Limited Conservatorship Guide

A User-Friendly Guide to Understanding Conservatorship for Adults with Intellectual/Developmental Disabilities

Prepared by Attorneys of BET TZEDEK LEGAL SERVICES
Limited Conservatorship Guide
A User-Friendly Guide to Understanding Conservatorship for Adults with Intellectual/Developmental Disabilities

Bet Tzedek Legal Services is a non-profit, public interest law center which provides free legal services to low-income residents of Los Angeles County. Bet Tzedek means “House of Justice” in Hebrew. Bet Tzedek serves persons of all racial, religious and ethnic backgrounds.

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*Important Note: The Limited Conservatorship Guide is based almost exclusively on California law. It is intended for use by California residents, although some aspects may be applicable in other states. This guide is not a substitute for the independent judgment and skills of an attorney or other professional. If you require legal or other expert advice, please consult a competent professional in your geographic area to supplement and verify the information contained in this guide.*
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Ms. Erickson has been an attorney with Bet Tzedek since 1999. She joined the Family Caregiver Unit as the conservatorship attorney and was responsible for the growth of the innovative conservatorship practice at Bet Tzedek for which she received the Jack Skirball Community Justice Award.

Ms. Erickson worked on conservatorship legislation Bet Tzedek co-sponsored in the California Legislature. She testified before the Judicial Council of California’s Probate Conservatorship Task Force about improving the practices and procedures of probate conservatorships. Ms. Erickson is a contributing author to the CEB California Conservatorship Practice Guide. A member of the International Guardianship Network, she has represented Bet Tzedek as a speaker, nationally and internationally in Canada, Japan, Israel, Germany and Australia.

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IMPORTANT NOTE

Every attempt was made to ensure the accuracy of the information in this guide. Bet Tzedek Legal Services reserves the right to revise the guide at any time—without notice—and assumes no liability for damages incurred directly or indirectly as a result of errors, omissions, or discrepancies.

Since relevant laws change from year to year, please make sure to review the most recent edition of this guide. Resources identified in this guide may be useful to the reader. Such references do not constitute an endorsement by Bet Tzedek Legal Services of the programs or services of those enterprises.
This guide is designed to inform the reader about the process of obtaining a limited conservatorship and what to do once the conservatorship is established in the state of California. The guide also discusses the alternatives to conservatorship which should be explored prior to seeking a limited conservatorship. Adults with Intellectual/Developmental Disabilities, (I/DD), should receive enough support to allow them maximum independence in their lives. A limited conservatorship may be one way to accomplish this.
CHAPTER 1
WHAT IS CONSERVATORSHIP?
A conservatorship is created as a result of a court proceeding. Conservatorships give authority to the conservator to make decisions for the conservatee, an incapacitated adult. The conservator can make decisions about the care, custody and control of the conservatee (conservatorship of the person) and/or their assets and finances (conservatorship of the estate). There are different types of conservatorships. Probate conservatorships are based on laws in the California Probate Code and include general conservatorships and limited conservatorships. General conservatorships are for people who cannot care for themselves as a result of impairments caused by aging, illness or accident. General conservatorships can have added dementia powers for people with dementia or Alzheimer’s. Limited conservatorships are designed to support the needs of individuals who have substantial handicaps in the areas of self-care as a result of an Intellectual/ Developmental Disability (I/DD) which originated before age 18.

There are also conservatorships for persons with mental illness based on the laws in California Welfare and Institutions Code, called LPS conservatorships (Lanterman Petris Short). They are not Probate conservatorships nor are they heard in Probate Court. They are discussed later in this book. See Appendix D for an Overview of California’s Conservatorship System. Conservatorships are referred to as Adult Guardianships in most of the U.S. and internationally. *California Probate Code §1800 et seq.*

### Temporary Conservatorships
All conservatorships can be filed as temporary. They allow for temporary care, protection and support until a permanent conservatorship can be established, if the court determines one is needed. These are for people who need immediate help. They are usually in effect for no more than 30 to 60 days, or some fixed period of time, after which a permanent conservatorship can be established. The court may find there is no need for a permanent conservatorship at which point the temporary conservatorship would end. *California Probate Code §2250 et seq.*

### What is a conservator?
A person or organization appointed by a judge to arrange for a conservatee’s personal care, to manage the conservatee’s finances, or both.

### What is a conservatee?
A person whom a judge has decided is unable to care for himself or herself or to manage his or her own financial affairs.

### Who can be a conservator?
Anyone over the age of 18 can become a conservator, including a spouse, parent, sibling, relative, friend or professional conservator.

### What is a co-conservator?
Co-conservator(s) refer(s) to more than one individual or entity acting as a conservator.
What is a professional conservator?
An individual or entity whose profession is acting as a conservator. Some Regional Centers may act as conservators. The California Department of Developmental Services (which oversees the Regional Centers) may act as a conservator. The Public Guardian is a county agency authorized to accept appointment and serve as a conservator of a person living in the county. In the state of California professional conservators must pass an exam and be licensed to satisfy the requirements of the Business & Professions Code §6501(f). Professionals charge fees which are paid by the estate of the conservatee. The fees must be approved by the court. To learn more about professional conservators visit: National Guardianship Association, Inc at: http://www.guardianship.org. Or, Professional Fiduciary Association of California (PFAC) at: http://www.pfac-pro.org.
CHAPTER 2
WHAT IS A LIMITED CONSERVATORSHIP?
Limited Conservatorships are designed to support the needs of adults with Intellectual/Developmental Disabilities (I/DD) whose disability began before the age of 18, interferes with cognitive development, is substantially handicapping, and is expected to last indefinitely. Autism, Epilepsy, Cerebral Palsy, Intellectual Disability, Down Syndrome and similar conditions are Intellectual/Developmental Disabilities. They may have a psychiatric component, but mental illness by itself is not an I/DD.

When a person with I/DD turns 18, his or her parents/caregivers no longer have the right to make legal decisions for the adult. If the adult with I/DD lacks capacity, a limited conservatorship may be needed. Limited conservatorships were set up to promote and encourage a maximum of self-reliance and only give the conservator powers that the conservatee is unable to engage capably. The court requires the petition be very specific about the powers requested. A limited conservator can be appointed for someone who lacks capacity to perform some but not all tasks. California Probate Code §1801(d).
CHAPTER 3
THE
CONSERVATORSHIP PROCESSES
THE CONSERVATORSHIP PROCESS

Petition
You must ask the court to allow you to become a conservator; this is done via Petition for Appointment of Probate Conservator (Judicial Council of California Form GC310). The petition is a formal, written request, asking the judge to establish a conservatorship over the person (to care for the individual), over the estate (to manage assets), or both. The petition will also indicate which type of conservatorship you are seeking to establish (general or limited) and the specific powers you are requesting. See Chapter 4 for a discussion of the powers under a limited conservatorship. The petition is filed with the Probate Department of the Superior Court and set for hearing. There is a fee to file a petition which can be waived for people with low income. Family members are given notice of the petition and may appear to support or object to the petition. The proposed conservatee must be served with a citation giving him/her notice of the proceeding. Regional Centers are required to file a report about the proposed Conservatee with the court before the hearing.

Capacity Declaration
This is a form which must be completed by a medical doctor, psychologist or religious healing practitioner and filed with the court. It identifies the diagnosis and medical status of the proposed conservatee, informs the court whether the proposed conservatee is able to attend the hearing, and has capacity to consent to medical treatment. The declaration should describe the adult with I/DD’s medical condition and the limitations the conservatee has as a result of his/her disability.

Nomination
A proposed conservatee who agrees with the conservatorship may elect to nominate the conservator. The nomination should be attached to the petition for conservatorship.

Regional Center Report
The Regional Center prepares a report to the court about the proposed conservatee and his or her abilities. They make recommendations regarding the seven powers and the suitability of the proposed conservator. In order to obtain a limited conservatorship, there must be a Regional Center report. If the proposed conservatee is not a Regional Center client, a general conservatorship may be obtained. This will not prevent the conservatee from applying for Regional Center services after the conservatorship is in place.

