perjury, under the Laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Executed on \_\_\_\_\_ at \_\_\_\_\_, California  
(Date) (City)

\_\_\_\_\_  
Signature of Evaluator

\_\_\_\_\_  
Signature of Evaluator

\_\_\_\_\_  
Printed Name of Evaluator

\_\_\_\_\_  
Printed Name of Evaluator

LASC MH 004 Rev 11/18  
For Optional Use



<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS:	
PLAINTIFF/PETITIONER:	
CONSERVATEE:	
<b>DECLARATION OF SERVICE</b>	Case Number:

I the undersigned hereby declare under penalty of perjury that the following is true and correct:

That I have delivered or mailed a copy of the Petition for Re-appointment and Notice of Hearing to the following agencies on the date indicated:

Mailed

Hand-Delivered      Date: \_\_\_\_\_      Director of Health, State of California  
Bureau of Patients' Accounts  
1600 Ninth Street, 2<sup>nd</sup> Floor South  
Sacramento, CA 95814

Mailed

Hand-Delivered      Date: \_\_\_\_\_      Los Angeles County Public Defender  
1945 S. Hill Street, 2<sup>nd</sup> Floor  
Los Angeles, CA 90007

Mailed

Hand-Delivered      Date: \_\_\_\_\_      Conservatee: \_\_\_\_\_  
C/O (Facility Name) \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Mailed

Hand-Delivered      Date: \_\_\_\_\_      Facility \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Mailed

Hand-Delivered      Date: \_\_\_\_\_      Any Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Executed on \_\_\_\_\_ at \_\_\_\_\_, California

\_\_\_\_\_  
Signature of Conservator

LASC MH 005 Rev  
11/18 For Optional Use

**Private Conservator  
Request for Conservatorship Evaluation**

**Date** \_\_\_\_\_

**Name and Address of Physician**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Re:** \_\_\_\_\_

**Conservatee/Patient Name**

Dear Dr. \_\_\_\_\_

This is to request your assistance in re-establishing conservatorship for the above referenced individual. If you believe the patient continues to be in need of conservatorship in order to provide for his or her basic needs, please complete the attached Physicians Declaration to assist the Judge hearing the case make a determination. Return the Declaration to me for filing with the Court.

If you believe the patient is no longer in need of involuntary treatment in order to have his or her basic needs met, please let me know as soon as possible.

Thank you for your assistance.

Sincerely,

\_\_\_\_\_  
**Private Conservator (signature)**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City, State, Zip**

**Private Conservator Notice**  
**Conservatee's Change of Placement**

*(This form is sent to Superior Court)*

**Name of conservatee** \_\_\_\_\_

**MP#** \_\_\_\_\_ **or ZE#** \_\_\_\_\_

**Dates of conservatorship:**

**Granted** \_\_\_\_\_ **Terminated** \_\_\_\_\_

**Name and address of conservator:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>Office use only.</b>
<b>Distribution</b>
<b>Original:</b> Superior Court, Dept. A
<b>Copies:</b> 1. Attorney for the conservatee 2. L.A. County Dept. of Mental Health, Patients' Rights Division (for more restrictive placement only.) 3. Your file

**Court ordered powers of placement:** #4  #5  #6  #7

**Previous Address**

Name of Facility \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Telephone \_\_\_\_\_

**New Address**

Name of Facility \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Telephone \_\_\_\_\_

**Change is:** More restrictive  Less restrictive  No change  Not applicable

**Reason for change in placement:**

\_\_\_\_\_

**Conservatee's Attorney of Record:** \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Telephone \_\_\_\_\_



# **A C K N O W L E D G E M E N T S**

*This booklet was originally developed and written by Christopher A. Fierro, Deputy Director (Retired) with the help of the Office of the Public Guardian, County Counsel, and the Department of Mental Health staff. I want to acknowledge the thousands of family members who serve as conservators and in NAMI groups, for their strength, perseverance, and willingness to share their experiences.*

*James Kwon  
Deputy Director  
Office of the Public Guardian*

## **Questions? Comments?**

We welcome your comments and suggestions in an effort to keep this booklet current and helpful. Call or write to:

James Kwon  
Deputy Director  
Office of the Public Guardian  
510 South Vermont Avenue - 19th floor  
Los Angeles, CA 90020  
(213) 974-0407  
FAX (213) 947-4961  
[Email: JKwon@dmh.lacounty.gov](mailto:JKwon@dmh.lacounty.gov)







**Los Angeles County Department of Mental Health  
510 South Vermont Avenue  
Los Angeles, CA 90020**

Lisa H. Wong, Psy.D. Director

Connie D. Draxler, Acting Chief Deputy Director

Curley Bonds, M.D. Chief Medical Officer

**Los Angeles County Board of Supervisors**

Hilda L. Solis

Holly J. Mitchell

Lindsey P. Horvath

Janice Hahn

Kathryn Barger



