



Tri-Counties Regional Center Conservatorships

Commonly asked questions about advocacy and conservatorship

Services

What is limited conservatorship of the person?

California law presumes that individuals over the age of 18 are able to make their own decisions about what is best for them in their daily lives. However, a close friend or relative may file a petition in probate court requesting the appointment of a limited conservator. A limited conservatorship is designed to restrict an adult's decision-making rights as little as possible. The court can grant a conservator any or all of the following rights: 1) to decide on a place of residence; 2) to access personal records and papers; 3) to consent to marriage; 4) to form contracts; 5) to give medical consent; 6) to control social and sexual contacts; and 7) to make decisions about education or training. The regional center, by law, prepares a recommendation to the court on which rights to limit.

What is conservatorship of the estate?

Conservatorship of the estate is when a court order appoints an individual or organization to manage the financial affairs of the adult with a developmental disability. The legal system establishes a standard of competence for the conservator and certain restrictions on how assets of the estate are managed and invested. Periodic reports are required by the conservator every two years.

Does my adult child need a conservator?

Many parents prefer to avoid the time, expense, restrictions, and reporting requirements involved with court ordered conservatorships. They also realize that their child is competent to make decisions with the right encouragement and support. Before you decide whether your son or daughter needs some type of conservator, you should consider the alternatives. These include special needs or other trust funds, double signature bank accounts, representative payees, power of attorney, and personal advocates. One advantage of a Special Needs Trust is that it can protect the person's eligibility for government benefits when there are significant financial resources. A representative payee is a person or organization (e.g., the regional center) authorized to manage public benefits checks, such as Supplemental Security Income (SSI), for persons considered incapable of managing the money on their own. In limited circumstances, a powers of attorney can be an appropriate method for acting on behalf of a person with a mild developmental disability (e.g., making a major purchase or entering a contract). An advocate is like a conservator, but without legal authority or court oversight. The advocate provides personal attention, guidance, and representation. The regional center plays an advocacy role. So may service providers and designated relatives or close family friends.

Where do I get assistance?

First, consider your alternatives. If you do believe a conservatorship is necessary, seek help from a competent attorney with prior experience working on behalf of people with developmental disabilities. If you are comfortable with court papers, then you might consider completing a do-it-yourself limited conservatorship packet. Contact the TCRC Clients' Rights Advocate for the packet.