PVP Attorney
PVP stands for Probate Volunteer Panel. The panel consists of lawyers appointed by the court who serve as the attorney for the proposed conservatee. They meet with the proposed conservatee, review the petition and make a report to the court both in writing and at the hearing. After the petition has been filed, but before the hearing, the PVP attorney will arrange to visit the proposed conservatee and discuss the conservatorship. The PVP has a duty to convey to the court the proposed conservatee’s wishes. If the proposed conservatee opposes the conservatorship or the proposed conservator, the PVP must report this to the court. The proposed conservatee can ask for a jury trial if he/she opposes the appointment of a conservator.
The court gives great weight to the PVP attorney’s recommendations.

If the proposed conservatee uses devices to communicate, advise the PVP of this as soon as possible so the PVP can familiarize him or herself with the device. The PVP can inform the court in advance, of the need for such devices or other assistance during the hearing.

The County of Los Angeles pays the fees for the PVP attorney if a fee waiver is on file. Otherwise the fees are paid by the conservator or the conservatee’s estate. In other counties in California, the Public Defender may serve as the PVP. To see what the PVP report form covers, visit http://www.lacourt.org/division/probate/pdf/PVP CounselReport.pdf.

**Probate Investigator**

The Probate Investigator’s Office investigates the conservatorship and provides a report to the court. In limited conservatorships, the Probate Investigator’s duties include a background check on the proposed conservator. After the Letters of Conservatorship have issued, the court retains jurisdiction over the conservatorship.
The Probate Investigator’s office is responsible for reviewing the case one year after appointment. The court investigator then typically visits the conservatee every two years around the time the Letters of Conservatorship were issued. Visits to the conservatee may be unannounced and can take place in the conservatee’s home, day program, or job site. The court wants to ensure the conservatorship continues to be in the conservatee’s best interest. At the visit, the court investigator checks to see if the conservatorship is still necessary, the conservatee still wants to be conserved, the conservator is acting in the conservatee’s best interests and the care provided is suitable. The investigator files a report with the court and includes any concerns about the conservatorship or the conservatee. The court, as a result of the report, can set a hearing and assign a PVP attorney to assist the conservatee.

**Hearing**

The limited conservatorship hearing is held in a courtroom. The proposed conservator attends the hearing. The proposed conservatee may or may not attend depending upon what the capacity declaration says and his/her wishes. The PVP attorney can waive the proposed conservatee’s attendance if it would be stressful or difficult for the proposed conservatee to be in a busy courtroom. The PVP attorney can ask for reasonable accommodations in the courtroom to enable the proposed conservatee to attend the hearing. The PVP attorney will make a report to the court. The court will inquire about the seven powers and determine which to grant. The court may have questions for the proposed conservator and/or conservatee. If someone opposes the conservatorship, they may appear and voice their concerns or file an opposition. The court may continue the hearing to a later date to give opponents time to file objections or a competing petition. The matter may be set for trial based on the objections or the competing petition. The court hears all arguments and makes an order appointing a conservator or co-conservators, and lists for the record which powers have been granted. If there is no further hearing set, the PVP attorney will usually be discharged.

**Post Hearing: Order and Letters**

After the hearing, the court’s order is filed and Letters of Conservatorship are issued. The Letters are written proof of the conservatorship and should be certified by the court. The Letters indicate which of the powers the court has granted to the conservator. If the conservatorship is modified in any way, new Letters must be issued. The conservator may be asked to provide the Letters as proof of conservatorship. See Appendix B for a sample of Letters. The conservator will be asked to file a care plan. The care plan provides the court with information about the conservatee’s residence, level of care, medical care, income and expenses. See Appendix C for the care plan form entitled “Determination of Conservatee’s Appropriate Level of Care.”
How to Change a Limited Conservatorship
Limited conservatorships can be changed by filing a petition asking the court to make changes to the Letters, to add or delete powers or add or delete a conservator or co-conservator. This can be done by the conservator or the conservatee.

How Does a Limited Conservatorship End?
If the conservatorship is no longer necessary, a request can be filed to terminate the conservatorship. If the conservator no longer wants to serve, he/she can file a request to resign. A conservator who is not acting in the best interests of the conservatee may be removed by the court. If the conservator or the conservatee dies, the conservatorship terminates. This is unique to limited conservatorships and requires the filing of a new petition, even if there are co-conservators acting. If the conservatee dies, the conservator should notify the court.

Do I Need a Lawyer?
You do not need an attorney to file for conservatorship over the person or to file for a small estate under Probate Code §2628. You will need to complete the forms required and appear at the hearing. Los Angeles County has a Self- Help Conservatorship Clinic. For assistance in your area, see Resources.
CHAPTER 4
POWERS OF A LIMITED CONSERVATORSHIP OF THE PERSON
POWERS OF A LIMITED CONSERVATORSHIP OF THE PERSON

There are seven powers possible with a limited conservatorship of the person. The conservator may be granted one or more powers or all seven depending upon the abilities of the conservatee. To promote independence, the conservatee should retain the powers he/she has capacity to exercise. Conservator and conservatee can share powers. For example, both conservatee and conservator could act together to make decisions about education or where the conservatee will live. The key is to find the right balance of powers. After the conservatorship is established, the powers can be modified, either to further limit, or return powers to the conservatee.

The seven powers under Probate Code Section 2351.5 are:

1. **To fix the residence or specific dwelling of the limited conservatee.**
   Most limited conservatees live with their families. There are other types of living situations which may be appropriate for the conservatee. This power allows the conservator to decide which living situation is best for the conservatee.

2. **Access to the confidential records and papers of the limited conservatee.**
   This power allows the conservator to both send and receive the confidential records of the conservatee. Since the conservatee is over 18, privacy laws prevent access to confidential records and papers to anyone other than the conservatee. This power allows the conservator access to the conservatee’s confidential records, including education, medical, and legal documents and records.

3. **To consent or withhold consent to the marriage of, or entrance into a registered domestic partnership, by the limited conservatee.**
   Most families want their loved ones to find a meaningful loving partnership. Consistors should be prepared to demonstrate to the court and the PVP attorney why this power should be taken from the conservatee. Most Regional Centers do not recommend granting this power to the conservator since they and many advocates view it as a fundamental civil right.

4. **To control the right of the limited conservatee to contract.**
   This power allows the conservator to limit the conservatee’s ability to enter into contracts. Conservatees who have difficulty handling money or appreciating their rights and responsibilities under a contract can have this power limited. Under this power, the conservator can enter into contracts for the benefit of the conservatee or void contracts the conservatee entered into without consent of the conservator, without the need for a conservatorship over the estate. This is unique to limited conservatorships.
5. **To have exclusive authority to give or withhold consent to medical treatment for the limited conservatee.**
The capacity declaration from a medical professional will indicate if the conservatee has capacity to consent to medical treatment. This power gives the conservator the ability to both consent to treatment or withhold consent, if conservator decides treatment is not in the conservatee’s best interest.

6. **To control the limited conservatee’s social and sexual contacts and relationships.**
This may be the most controversial power. Conservators may feel they need to control the conservatee’s sexual relationships but not the social relationships. Both are lumped together in this power. Sexual relationships involve the issue of birth control and prevention of sexually transmitted diseases. Conservators have the obligation to keep the conservatee safe and prevent exploitation and may feel that without this power they cannot do this. However, if the conservatee is independent and social, controlling contacts may be very difficult as a practical matter. On the other hand, where there has been abuse or inappropriate contacts in the past, conservators should bring this to the court’s attention in arguing for this power. Like marriage, this is a fundamental civil right that should not be taken away unless absolutely necessary.

7. **To make all decisions about the limited conservatee’s education.**
Under federal law, adults with I/DD can attend high school until age 22. After which they may be involved in job training, enroll in college or university, or enroll in programs which teach skills for daily living. This power allows the conservator to enroll the conservatee in school or in these programs. Depending upon capacity, this is often a power which may be shared by conservator and conservatee as they decide which educational programs will foster independence by developing skills.

