

CONSERVATORSHIP POLICY

I. INTENT

It is the intent of San Andreas Regional Center to work with the person served, the family, the court, and the Department of Developmental Services (DDS) as appropriate, recognizing that a conservatorship shall be used to promote and protect the wellbeing of the person served.

II. DEFINITION

Individuals served by the regional center and Persons we serve are terms that are used interchangeably throughout the San Andreas Purchase of Service policies to refer to those individuals who receive services from the regional center. The Lanterman Act identifies individuals served as consumers.

A conservator of the person is an individual appointed by the court to ensure that the overall needs and personal affairs of the conservatee are secure.

A conservator of the estate is an individual appointed by the court to be responsible for managing the conservatee's money and other property.

In some cases the court may appoint both a conservator of the person and a conservator of the estate. One individual may serve both roles, or two individuals may be appointed, each to serve a specific role.

A limited conservatorship can be created by the court for developmentally disabled adults. It is utilized as necessary to promote and protect the wellbeing of the developmentally disabled adult and is ordered to the extent necessitated by the individual's mental and adaptive limitations. Conservatees retain specific powers to care for themselves and manage their financial affairs commensurate with their abilities. If developmentally disabled individuals lack the capacity to perform all of the tasks necessary to provide properly for their own personal needs of physical health, food, clothing or shelter, or to manage their own financial resources, the court can appoint a conservator of the person or a conservator of the estate, or both.

Powers of Conservatorship may include: the ability to decide where the individual will live (other than a locked facility), the ability to make decisions in regards to the state of the individual (make decisions in regards to his or her money); the ability to contract on behalf of the individual; the ability to give or withhold consent for medical treatment (except sterilization and other specified medical procedures); the ability to make decisions for the individual concerning his or her education and vocational training; the ability to give or withhold consent to marriage; and the ability to make decisions regarding his or her social and sexual contacts and relationships.

III. POLICY

It is the policy of the San Andreas Regional Center that the existence of a developmental disability should not be in and of itself sufficient reason for the establishment of a conservatorship.

The establishment of a conservatorship is considered a family responsibility. The regional center will work with the court, consumer and family during the conservatorship process.

In the event conservatorship is needed and no appropriate private individual is available to institute conservatorship proceedings, immediate referral will be made to the Public Guardian's Office. In the event the Public Guardian's Office does not accept the case, the regional center will make the referral to the DDS. The DDS will then determine if it will proceed with a petition for conservatorship on behalf of the person.

IV. PURCHASE OF SERVICE (POS) STANDARD

This policy does not involve purchasing services for a consumer.

V. EXCEPTIONS TO POLICY

The executive director has full discretion to authorize service purchases which are exceptions to the board-adopted purchase of service policies. The executive director has designated different members within the organization who may authorize a director's exception. They are called the director's designees.

The first formal discussion of a request for service takes place at the planning team meeting. If the request falls within the service policy, the request is granted.

If the request for service is not consistent with the policy, the service coordinator starts the exception review process by exploring the basis for the request. A time line for the director's exception review is set by agreement between the consumer/family and the service coordinator but the time line may not exceed fifteen (15) days. Within that time, another planning team meeting will be convened. In the meantime the coordinator presents the information to the manager to determine whether a director's exception may be warranted.

At the scheduled planning team meeting the decision will be made. The director's designee will attend the planning team meeting if necessary.

If the exception is granted, the service coordinator amends the person-centered individual program plan, notifies the consumer/family, and gives a copy of the amended plan to the consumer/family.

If the exception is not granted, the service coordinator promptly informs the consumer/family that it has not been granted, informs the consumer family of their appeal rights, and sends a notice of action and a fair hearing form.

VI. NOTICE OF ACTION

If a decision is made to deny, reduce, or cancel the service without the agreement of the consumer or the consumer's representative, a Notice of Action will be sent.

Adopt on 8/18/2014