

SENATE BILL 43 (SB 43) & LPS CONSERVATORSHIP



LOS ANGELES COUNTY
DEPARTMENT OF
MENTAL HEALTH
hope. recovery. wellbeing.



COUNTY OF LOS ANGELES
Public Health
Substance Abuse Prevention and Control

What Is an LPS Conservatorship?

Existing law under the Lanterman-Petris-Short Act (LPS) conservatorships supports an individual who is unable to meet their basic needs or accept voluntary treatment due their serious mental health illness.

Under LPS, a **conservator** is appointed through a court process to oversee the care of the conserved person for a time-limited basis to:

- Authorize and approve psychiatric placement and treatment
- Work with medical and mental health clinicians
- Coordinate supportive services that promote recovery and wellness

LPS also regulates the process for **involuntary psychiatric holds**, often referred to as 5150 holds for adults and 5585 holds for minors under the age of 18 years old.

How Does SB 43 Change LPS Conservatorship?

Senate Bill 43 (SB43) was signed into law by the Governor in October 2023 and updates California's LPS conservatorship laws for the first time in over 50 years.

As of January 1, 2024, SB 43 expands the definition of "grave disability" across the State of California in two ways:

1. Adds severe substance use disorder as a reason a person can be placed on involuntary hold.
2. Adds the inability to meet personal safety or necessary medical care as reasons a person could be placed on involuntary hold if inability is due to their mental health or substance use disorder.

Definition of "**grave disability**":

- Definition before January 1, 2024:
 - A condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter.
- New Definition under SB 43:
 - A condition in which a person, as a result of a mental health disorder, *a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder*, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care.

Note: the new definition only applies to adults.

In Los Angeles County, most SB 43 changes will start January 1, 2026.

What Will Not Change Under SB 43?

- A Person referred for 5150/5585 MUST meet the criteria for "grave disability"
- Conservatorship and 5150/5585 procedures allow individuals to maintain the authority to make their own medical decisions
- A person's ability to refuse medical care relies on their capacity to consent. Inability to consent may require court ordered intervention.

Additional Information on LPS Conservatorship

- A conservator may be a person that the conserved person chooses or someone that is appointed by the court.
- The County of Los Angeles aims to help individuals at the least restrictive settings possible and remains committed to connecting people to voluntary services first through engagement and interventions, such as [Full Service Partnerships \(FSP\)](#), [Assisted Outpatient Treatment \(AOT\)](#), or the [Community Assistance, Recovery and Empowerment \(CARE Act\) program](#).
- Referrals for LPS conservatorship are submitted by trained medical experts at designated hospitals/facilities and the Los Angeles County Department of Mental Health (LACDMH) Homeless Outreach Mobile Engagement (HOME) team.
- The Office of the Public Guardian (OPG), as the county conservatorship investigator, receives the referral.
- If the OPG determines the referral meets criteria, OPG will petition for a temporary conservatorship and investigate if a permanent conservatorship is necessary or if there are suitable alternatives to conservatorship.

How Can I Learn More or Get Help?

To find out more about **SB 43**, the **LACDMH Office of the Public Guardian**, the **CARE Program**, and **Assisted Outpatient Treatment (AOT)**, please visit LACDMH's website at dmh.lacounty.gov.

SB 43 Executive Steering Committee

To ensure collaboration and streamlined implementation, the County of Los Angeles has convened an Executive Steering Committee made up of the Departments of Mental Health and Public Health, as well as numerous stakeholders.

For questions related to SB 43 or to request a presentation, please e-mail SB43@dmh.lacounty.gov.

Substance Use Disorder Services

Substance use disorder (SUD) impacts individuals and communities across the nation, with more than 48 million Americans aged 12 or older living with SUD. You can find more information about the available SUD services by going to the Public Health Bureau of Substance Abuse Prevention and Control website at ph.lacounty.gov/sapc/.

Contacts & Resources

If you or someone you know is struggling with a mental health or substance use disorder, call the Los Angeles County Mental Health & Substance Use Help Line at 1-800-854-7771, accessible 24/7.

Los Angeles County Department of Mental Health:

- Assisted Outpatient Treatment (AOT-LA) - dmh.lacounty.gov/our-services/countywide-services/aotla/
- CARE Court Program - dmh.lacounty.gov/court-programs/care-court/
- Office of the Public Guardian - dmh.lacounty.gov/our-services/public-guardian/

Los Angeles County Department of Public Health – Substance Use Prevention and Control:

- RecoverLA.org. For a mobile-friendly substance use resource guide.
- Service and Bed Availability Tool (SBAT). For more information on the available SUD treatment providers near you, please go to SUDHelpLA.org

**For a glossary of terms in relation to SB 43 and to view a list of possible indicators and symptoms, please visit LACDMH's website dmh.lacounty.gov/sb43 or scan this QR code*