**Right to Vote**
The petition asks whether the proposed conservatee is or is not able to complete an affidavit of voter registration. The California Election Code §2150(d) allows an individual to receive help in completing the affidavit. Federal voter laws allow persons with disabilities to receive assistance in voting. A person will not be disqualified from voting if that person needs reasonable accommodations in completing an affidavit of voter registration. The court presumes a person is competent to vote unless the court finds the proposed conservatee cannot communicate a desire to participate in the voting process. (Probate Code §1823). Regional centers can help conservatees register to vote.
CHAPTER 5
POWERS OF A LIMITED CONSERVATORSHIP OF THE ESTATE
A limited conservatorship of the estate allows the conservator to manage the assets of the estate of the conservatee. A petitioner can ask the court in the petition for both, powers of the estate and person, or just estate powers. Limited conservatorships of the estate are rare because most limited conservatees receive some form of public benefits and have very few assets. Examples of when an estate is needed include; the conservatee receiving an inheritance, owning assets or real property, receiving a legal judgment or having significant income. Conservators of the estate will need to be bonded to protect the assets of the conservatee. The conservator will need to file an annual accounting, detailing for the court how the estate is being managed and how monies are being spent.

Similar to the conservatorship of the person, there are seven powers that may be granted.

The seven powers of the limited conservatorship of the estate are:

1. To manage the limited conservatorship estate in the manner provided in Probate Code (PC) §2450-2467.

2. To contract on behalf of the limited conservator and his or her estate.

3. To compromise and settle all claims by or against the limited conservator and his or her estate, subject to the limitations of PC §2500-2504.

4. To invest assets in the manner permitted in PC §2570-2574.

5. To sell assets subject to PC §2540-2548.

6. To pay debts and expenses of the estate, subject to PC §2430-2431.

7. To borrow money, give security, lease, convey or exchange property of the estate, subject to PC §2430-2431.

Small Estate
Probate Code §2628
If a conservatorship of the estate is needed and the conservatee does not have more than $2,000.00 in monthly income (excluding public benefits), and there is no more than $15,000.00 in assets (excluding the home), a small estate may be appropriate under Probate Code §2628. This limited conservatorship of the estate may not require an annual accounting or a bond.
CHAPTER 6
DUTIES OF THE LIMITED CONSERVATOR OF THE PERSON
The court gives the conservator authority to take care of the conservatee’s personal needs. The authority (powers) are listed in the Letters of Conservatorship. The conservator of the person has a duty to provide for the care, custody and control of the conservatee. This means the conservator must arrange for housing, health care, meals, personal care, housekeeping, transportation, recreation and education. After appointment, the conservator will acknowledge receipt of Judicial Council Form GC348, Duties of conservator. The Duties should be carefully reviewed. Visit www.courts.ca.gov/documents/gc348.pdf for Duties of Conservator.

Housing
Most conservatees live at home. The conservator has the duty to make any residence of the conservatee safe and comfortable and ensure as much independence as possible. The residence must be the least restrictive appropriate residence available that meets the conservatee’s needs and is in his or her best interest. Options for housing outside the family home include: Community Care Facilities, Independent Living Programs, Supported Living Programs, Family Home Agencies, Assisted Living, Intermediate Care Facilities, and Skilled Nursing Facilities. If the residence of the conservatee is changed, the conservator must file a written notice with the court. Moving the conservatee out of state requires permission from the court. Visit www.courts.ca.gov/documents/gc348.pdf for the required forms.

Health Care
The conservator must arrange for health care for the conservatee. This duty includes making medical appointments, accepting or declining medical treatment, and sending and receiving medical records. The conservator must obtain prescriptions, vitamins and supplements as needed and ensure they are taken as indicated. If the conservatee wants to participate in a clinical trial or experimental medical procedure, the conservator will need permission from the court. Medical authority does not give the conservator the right to place the conservatee in a locked psychiatric facility or give the conservatee psychotropic medications. Medical authority does not include the right to sterilize the conservatee.

Medi-Cal
Medi-Cal (known as Medicaid nationally) is a California medical insurance program that helps low-income individuals, families, seniors and the disabled. It pays for hospitalization, medical visits, medical equipment and supplies and prescription drugs. Therapeutic services, occupational therapy and physical therapy are also covered. For eligibility purposes, any income of the disabled adult is counted separately from the rest of the family. Medi-Cal also pays for home care through the In-Home Supportive Services (IHSS) program.

Medicare
Medicare is a federal medical insurance program for those over 65 or who are disabled. It pays for hospitalization, medical visits, medical equipment and some supplies. Medicare Part D covers prescription drugs.
Some people qualify for both Medi-Cal and Medicare. They are referred to as “dual eligible” or Medi/Medi.

**Affordable Care Act**
The Affordable Care Act (ACA) assists adults with I/DD by eliminating pre-existing condition exclusions, and bans annual and lifetime limits on coverage. The ACA allows dependents to be covered on their parent’s insurance plan until age 26. An adult age 26 and over who is incapable of self-sustaining employment by reason of disability may be continued as a dependent on the parent’s coverage.

**Alzheimer’s Disease**
While anyone may develop Alzheimer’s, adults with Down Syndrome have a high incidence of Alzheimer’s. Researchers have discovered that Down Syndrome and Alzheimer’s have a strong genetic connection. Alzheimer’s is a type of dementia that affects functioning and memory because it gradually destroys brain cells. People with Down Syndrome often develop Alzheimer’s at a younger age than the general population. To learn more on this topic visit the National Down Syndrome Society at: http://www.ndss.org.

**Issues with Aging**
Many adults with I/DD experience aging issues much earlier than the general population. This syndrome is known as “accelerated aging” and affects people medically, physically and cognitively. It can result in mental health issues such as anxiety, and depression. Certain events may trigger mental health issues such as loss of a loved one, change in environment, loss of functionality, etc. It is important to have an evaluation by a mental health professional if changes are noticed.

**Personal Care, Meals and Housekeeping**
Assistance with these duties can be obtained through Regional Center programs, including training in basic living skills through Independent Living Skills (ILS) training, respite care and In-Home Supportive Services.

Monies to support the conservatee’s needs for food, clothing and shelter can come from government benefits such as SSI and SSDI.

**SSI**
Supplemental Security Income (SSI) is a monthly benefit from the Social Security Administration. It is available to disabled adults with little or no income. At age 18, adults with I/DD are eligible for SSI even if they are living with their parents. The income and assets of the parents are not counted. SSI is a “needs based” program meaning an individual has limited income and assets and “needs” SSI for support. An SSI recipient is allowed up to $2,000.00 in assets (excluding the home, household and personal effects). For adults unable to manage their SSI, a Representative Payee program is available.

To apply for SSI contact your local Social Security office, or visit http://www.ssa.gov to learn how to apply online.

**SSDI**
Social Security Disability Insurance (SSDI)
can be obtained by a child of a person who is retired, disabled or deceased, if the parent paid into Social Security. The child’s disability must have begun before the age of 22. If benefits are received for 24 consecutive months, the recipient is eligible for Medicare. If the parent is deceased, the recipient gets 75% of the parent’s monthly Social Security benefit. If the parent is retired, the recipient gets 50% of the parent’s monthly Social Security benefits. SSDI is not “needs based” so benefits are not affected by the recipient’s income or assets.

IHSS
In-Home Supportive Services (IHSS) is a Medi-Cal in-home care program for low-income people who are blind, disabled, or over 65 years old. It is administered by the County Department of Social Services. IHSS pays for daily home care services such as bathing, toileting, grooming, shopping or cooking, for those unable to care for themselves. Each person is assessed to determine the number of hours they receive on a weekly basis. The hours given are based on the recipient’s level of need, with a cap on total hours. The monies can be used to hire outside help or pay a family member to provide services. The maximum hours available through IHSS is 283 hours per month.

Respite Care
Respite Care is care provided to give the primary caregivers some respite (a break, or time off). Regional Centers have monies available for respite care if the person with I/DD is eligible and qualifies for this service.

Transportation, Recreation, Social, Educational and Employment
Individuals with I/DD can attend high school until the age of 22. They can then go on to college or university depending on their academic abilities. Each educational institution should be contacted to determine what programs and resources are available to meet individual needs. Vocational training and Supported Employment programs are available through the Regional Centers and the Department of Rehabilitation. For persons with more significant disabilities, there are programs through the California Department of Developmental Services which provide work and community integration opportunities.
**Passports**
A conservator of the person or estate can apply for a passport for the conservatee. Pursuant to Probate Code §2351, the conservator of the person has care, custody and control of the conservatee. Conservators should present a copy of the Letters of Conservatorship when making the application.

