

## Who Makes A Referral to the Public Guardian?

- Adult Protective Services (APS),
- Family member
- Neighbor
- Health Care Provider
- Law Enforcement
- County Mental Health
- Superior Court
- Another interested person

## Who Can File for A Conservatorship?

The person who wants to be a conservator can file for a Probate Conservatorship. Others can file too, like a spouse, a relative, a state or local government agency (such as the Public Guardian), or any other interested person or friend.

## Who Can Be A Conservator?

- Spouse
- Adult child
- Parent
- Sibling
- Any other person appointed by the court
- Public Guardian

## What Services Can Be Provided Through Conservatorship?

- Case management and placement services
- Estate administration, including management of money and real and personal property
- Court appearances and reports
- Physical and mental health services

## How Can I Learn More About Conservatorship?

- Look for books in the legal section of a bookstore or at your local library.
- Try an internet search using the key words: *conservatorship, probate conservatorship, LPS conservatorship*. Remember that laws regarding conservatorships vary by state.
- Find a copy of the *Handbook for Conservators* at the office of the clerk of the superior court in your county, or online at the California Court Self-Help Center (<http://www.courtinfo.ca.gov/selfhelp/>)
- Talk to a lawyer before you try to establish a conservatorship.

# PUBLIC GUARDIAN

CALL  
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## Trinity County Health and Human Services

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## Public Guardian

The Public Guardian 's office (PG) is part of the Trinity County Health and Human Services Department, Adult Services Unit.

The Public Guardian's office is tasked with providing conservatorship investigations and services for elderly and disabled adults. .

Conservatorship is available to frail elderly and physically and mentally disabled adult residents who are unable to provide for their own basic needs for health, food, clothing, or shelter, and/or are unable to manage financial resources or resist fraud or undue influence. Public Guardian staff coordinate the conservatee's care, including the arrangement of placement and treatment, and management of finances under the jurisdiction of the Superior Court.

### The Conservatorship Process

To establish a conservatorship, the Public Guardian must conduct an investigation and document the reasons that a conservatorship is necessary. If the Public Guardian determines that a conservatorship is necessary, staff must file a petition and prove the case in court.

If the proposed conservatee (the person to be conserved) wants to oppose the establishment of a conservatorship, he or she has the right to have legal counsel appointed and to have a trial by jury.

## Types of Conservatorships

### Probate Conservatorship

A probate conservatorship allows for a responsible person (called a conservator) to care for another adult who cannot care for him/herself or his/her finances (called a conservatee) due to organic brain disorders, brain trauma, or dementia. There are 2 kinds of conservators: A conservator of the person cares for and protects a person when the court decides that the conservatee can't do it. A conservator of the estate handles the conservatee's financial matters, such as paying bills and collecting a person's income when the court decides the conservatee can't do it. Once a Probate Conservatorship is established, it will remain in effect until the conservatee proves to the court that the conservatorship is not necessary.

### Limited Conservatorship

A limited conservatorship allows for a responsible person to care for another adult who has a developmental disability. Because developmentally disabled people can usually do many things on their own, the judge will only give the limited conservator power to do things the conservatee cannot do without help, such as deciding where the conservatee will live (but, NOT in a locked facility), look at the conservatee's confidential records and papers, sign a contract for the conservatee, give or withhold consent for medical treatment, or manage the conservatee's financial affairs.

## Types of Conservatorships

### LPS Conservatorship

A Lanterman-Petris-Short (LPS) conservatorship allows for involuntary detention and treatment of a person (the conservatee) who is gravely disabled due to a mental disorder.

Gravely disabled means that, because of a mental disorder, the person cannot take care of his/her basic, personal needs for food, clothing, or shelter.

LPS conservatorship proceedings must be initiated by the Public Guardian. A conservatorship referral is typically made by a psychiatrist or by county mental health. An LPS conservatorship lasts for one year.

The Court will not establish an LPS conservatorship unless it finds beyond a reasonable doubt that the mentally ill person is gravely disabled.

If you or another adult can provide for the person's basic needs, the court cannot find the person to be gravely disabled. This means you may not need to establish a conservatorship.