

**PLANNING AHEAD/ALTERNATIVES TO
CONSERVATORSHIP**

While no amount of planning can anticipate all the consequences of a serious disability, planning ahead can reduce the disruption in peoples lives and that of their loved ones. In some situations, a *durable power of attorney*, an *advance directive* or a *living trust* may be sufficient. In other situations, the legal intervention and protection provided by conservatorship may be necessary. Conservatorship offers the highest degree of safety and security to the individual because of the court's oversight.

In all matters as important as disability and its effect on medical decisions and finances, planning ahead is critical. Consumers should become informed about their options, consult with qualified professionals and regularly review their plans, updating them as necessary.

ELDER ABUSE

Abuse of elders and dependent adults is a crime. Abuse can take many forms, including physical and financial abuse or neglect. Suspected abuse should be reported to the local police and **Adult Protective Services**, the county agency responsible for investigating reports of abuse. Even when abuse cannot be substantiated as a crime, intervention may be necessary. The Public Guardian, using the civil process of conservatorship, may be able to prevent further abuse by taking steps, for example, to secure medical treatment or freeze assets.

NOTES

The vision of the Department of Mental Health is that "we make our communities better by providing world class mental health services." The Public Guardian supports that vision by providing professional conservatorship services of high quality and integrity. Persons in need of conservatorship have many needs. Meeting those needs requires the Public Guardian to work closely with other agencies, care providers and community groups. Some of our key partners include Adult Protective Services, law enforcement, the District Attorney and, of course, all of the health/mental health providers: Clinics, hospitals, nursing homes and community care facilities.

GUARDIAN CIRCLE

The Public Guardian's 3000 conservatees are often isolated by their disabilities. Their need for social contact and mental stimulation is met in part by Guardian Circle Volunteers, who share their skills, listen to the lonely, and encourage participation in community activities.

To volunteer, please give us a call.

CONSERVATORSHIP SERVICES**WHERE TO CALL:**

Public Guardian Information	213) 974-0515
Volunteers' Office	213) 974-0529
Fax #	213) 620-1405
After Hours Emergencies*	213) 974-1234

(*For established conservatorships only)

OTHER RESOURCES

Mental Health Services	(800) 854-7771
<i>(M/H Services – 24 hrs a day, 7 days a week)</i>	
Adult Protective Services	(877) 477-3646
<i>(Elder & adult abuse; self-neglect)</i>	
Info-Line –	(800) 339-6993; TTD (800) 660-4026
<i>(24 hrs info. & referral to human services agencies)</i>	
L.A. County Bar Association	(213) 243-1500
<i>(Referral services/legal information)</i>	

COUNTY OF LOS ANGELES

ABOUT THE PUBLIC GUARDIAN

The Public Guardian provides a vital service to persons unable to properly care for themselves or who are unable to manage their finances. The service is provided through a legal process known as conservatorship. The office was established in 1945 - the first in the state. Initially, the primary responsibility was for the finances of persons civilly committed to psychiatric facilities. As society evolved and the laws changed to meet new social challenges, the role of the Public Guardian broadened to include more responsibility for the care of the individual. The landmark LPS Act of 1969 and subsequent changes to the Probate Code meant that the Public Guardian became the substitute decision maker for vulnerable populations of the county, such as the frail elderly and persons with serious mental illness.

Gloria Molina
Supervisor, 1ST District

Yvonne Brathwaite 'Burke **Zev Yaroslavsky**
Supervisor 2nd District Supervisor 3rd District

Don Knabe **Michael D. Antonovich**
Supervisor 4th District Supervisor 5th District

DEPARTMENT OF MENTAL HEALTH
OFFICE OF THE PUBLIC GUARDIAN
320 W. TEMPLE
Los Angeles, California 90012

"Government is instituted no less for protection of property, than of the persons of individuals." James Madison, 1788

MARVIN J. SOUTHARD, D.S.W.
DIRECTOR
MENTAL HEALTH SERVICES
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CHRISTOPHER A. FIERRO
DEPUTY DIRECTOR

ABOUT CONSERVATORSHIP

Conservatorship is a serious matter. It requires a court hearing with all interested parties present. If the conservatorship is established, the individual or conservatee loses many civil rights most of us take for granted. He or she may lose the right to decide where they'll live or what medical treatment to accept or refuse. They may lose the right to control their assets or manage their income. The conservator, by assuming the responsibility for these matters, becomes legally accountable to the court.

THE ROLE OF COUNTY COUNSEL

The Office of the County Counsel provides legal representation in all matters involving the County of Los Angeles. Attorneys from County Counsel represent the Public Guardian in LPS and probate conservatorship matters. On behalf of the Public Guardian, they take legal steps to obtain necessary care and treatment for the conservatee and to protect his or her income and property.

LPS CONSERVATORSHIP



Legal Basis: Institutions Co appointed for a meaning that, a the person is ur or shelter. incompetent to criteria.

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Purpose: To provide for individualized treatment, supervision, and placement of the conservatee and to manage their financial resources.

How Is It Started? Only designated mental health treatment facilities, agencies or the courts can make a referral to the Public Guardian for LPS. Only the Public Guardian can petition the court for the initial appointment as conservator.

How Long Does It Take? LPS matters are set for hearing and decided in less than 30 days.

Who Is Appointed Conservator? The Public Guardian, a relative or interested party may be appointed. However, Public Guardian investigates all such referrals and submits recommendations to the court.

Duration: LPS Automatically terminates after one year but may be renewed annually at a court hearing.

Persons/Ages Served: Persons of all ages, including children and older adults, may qualify for LPS if they meet the legal criteria described above.

Medical Treatment: The court usually authorizes mental health treatment only, including psychotropic drugs, even when against the will of the individual.

Living Arrangements/Placement: The conservator usually is authorized to place the conservatee anywhere in California, including locked mental health facilities, if consistent with the treatment plan.

PROBATE CONSERVATORSHIP

Legal Basis: According to the Probate Code, a conservator may be appointed “for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing or shelter” or for persons “substantially unable” to manage their financial resources “or resist fraud or undue influence.”

Purpose: To protect and arrange care for the conservatee, to protect their rights and manage their financial resources.

How Is It Started? Any interested party can make a probate referral to the Public Guardian. Likewise, any interested party can petition the court to become the conservator. Before doing so, however, family members should consult with an attorney.

How Long Does It Take? Probate matters can take a month or much longer to decide.

Who Is Appointed Conservator? The Public Guardian is appointed on petitions it files. Probate conservatorship petitions may be filed by private individuals or by agencies on their own behalf.

Duration: Probate is indefinite but conservatee or conservator may petition the court for termination at any time.

Persons/Ages Served: Probate conservatorship is restricted to adults, age 18 and older who meet the legal basis described above. (Guardianship is available for minors.)

Medical Treatment: The court often grants to the conservator the exclusive authority to make most medical decisions, such as surgeries, but not involuntary mental health treatment decisions.

Living Arrangements/Placement: The conservator is usually authorized to place the conservatee anywhere in California consistent with treatment needs, except in a mental health treatment facility.