**Dependent Adult Abuse and Restraining Orders**
Conservators have a duty to stop abuse or neglect. “Abuse” is defined as either: physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment resulting in physical harm or pain or mental suffering OR the deprivation by a care custodian of “goods or services” that are necessary to avoid physical harm or mental suffering. “Goods and services” includes provision of medical care, assistance in personal hygiene, adequate clothing, adequately heated and ventilated shelter, protection from health and safety hazards, protection from malnutrition, and transportation and assistance necessary to secure any of the needs listed.

If abuse is suspected, conservators should call Adult Protective Services and make a report. Restraining orders are civil protective orders which restrain or stop behavior by an abuser. The Elder and Dependent Adult Civil Protection Act (EADACPA) allows elder and dependent adults and their conservators to seek protection from the court to stop abuse. There is no filing fee to request this type of restraining order. Forms are available on the California Court Self Help website at: www.courts.ca.gov/1273.htm. Temporary and permanent restraining orders are available to protect limited conservatees from harm.
CHAPTER 7
DUTIES OF THE CONSERVATOR OF THE ESTATE
When the conservatorship of the estate is established and letters issued, an inventory and appraisal must be filed listing the assets of the estate. The conservator will need to be bonded and file annual accountings with the court. The conservator of the estate is a legal fiduciary and must manage the assets for the benefit of the conservatee, not the conservator. The conservator must keep careful records and keep the conservatee’s assets separate from his/her own. If a conservator of the estate is misusing or not using the assets of the estate for the benefit of the conservatee, the court may: surcharge the conservator, remove the conservator, or take other appropriate action. Any interested party who believes the conservator is acting inappropriately should bring it to the attention of the Probate Investigator or bring an action for removal of the conservator of the estate.
Conservatees receive a copy of a document called Notice of Conservatee’s Rights. It states that every conservatee has the right to be treated with understanding and respect and be well cared for.

Conservatees keep the right to:
- Be represented by a lawyer
- Ask a judge to replace the conservator
- Ask a judge to end the conservatorship
- Make or change a will

Unless limited by court order, the conservatee can:
- Receive personal mail
- Vote
- Marry or enter into a registered domestic partnership
- Have visitors
- Make medical decisions
- Receive and control a salary
- Control an allowance

**Selective Service**
All males who are U.S. citizens ages 18 through 25 must register with the Selective Service, even if their disability would disqualify them from military service. Even though presently there is no draft, adult males with I/DD must register with the Selective Service.

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I want my mom to be my conservator because she helps me make choices.

—Jenny S., Bet Tzedek Client
CHAPTER 9
ALTERNATIVES TO CONSERVATORSHIP
A conservatorship is not necessary if there are other ways to meet the needs of the individual with I/DD. For those people who have the capacity to understand and execute documents, there may be no need for a conservatorship of the person or estate or both. The petition for conservatorship asks if there are alternatives available. The court may not grant the conservatorship if there are less restrictive alternatives.

**Supported Decision Making**
The supported decision making model allows people impacted with I/DD to use their circle of support (friends, family, fiduciaries, and trusted individuals) to help them make personal, financial, and legal decisions. The following list of alternatives provides legal authority for someone to assist with decision making (more information may be found at www.ambar.org/practicaltool).

**Durable Power of Attorney for Finances**
A durable power of attorney for finances allows an individual with capacity to name an agent or agents to make financial decisions on his or her behalf. It can take effect immediately or when the maker loses capacity. The document must be notarized. This power of attorney does not limit the rights of the maker and can be revoked at anytime.

The Uniform Statutory Form Power of Attorney (Probate Code §4401) allows the maker to grant to the agent(s) one or more or all of the following powers:

- Real property transactions;
- Tangible property transactions;
- Stock and bond transactions;
- Commodity and option transactions;
- Banking and other financial institution transactions;
- Business operating transactions;
- Estate, trust and other beneficiary transactions;
- Claims and litigation;
- Personal and family maintenance;
- Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or civil or military service;
- Retirement plan transactions;
- Tax matters.

**Durable Power of Attorney for Health Care (Advance Directives)**
A durable power of attorney for health care allows an adult with capacity to name an agent to make healthcare decisions. It can take effect immediately or when the maker loses capacity. It allows the agent to make health care decisions, including accepting or refusing treatment. The agent can make end of life decisions according to the maker’s wishes. The maker can nominate a conservator in the power of attorney, should one become necessary. The nomination is helpful to the court because it indicates the preference of the proposed conservatee. The agent can receive and send medical records. If the maker dies, the agent can carry out burial arrangements as stated in the Power of Attorney.

There are advance directives written in simple terms, often with pictures and symbols which make completion and understanding of the document easier for Individuals with I/DD. This power of attorney requires two (2)
witnesses or a notary and can be revoked as long as the maker has capacity.

**Education Authorization**
Educational institutions have forms allowing adults with I/DD to consent to release of records or assign an agent to make education decisions for them pursuant to California Education Code §56000, et seq.

**Medical Authorization**
If a medical procedure is needed and the adult with I/DD cannot consent or fully understand the procedure, an authorization strictly for the procedure can be obtained from the court. See California Probate Code §3201. Regional Centers can authorize medical procedures if a conservatorship is not in place.

**Representative Payee**
A representative payee can be appointed to receive, deposit and spend government benefit monies, (usually Social Security, SSDI and SSI benefits). This can be used as an alternative to a conservatorship of the estate. If John Smith cannot handle his own money and receives an SSI check, the check will read Jane Smith as representative payee for John Smith. The representative payee can be an individual or an organization. The representative payee must provide minimal accounting to the Social Security Administration on a yearly basis. For more information on this topic visit: www.ssa.gov/payee.

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_I don’t need a conservator. I just need a little bit of help._
—Holly W., Bet Tzedek Client
**Authorized Representative**
An adult with I/DD can appoint an authorized representative to help him/her with Medi-Cal and In-Home Supportive Services (IHSS) benefits including appeals and state hearings.

**Special Bank Accounts**
Joint and custodial accounts can be created to assist adults with I/DD manage expenses and provide allowances for personal expenditures. Family caregivers should be careful not to commingle monies in a joint or custodial account.

**Blocked Accounts**
Monies (usually from a judgment or settlement of a court case) can be placed in a blocked account which is overseen by the court. Funds can only be withdrawn by filing a request with the court.

**Marriage or Domestic Partnership**
A spouse or partner can handle financial transactions of community property or property in joint accounts for his/her spouse or partner. The spouse or partner can use a durable power of attorney for finances to manage separate property transactions.

**Trusts**
A trust is a legal plan created to place funds and assets under the control of the trustee for the benefit of an individual (the beneficiary). See Estate Planning Chapter 11 for further discussion on this topic.
ROLE OF THE REGIONAL CENTER

Regional Centers are non-profit corporations that contract with the California Department of Developmental Services to provide services and resources to people with I/DD. Their role is to help their consumers receive services so they can lead independent lives. Regional Centers provide support during the lifetime of the person, whether or not they are conserved. They contract with vendors and agencies to provide needed services. *Welfare and Institutions Code §4500 et seq.*

Consumers are assigned a service coordinator who works with them to develop an Individual Program Plan (IPP), to determine what services are appropriate and develop a plan to achieve the greatest level of independence. The IPPs are updated annually.

Regional Center Services include providing or arranging for: diagnosis, evaluation, and treatment; personal care, day care, and special living arrangements; physical and occupational therapy; job training and education; mental health services; recreation; individual and family counseling; protective services; information and referral services, transportation, respite care; and government benefits.

The conservator has a responsibility to ensure the conservatee is receiving services which both foster development and encourage independence. The conservator should attend IPP meetings and advocate for the conservatee. If you need advocacy support contact your local Office of Clients’ Rights.

