

What is conservatorship?

Conservatorship is a legal process whereby a court determines that an adult person lacks the capacity to make decisions for themselves in some or all areas of life. Following this determination, the court assumes responsibility for this person and his/her life decisions. Conservatorship takes away at least some legal rights from a person (called the conservatee or sometimes “ward”). The court will appoint a person to serve as the person’s conservator. Because conservatorship involves a legal determination that the person lacks capacity for decision-making, it may be difficult to reverse this action and end the conservatorship in the future. The law (AB 1663) that most recently revised the Probate Code in California did add a provision that allowed for the termination of a conservatorship when the conservator and conservatee agree that it is no longer needed.

What are the different types of conservatorship in California?

- **General Conservatorship** gives the court/guardian control over the person’s personal matters such as housing, medical care and educational decisions. It is also sometimes referred to as full or plenary conservatorship.
- **Limited Conservatorship** gives the court/conservator control over the specific areas of a person’s life matters such as where they live and health and medical care. Limited conservatorship is often used for adults with developmental disabilities and is now the preferred option in California. This means the person maintains control of many aspects of his or her life while still getting the support they need in a specific area. In California, the powers given to a limited conservator are selected from seven (7) specific areas. The judge will make the determination about which powers are included based on the needs of the conservatee. With either type of conservatorship, the conservator may be responsible for just the care of the person or just the person’s finances or may handle both.
 - If the responsibility is for a person’s care and protection, it’s called a **conservatorship of the person**.
 - If the conservator handles finances, it’s called **conservatorship of the estate**.

Under all forms of conservatorship, the person acting as conservator is expected to know the person well, understand the person’s wants, needs and preferences and make decisions based on this knowledge. The California law also directs conservators to support the conservatee in making decisions, promote the exercise of autonomy whenever possible and keep the conservatee informed of decisions made on his/her behalf. Further guidance about recommended standards of good practice in conservatorship can be found by visiting the website of the **National Guardianship Association** at www.guardianship.org.

What should be done before seeking conservatorship?

Just needing assistance with decision-making is not enough to warrant the appointment of a conservator. A judge can only appoint a conservator if it can be shown that other alternatives for support have been tried and do not work person **and** that the conservatorship is necessary to protect and support the person.

Resources on ways to support people with developmental disabilities with decision-making other than conservatorship can be found from a variety of places. There is help on the **California Court system** website <https://selfhelp.courts.ca.gov/options-help-someone-impairment-or-disability>, and **Disability Rights California (DRC)** also has a useful information on their website www.disabilityrightsca.org/publications/limited-conservatorships-alternatives.