Each Regional Center has a designated Office of Clients’ Rights (operated by Disability Rights California) to provide legal services to Regional Center consumers and their families. For information on the advocacy support available from Office of Clients’ Rights visit their web page at http://www.disabilityrightsca.org/about/ocra.htm. Additionally, Area Boards are local offices of the California State Council on Developmental Disabilities. They advocate for the civil, legal and service rights of individuals with I/DD. They will respond to issues regarding Regional Center services.

**Statewide Self-Determination Program**
Conservators, caregivers, and Regional Center consumers should be aware of the new Self-Determination Act passed by the Legislature in 2013. The act puts in place a voluntary program which allows Regional Center consumers and their families more control over selecting the services and supports they need. Families will receive a budget which will be used to purchase services and supports to supplement the IPP. This program is being rolled out in California over the next few years for 2,500 individuals. After that, the program will be available to all eligible consumers. Information on the program can be found on the Disability Rights California website, (see www.disabilityrightsca.org).

**How to Enroll with Regional Center**
Twenty-one Regional Centers are located throughout California. Your zip code determines your Regional Center. Call your
local Regional Center and request an intake over the phone for eligibility of services. An assessment will be done to determine if you qualify for services. If you are denied services, there is an appeal process. See Appendix A for a list of Regional Centers in the Los Angeles County area.
Powers of Attorney
Conservators should complete their own powers of attorney (for both health and finances) as part of their estate plan. All estate plans should be regularly reviewed and updated where necessary.

Wills
A person can make a will if he or she knows what property he/she owns and, who he/she would like to receive it when they die. Both conservators and conservatees, (with capacity) should make wills.

Special Needs Trusts
Special Needs Trust (SNT) are designed to allow individuals to benefit from assets in a trust without losing their government benefits of SSI and Medi-Cal. They are intended to supplement government benefits, not replace them. The beneficiary cannot have discretion or control over the trust money. Money from the trust cannot be distributed directly to the beneficiary, it must be distributed to a third party to pay for goods and services.

Special Needs Trusts can be used to pay for: medical expenses not covered by insurance; transportation (including vehicle purchase, maintenance and insurance); rehabilitation; dietary needs; personal care attendants or escorts; materials for a hobby or recreation; athletic training or competitions; computers or electronic equipment; furniture; trips and vacations; and entertainment (movies, concerts, sporting events, theater).

Pooled Trusts
A Pooled Trust is a vehicle for people who do not have large sums of money necessary to create and manage a Special Needs Trust. Pooled Trusts “pool” resources from many beneficiaries for investment purposes. Pooled Trusts are managed by a non-profit association which acts as the Trustee for all the beneficiaries. Money is available to benefit the adult with I/DD without jeopardizing vital government benefits. (See Special Needs Trusts)

ABLE Account
An ABLE Account is a savings account that does not affect eligibility for SSI and Medi-Cal (unless the account exceeds $100,000.00). The funds can be used for disability related expenses. Earnings on the account are not taxed. Individuals who are disabled before age 26 and receive SSDI or SSI are eligible for an ABLE account. More information on CalABLE is available at www.treasurer.ca.gov/able/faq.asp.
CHAPTER 12
MENTAL ILLNESS, LPS
CONSERVATORSHIPS
Many adults with I/DD also have a diagnosis of mental illness. If they have both mental illness and I/DD, they are considered to have a dual diagnosis. A limited conservatorship does not allow for administration of psychotropic medications (powerful drugs which control behavior) or placement in a locked facility. In order to have these powers, a different type of conservatorship is needed, called an LPS Conservatorship. A Lanterman Petris Short (LPS) conservatorship allows for restrictive living arrangements and extended mental health treatment for gravely disabled people unable to provide for themselves as a result of a mental disorder, and who will not voluntarily agree to treatment. An individual is considered “gravely disabled” if he/she cannot provide for his/her food, clothing or shelter. The appointment process is usually started by a doctor in a mental health facility who makes a referral to the Public Guardian. A family member or caregiver can ultimately be appointed as the LPS conservator. The petitions are filed in the Mental Health Court and are governed by the Welfare and Institutions Code. LPS conservatorships last for one year after which the conservator must be reappointed.

See www.bettzedek.org/publications for an LPS Conservatorship booklet.
CHAPTER 13
LETTERS OF INTENT
A Letter of Intent is a document written by the primary caregivers of an adult with I/DD that contains vital, practical information that can be shared with others. It should include information about the diagnosis, medical issues, activities of daily living, names and contact information for family members and those who play a role in the daily life of the individual with I/DD. Sources of income, powers of attorney, residential preferences and religious and social activities should also be included. The person with I/DD should participate in the formulation of the document so their goals and desires are reflected along with those of the caregivers.

The Letter of Intent is not a legal document, but rather an informational guide which can be very helpful if the caregiver is unavailable for any length of time or dies. It should be updated annually to insure the information it contains is current.
CHAPTER 14
COMMUNITY PARTNERS AND RESOURCES
COMMUNITY PARTNERS AND RESOURCES

1) **ABLE National Resource Center**
   - www.ablenrc.org
   - (202)296-2040

2) **Adult Protective Services**
   - Elder/Dependent Adult Abuse Hotline:
     - Toll-Free (877) 477-3646
   
   Adult Protective Services (APS) is a 24-hour service program designed to investigate all reported at-risk situations without regard to income involving individuals 65 or older and dependent adults (18–64 who are physically or mentally impaired). Types of referrals include physical, sexual or financial abuse, isolation, neglect, or self-neglect. Referrals are received through the Elder Abuse Hotline or from other entities.

3) **Affordable Care Act**
   - www.coveredca.com

   The Affordable Care Act (ACA) provides access to coverage for people who otherwise do not have medical insurance.

4) **Alzheimer’s Greater Los Angeles**
   - www.alzglca.org
   - (323) 938-3379
   - 24/7 Helpline: (844) 435-7259
   - or (844) HELP-ALZ

   Alzheimer’s Greater Los Angeles provides families in the region with hands-on support, information and resources, while advancing critical local research for a cure.

5) **ARC of Los Angeles and Orange Counties**
   - www.arclaoc.org
   - (562) 940-1950

   ARC provides a variety of services for persons with intellectual and other disabilities and their families.

6) **Area Agency on Aging—L.A. City**
   - http://aging.lacity.org
   - (213) 482-7242

   The City of Los Angeles Department of Aging provides community based services to seniors, persons with disabilities, and their caregivers to help them remain safe and independent in the community.
7) Area Board 10
   www.areaboard10.org
   (818) 543-4631

Area Boards provide protection and advocacy for the civil, legal, and service rights of persons with developmental disabilities. Area Boards are local offices of the California State Council on Developmental Disabilities.

8) Asian Rehabilitation Services
   www.asianrehab.org
   (213) 743-9242

Asian Rehabilitation Services (ARS) provides vocational rehabilitation and other employment services by which individuals with disabilities can achieve their highest potential. They have multi-language capacity Mandarin, Cantonese, Korean, American Sign Language, Spanish, Tagalog, Vietnamese, French, Burmese, and Malay.

9) Autism Society of Los Angeles
   www.autismla.org
   (562) 804-5556

Autism Society of Los Angeles seeks to improve the lives of those affected by autism in Los Angeles County. Their goal is to help empower individuals with autism, their families, and professionals to advocate and navigate the service systems in Los Angeles County.

10) Autism Speaks
    www.autismspeaks.org
    (323) 297-4720

Autism Speaks provides supportive programs for people on the Autism spectrum.

11) Best Buddies California
    www.bestbuddiescalifornia.org
    (310) 642-2620

Best Buddies is a non-profit organization dedicated to establishing and fostering friendships among intellectually and developmentally disabled individuals. Located in each of the 50 states and abroad, Best Buddies provides opportunities for jobs, volunteer work, and e-Buddies.

12) Bet Tzedek Legal Services
    www.bettzedek.org
    (323) 939-0506

Bet Tzedek provides free, expert legal advice and representation to low-income residents of Los Angeles County including elders, and intellectually and developmentally disabled individuals with a Self-Help Conservatorship Clinic and the Transitions Project for adults with I/DD and their caregivers.

Among their other services are, Debtors’ Rights and Bankruptcy, Elder Rights, Employment Rights, Government Benefits, Holocaust Survivors’ Services, and Housing, and Impact Litigation & Advocacy.
13) Department of Rehabilitation
www.rehab.cahwnet.gov
(800) 952-5544

The California Department of Rehabilitation is a state agency that works in partnership with agencies to promote employment independence and equality for persons with disabilities.

14) Disability Rights Legal Center
www.disabilityrightslegalcenter.org
(213) 736-1334, or Toll-Free at (866) 999-DRLC (3752)

Disability Rights Legal Center (DRLC) provides education, advocacy and litigation. Legal representation is available for the following types of cases:
• Discrimination in housing.
• Special Education focusing on systemic discrimination, physical access (including due process hearings).
• Discrimination/Mistreatment/Harassment based on the use of a service animal.
• Failure to receive reasonable accommodation.

15) Disability Rights California
www.disabilityrightsca.org
Toll-Free (800) 776-5746
TTY (800) 719-5798

Disability Rights California (DRC) is an advocacy program for individuals with developmental disabilities. They file lawsuits on behalf of individuals or groups, investigate charges of abuse and neglect, build peer self-advocacy groups, forge community partnerships, advocate for change in laws, regulations, and public policy, and provide information to those who may not know about their rights.

16) Down Syndrome Association of Los Angeles
www.dsala.org
(818) 786-0001

Down Syndrome Association of Los Angeles (DSALA) provides education, counseling, employment and recreational programs for people with Down Syndrome and their families.
17) Easter Seals of Southern California
www.southerncal.easterseals.com  
(626) 793-7700 ext 248

Easter Seals provides medical rehabilitation, early intervention, physical and occupational therapy, speech and hearing therapy, job training and employment, inclusive childcare, adult day services, camping and recreation, and other related services.

18) Goodwill Industries of Southern California
www.goodwillsocal.org  
(323) 223-1211

Goodwill provides resources for education, job training, and job opportunities to help foster, independent, self-sufficient, and productive adults.

19) The Help Group Advance LA Program
www.advancela.org  
(818) 779-5198

The Help Group provides resources, support, and training to teens and young adults with a wide range of needs including learning disabilities, Autism Spectrum Disorders, Asperger’s Syndrome, executive functioning difficulties, ADHD, and other social, emotional and behavioral challenges including substance abuse recovery.

20) Housing
There are a variety of housing options for adults with I/DD including:
- Community Care Facilities  
  www.dds.ca.gov/LivingArrang/CCF.cfm
- Independent Living Programs  
  www.supportedliving.com/index.html
- Assisted Living  
  www.calregistry.com/index.htm
- Family Home Agencies  
  (contact Regional Center for information)

21) In-Home Supportive Services
www.ladpss.org  
(888) 944-4477

In-Home Supportive Services (IHSS) pays for in-home care for low-income people who are blind, disabled or over 65.

22) Jewish Family Services
Chaverim Program for Adults  
www.jfsla.org/chaverim  
(213) 482-7242

Hamercaz Program for Children and Teens  
www.hamercaz.org  
(866) 287-8030

Jewish Family Services (JFS) provides services for adults, children and teens with I/DD. They also provide counseling, shelter, and food. JFS is open to all faiths.
23) Jewish Vocational Service  
www.jvsla.org  
(323) 761-8888

Jewish Vocational Services (JVS) provides job training, education and expert career guidance. JVS is open to all faiths.

24) LA Goal  
www.lagoal.org  
(310) 838-5274

LA Goal’s services include educational, vocational, and recreational programs.

25) Legal Assistance  
- www.lawhelp.org  
  Legal information and legal services in your area

- www.courts.ca.gov/selfhelp  
  Legal information and free or low-cost legal and self-help centers

- www.bettzedek.org/services  
  Information of the Self-Help Conservatorship Clinics

26) Letters of Intent  
www.bettzedektransitionsproject.org

A Letter of Intent provides guidance for future caregivers of an individual with I/DD.

27) Life Services, Inc.  
www.lifeservicesinc.org  
(818) 547-0585

Life Services, Inc. provides fee-for-service fiduciary management services including conservatorships, trust management, representative payee, estate administration, daily money management, etc.

28) Los Angeles Superior Court  
www.LASuperiorcourt.org

Probate Investigator’s Office  
(213) 974-5859

Self-Help Conservatorship Forms  
www.courts.ca.gov/selfhelp-conservatorship

29) Medi-Cal  
www.medi-cal.ca.gov  
(800) 541-5555

Medi-Cal is a California medical insurance program for low-income individuals, families, seniors and the disabled.

30) Medicare  
www.medicare.gov  
(800) 633-4227

Medicare is a federal medical insurance program for those over 65 or who are disabled.
31) NAMI
   www.namila.org

National Association of Mental Illness (NAMI) is a grassroots education, support, and advocacy organization for families and their loved ones with a brain disorder (mental illness).

32) National Down Syndrome Society
   http://www.ndss.org/

National Down Syndrome Society (NDSS) advocates for the value, acceptance, and inclusion of people with Down Syndrome. NDSS provides information on aging with Down Syndrome.

33) Passports
   www.usa.gov/passport

34) Pooled Trusts
    www.jlatrust.org

A pooled trust based in Los Angeles County.

35) Selective Service System
    www.sss.gov

Selective Service is a U.S. government agency that maintains information for military inscription. Use this website to register with the Selective Service System all males who are U.S. citizens, ages 18 through 25.

36) Social Security Administration
    www.ssa.gov
    (800) 772-1213

Social Security Administration is a U.S. government agency that administers retirement, disability, and survivor benefits. Use this website to apply for or manage Social Security, SSDI or SSI.

37) Tierra del Sol Foundation
    www.tierradelsol.org
    (818) 352-1419

Tierra del Sol provides accredited services for adults with I/DD including educational, vocational, and supported community college attendance.
38) United Cerebral Palsy of Southern California
www.ucpla.org
(310) 838-2217

United Cerebral Palsy (UCP) provides services for persons with cerebral palsy, autism, Down Syndrome and other developmental disabilities. UCP offers adult day activity and learning centers, accessible apartments with supportive living counselors, children’s programs, etc.

39) Villa Esperanza Services
www.villaesperanzaservices.org
(626) 449-2919

Villa Esperanza provides residential, employment services and day programs in Los Angeles County.

40) Voter Registration
www.registertovote.ca.gov

This website allows you to register to vote on-line. Registrants have a choice of nine languages they can access when registering to vote.

www.disabilityrightsca.org

Provides a publication, How Regional Centers Can Help You Register to Vote.
## APPENDIX A
### LOS ANGELES COUNTY REGIONAL CENTERS

<table>
<thead>
<tr>
<th>Regional Centers</th>
<th>Areas Served</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eastern Los Angeles Regional Center</strong></td>
<td>Eastern Los Angeles county including the communities of Alhambra and Whittier</td>
</tr>
<tr>
<td>1000 South Fremont</td>
<td></td>
</tr>
<tr>
<td>Alhambra, CA 91802-7916</td>
<td></td>
</tr>
<tr>
<td>Mailing Address: P.O. Box 7916</td>
<td></td>
</tr>
<tr>
<td>Alhambra, CA 91802-7916</td>
<td></td>
</tr>
<tr>
<td><strong>Frank D. Lanterman Regional Center</strong></td>
<td>Central Los Angeles county including Burbank, Glendale, and Pasadena</td>
</tr>
<tr>
<td>3303 Wilshire Boulevard</td>
<td></td>
</tr>
<tr>
<td>Suite 700</td>
<td></td>
</tr>
<tr>
<td>Los Angeles, CA 90010</td>
<td></td>
</tr>
<tr>
<td><strong>Harbor Regional Center</strong></td>
<td>Southern Los Angeles county including Bellflower, Harbor, Long Beach, and Torrance</td>
</tr>
<tr>
<td>21231 Hawthorne Boulevard</td>
<td></td>
</tr>
<tr>
<td>Torrance, CA 90503</td>
<td></td>
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<tr>
<td><strong>North Los Angeles County Regional Center</strong></td>
<td>Northern Los Angeles county including San Fernando and Antelope Valleys</td>
</tr>
<tr>
<td>15400 Sherman Way</td>
<td></td>
</tr>
<tr>
<td>Suite 170</td>
<td></td>
</tr>
<tr>
<td>Van Nuys, CA 91406-4211</td>
<td></td>
</tr>
<tr>
<td><strong>San Gabriel/Pomona Regional Center</strong></td>
<td>Eastern Los Angeles county including El Monte, Monrovia, Pomona, and Glendora</td>
</tr>
<tr>
<td>75 Rancho Camino Drive</td>
<td></td>
</tr>
<tr>
<td>Pomona, CA 91766</td>
<td></td>
</tr>
<tr>
<td><strong>South Central Los Angeles Regional Center</strong></td>
<td>Southern Los Angeles county including the communities of Compton and Gardena</td>
</tr>
<tr>
<td>650 West Adams Boulevard</td>
<td></td>
</tr>
<tr>
<td>Suite 200</td>
<td></td>
</tr>
<tr>
<td>Los Angeles, CA 90007-2545</td>
<td></td>
</tr>
<tr>
<td><strong>Westside Regional Center</strong></td>
<td>Western Los Angeles county including the communities of Culver City, Inglewood, and Santa Monica</td>
</tr>
<tr>
<td>5901 Green Valley Circle</td>
<td></td>
</tr>
<tr>
<td>Suite 320</td>
<td></td>
</tr>
<tr>
<td>Culver City, CA 90230-6953</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX B
LETTERS OF CONSERVATORSHIP

GC-350

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

After recording return to:

TELEPHONE NO.:
FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

CONSERVATORSHIP OF
(Name):

CONSERVEE

LETTERS OF CONSERVATORSHIP

1. is the appointed
conservator limited conservator of the person estate of (name):

2. (For conservatorship that was on December 31, 1980, a guardianship of an adult or of the person of a married minor) (Name):
was appointed the guardian of the person estate by order dated (specify):
and is now the conservator of the person estate of (name):

3. Other powers have been granted or conditions imposed as follows:
   a. Exclusive authority to give consent for and to require the conservatee to receive medical treatment that the conservator in good faith based on medical advice determines to be necessary even if the conservatee objects, subject to the limitations stated in Probate Code section 2356.
      (1) This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of the conservatorship.
      (2) (If court order limits duration) This medical authority terminates on (date):
   b. Authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
   c. Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in Probate Code section 2356.5(c).
   d. Powers to be exercised independently under Probate Code section 2590 are specified in Attachment 3d (specify powers, restrictions, conditions, and limitations).
   e. Conditions relating to the care and custody of property under Probate Code section 2402 are specified in Attachment 3e.
   f. Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358 are specified in Attachment 3f.
   g. (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 are specified in Attachment 3g.
   h. (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) are specified in Attachment 3h.
   i. Other powers granted or conditions imposed are specified in Attachment 3i.

4. The conservator is not authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by ___________________________ , Deputy

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code section 1875.

Form Adopted for Mandatory Use
Judicial Council of California

Probate Code, §§ 1834, 2890–2893;
Code of Civil Procedure, § 2015.6
www.courtinfo.ca.gov

LexisNexis® Automated California Judicial Council Forms
APPENDIX B
LETTERS OF CONSERVATORSHIP

CONSERVATORSHIP OF
(Provide Name)

CONSERVATEE

CASE NUMBER:

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these Letters of Conservatorship (Letters) are delivered to you as an employee or other representative of an institution or financial institution (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given on the court on page 1 of these Letters.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution’s or financial institution’s responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch’s public Web site free of charge. The Internet address (URL) is www.courtinfo.ca.gov/forms/. Select the form group Probate—Guardianships and Conservatorships and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewritter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An institution under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a guardianship other than a financial institution. Institutions must file a Notice of Taking Possession or Control of an Asset of Minor or Conservatee (form GC-050) for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A financial institution under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF CONSERVATORSHIP

AFFIRMATION

I solemnly affirm that I will perform according to law the duties of □ conservator □ limited conservator.

Executed on (date): , at (place):

(TYPE OR PRINT NAME)  (SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by __________________________, Deputy

GC-350 (Rev. January 1, 2009)
**APPENDIX C**

**DETERMINATION OF CONSERVATEE’S APPROPRIATE LEVEL OF CARE**

---

<table>
<thead>
<tr>
<th>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</th>
<th>FOR COURT USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>TELEPHONE NO.:</td>
<td>FAX NO. (Optional):</td>
</tr>
<tr>
<td>E-MAIL ADDRESS (Optional):</td>
<td></td>
</tr>
<tr>
<td>ATTORNEY FOR (Name):</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</th>
</tr>
</thead>
<tbody>
<tr>
<td>STREET ADDRESS:</td>
</tr>
<tr>
<td>MAILING ADDRESS:</td>
</tr>
<tr>
<td>CITY AND ZIP CODE:</td>
</tr>
<tr>
<td>BRANCH NAME:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONSERVATORSHIP OF THE PERSON</th>
<th>AND ESTATE OF</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Name):</td>
<td>CONSERVatee</td>
</tr>
</tbody>
</table>

---

**CASE NUMBER:**

---

**Notice to Conservator of the Person**

You must prepare a written determination of the conservatee’s appropriate level of care, sign it under penalty of perjury, and file it with the court within 60 days of the date of the court's order appointing you as conservator. You must use this form for that purpose. Your determination must include an evaluation of the conservatee's level of care on the date the conservatorship proceeding was started (the date the petition for the appointment of a conservator was filed with the court or, if more than one petition was filed, the date the first petition was filed), and the measures that would be necessary to keep the conservatee in his or her personal residence. If the conservatee was not living in that residence on the date the proceeding was started, your determination must include either a plan to return the conservatee to that residence or an explanation of the reasons why the conservatee cannot return to that residence in the foreseeable future. This determination is in addition to, not a replacement for, any written care or placement plan the court may require. Check the court’s local rules to see if a care or placement plan must also be filed.

The conservatee's personal residence is the residence he or she understood or believed, or appeared to understand or believe, was his or her permanent residence on the date the conservatorship proceeding was started, whether or not he or she was living there on that date. If the conservatee could not then form or communicate an understanding or belief about his or her permanent residence, the conservatee's personal residence is the residence he or she last previously understood or appeared to understand was his or her permanent residence. (See Cal. Rules of Court, rule 7.1063.)

---

(Name): , declares as follows:

1. I am conservator of the person of the above-named conservatee. I am determining the conservatee's appropriate level of care as of (date): , the date of the order appointing me as conservator.

2. a. On the date stated in item 1, the conservatee was living at the following residence or facility (address and name of facility, if any):

   Telephone:

   b. The conservatee has been living in the above residence or facility since (date): .

---

**Determination of Conservatee's Appropriate Level of Care**

(Probate—Guardianships and Conservatorships)

Probate Code, § 2252.5; Cal. Rules of Court, rule 7.1063

LexisNexis® Automated California Judicial Council Forms
APPENDIX C
DETERMINATION OF CONSERVATEE’S APPROPRIATE LEVEL OF CARE

<table>
<thead>
<tr>
<th>CONSERVATORSHIP OF</th>
<th>CASE NUMBER:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Name):</td>
<td>CONSERVEE</td>
</tr>
</tbody>
</table>

2. c. The residence or facility identified in item 2a is described as follows (select all that apply):

- [ ] Conservatee’s single family home, condominium, or apartment
- [ ] Relative’s or friend’s single family home, condominium, or apartment
- [ ] Acute care hospital  [ ] Acute psychiatric hospital  [ ] Intermediate-care facility  [ ] Skilled nursing facility
- [ ] Licensed residential care facility  [ ] Assisted living facility (7 or more beds)
- [ ] Board and care home (6 or fewer beds)  [ ] Continuing-care retirement community  [ ] Secured perimeter
- [ ] Congregate living health facility—terminal or life-threatening illness type (hospice)
- [ ] Other (describe):

3. a. The conservatee’s care requirements as of the date given in item 1 are as follows (select all that apply; you may provide additional information concerning any items selected below under "other assistance required"):

- [ ] No assistance is needed at this time. [ ] Light housekeeping help required, _____ hours per week.
- [ ] Personal caregivers required, _____ hours per week: [ ] 24-hour care  [ ] Part-time, _____ hours per day.
- [ ] Assistance with daily living skills, _____ hours per week.
- [ ] Nursing care required, _____ hours per week. [ ] Meal preparation assistance required, _____ hours per week.
- [ ] Assistance with medication required, _____ hours per week: [ ] Dispensing  [ ] Set-up only
- [ ] Assistance with ambulation: [ ] Maximum  [ ] Standby  [ ] In-home hospice services.
- [ ] Other assistance required, _____ hours per week (describe):

[ ] Continued on Attachment 3a.

b. [ ] A professional assessment of the conservatee’s care needs has been made. A copy of the assessment, including a statement of the professional’s qualifications, is provided on Attachment 3b. (A professional assessment of the conservatee’s care needs is not required, but is recommended if the conservatee’s circumstances and condition warrant it and the conservatee can afford the expense. Include any written assessment performed by a professional fiduciary proposed for appointment or appointed as conservator.)
APPENDIX C
DETERMINATION OF CONSERVATEE’S
APPROPRIATE LEVEL OF CARE

CONSERVATORSHIP OF
(Name):

CASE NUMBER:

CONSERVATEE

4. (Complete item 4a if the residence identified in item 2 is the conservatee’s personal residence as defined in Cal. Rules of Court, rule 7.1063. Complete item 4b if the residence identified in item 2 is not the conservatee’s personal residence.)

a. ☐ Conservatee living in personal residence
   The residence or facility described in item 2 is the conservatee’s personal residence within the meaning of Cal. Rules of Court, rule 7.1063. The following measures are necessary to keep the conservatee in that residence:

   [Blank space]

   ☐ Continued on Attachment 4a.

b. ☐ Conservatee not living in personal residence
   The residence or facility described in item 2 is not the conservatee’s personal residence within the meaning of Cal. Rules of Court, rule 7.1063. The conservatee’s personal residence is [address and name of facility, if any]:

   [Blank space]

   (Complete either item 4b(1) below or item 4b(2) on page 4. Complete item 4b(1) if you believe the conservatee can be returned to his or her personal residence in the foreseeable future. Complete item 4b(2) if you believe the conservatee cannot be returned to his or her personal residence in the foreseeable future.)

   (1) ☐ The conservator’s plan to restore the conservatee to his or her personal residence is as follows:

   [Blank space]

   ☐ Continued on Attachment 4b(1).
APPENDIX C
DETERMINATION OF CONSERVATEE’S APPROPRIATE LEVEL OF CARE

4. b. (2) ☐ The limitations or restrictions on the conservatee’s return to his or her personal residence in the foreseeable future are as follows:

☐ Continued on Attachment 4b(2).

5. Number of pages attached: ______

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

Date: ________________________________

(TYPE OR PRINT NAME OF CONSERVATOR OF THE PERSON) ________________________________

(SIGNATURE OF CONSERVATOR OF THE PERSON)

GC-355 [New July 1, 2011]
# Appendix D
## Overview of California’s Conservatorship System

<table>
<thead>
<tr>
<th>Criteria</th>
<th>General Conservatorships</th>
<th>Limited Conservatorship</th>
<th>Mental Health (LPS) Conservatorships</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A person who is unable to properly provide for his/her personal needs for: physical</td>
<td>For persons who are Intellectually/Developmentally disabled and who are unable to</td>
<td>A person who, as a result of a mental disorder, is GRAVELY DISABLED, unable to provide for his/her</td>
</tr>
<tr>
<td></td>
<td>health, food, clothing, or shelter and/or manage his/her finances.</td>
<td>provide for: his/her personal needs or finances. Examples of individuals in this</td>
<td>basic personal needs for food, clothing, or shelter.</td>
</tr>
<tr>
<td></td>
<td>Examples of individuals under this criteria may be suffering from Dementia, Alzheimer’s</td>
<td>criteria have been diagnosed prior to age of 18 with: Cerebral Palsy, Intellectual</td>
<td>Examples of individuals under this criteria may be suffering from Schizophrenia, Bipolar</td>
</tr>
<tr>
<td></td>
<td>or Traumatic Brain Injury.</td>
<td>Disability, or severe Autism.</td>
<td>Disorder, or Extreme Depression.</td>
</tr>
<tr>
<td>Establishment</td>
<td>Can be filed by someone 18 or over including:</td>
<td>Can be filed by someone 18 or over including:</td>
<td>Must be filed by the Public Guardian after investigation and upon referral by a medical professional</td>
</tr>
<tr>
<td></td>
<td>1. Spouse or domestic partner</td>
<td>1. Spouse or domestic partner</td>
<td>.Family members may be appointed as conservators after petition filed.</td>
</tr>
<tr>
<td></td>
<td>2. Relative (parent, sibling, adult child)</td>
<td>2. Relative (parent, sibling, adult child)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Interested state or local entity or agency</td>
<td>3. Interested state or local agency</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Interested person or friend</td>
<td>4. Interested person or friend</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Proposed Conservatee</td>
<td>5. Proposed Conservatee</td>
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</tr>
</thead>
</table>
| **Termination**        | The conservatorship continues until terminated by the death of the conservatee or by order of the court. | A limited conservatorship continues until the authority of the conservator is terminated by:  
• Death of the limited conservator  
• Death of limited of conservatee  
• By an order of the court stating the limited conservatorship is no longer necessary or the conservator is removed or resigns | Automatically terminates one year after appointment.  
A conservator must petition for reappointment each year if the conservatorship is to continue. |
| **Placement**          | May only be placed in a secured facility if authorized by court and the facility is the “least restrictive placement option” | May not be placed in a locked psychiatric facility. | Court may authorize placement in a locked psychiatric facility |
## Appendix D
### Overview of California’s Conservatorship System

<table>
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<th>General Conservatorships</th>
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<th>Mental Health (LPS) Conservatorships</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Medical Treatment</strong></td>
<td>Court may grant medical powers. Requires a Capacity Declaration by treating physician or psychologist regarding individual’s ability to provide medical consent.</td>
<td>Court may grant medical powers. Requires a Capacity Declaration by treating physician or psychologist regarding individual’s ability to provide medical consent.</td>
<td>Must petition the court for consent to any invasive medical procedures.</td>
</tr>
<tr>
<td><strong>Medications</strong></td>
<td>Court may grant medical powers. Requires a Capacity Declaration by treating physician or psychologist regarding individual’s ability to provide medical consent. If person requires dementia medications or secured facility it a special dementia attachment must be completed by physician or psychologist.</td>
<td>Cannot require the conservatee to accept psychotropic medications</td>
<td>Court may authorize the administration of psychotropic medications.</td>
</tr>
</tbody>
</table>
OUR MISSION

Bet Tzedek provides free legal assistance to thousands of people who would otherwise be denied access to the legal system underpinning our democracy.

Bet Tzedek (Hebrew for “The House of Justice”) was founded in 1974 by a few individuals who sought to act upon a central tenet of Jewish law and tradition which appears in the Bible: “Tzedek, tzedek tirdof—Justice, justice you shall pursue.” This doctrine decrees that it is the duty of all men and women to advocate the just causes of the poor and helpless.

Although Bet Tzedek remains intent on ensuring that the legal needs of the Jewish poor are met, we recognize that it is our duty to serve the entire community. For this reason, Bet Tzedek has always provided assistance to all eligible needy residents of Los Angeles County, regardless of their racial, religious or ethnic background.

Indeed, at Bet Tzedek, we believe that all of the groups in our wonderfully diverse society are strengthened when bridges are built that bring us together in a common, just cause. For the people who are Bet Tzedek—the lawyers and non-lawyers, staff members and volunteers, contributors and clients—our mission, therefore, is to pursue equal justice for all.
LIMITED CONSERVATORSHIP GUIDE
A User-Friendly Guide to Understanding Conservatorship for Adults with Intellectual/Developmental Disabilities

Bet Tzedek gratefully acknowledges UniHealth Foundation for funding this publication.

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