

What is a Limited Conservatorship?

There are several types of conservatorships. One special type of conservatorship is called the **limited conservatorship**. This is when a judge appoints a responsible person (called a **conservator**) to assist an adult with developmental disabilities (called a **conservatee**) who is unable to provide for her/his personal and/or financial needs.

There are 2 kinds of limited conservatorships:

1. **A limited conservatorship of the person** is a court arrangement where a conservator cares for and protects a developmentally disabled adult and provides for the conservatee's needs associated with daily life.
2. **A limited conservatorship of the estate** is a court arrangement where a conservator handles the conservatee's financial matters - like paying bills and collecting the conservatee's income if the conservatee has an estate.

How will I know if I also need to be a limited conservator of the estate?

You *do not* need a conservatorship of the estate if:

- the developmentally disabled adult you care for gets public assistance, like Supplemental Security Income (SSI) or Social Security (SSA) but has no other assets, or
- If the developmentally disabled adult earns a wage.

But, you *need* a conservatorship of the estate if the developmentally disabled adult has other assets, such as an inheritance or a settlement from a lawsuit that is not in a special needs trust.

Note: This manual addresses conservatorship of the person only.

When is a bond required?

A bond is required in most conservatorship of the estate to guarantee proper performance of the duties of the conservator of the estate. If you are appointed

only as conservator of the person you need not file a bond unless required by the court.

Who decides if the adult is developmentally disabled?

An adult with developmental disabilities is someone who has severe and chronic disabilities because of a mental or physical impairment.

The **Regional Center** in your community will test the proposed conservatee to see if she/he is developmentally disabled. If the Regional Center accepted the person as a consumer (or client) before age eighteen (18), then she/he automatically qualifies as a person with developmental disabilities. But, if the person has never been tested or accepted as a regional center consumer, she/he must be tested.

If the Regional Center feels that individual does not qualify as a person with developmental disabilities, and you disagree, you can appeal to the Area Board in your region (created by the state legislature to advocate for the rights of individuals with developmental disabilities).

When should I apply for limited conservatorship?

If you are trying to establish a limited conservatorship for someone who will soon be 18 years old, it's a good idea to start the process more than 3 months before the developmentally disabled person's 18th birthday. However, you can establish a limited conservatorship at any time after the person with the developmental disability has reached age 18.

Who can be appointed as limited conservator?

Any adult can file for conservatorship. Conservators are usually parents, sisters, or brothers, but any responsible adult can act as conservator. And, there can be more than one limited conservator.

What all limited conservators need to know!

What kind of decisions can a limited conservator make?

A limited conservator's duty is to help the limited conservatee *develop maximum self-reliance and independence*. Because developmentally disabled adults can usually do many things on their own, the judge will only give the limited conservator power to do things the conservatee cannot do without help.

After the hearing the limited conservator's "*Letters of Conservatorship*" and the "*Order Appointing Probate Conservator*" will list the exact areas (powers) in which the limited conservator is authorized to act.

What powers can a limited conservator ask for?

A limited conservator may ask the court to give you the following 7 powers:

1. Fix the conservatee's residence or dwelling
2. Access the conservatee's confidential records or paper
3. Consent or withhold consent to marriage on behalf of the conservatee
4. Enter into contracts on behalf of the conservatee
5. Give or withhold medical consent on behalf of the conservatee
6. Select the conservatee's social and sexual contacts and relationships
7. Make decisions to educate the conservatee

What are the Responsibilities of a Limited Conservator?

As a limited conservator of the person, you must take care of the conservatee's:

- Food,
- Clothing,
- Shelter, and
- Well-being.

For more information refer to the *Handbook for Conservators*, published by the Judicial Council of California and available at the Probate Clerk's window for a fee. The handbook is also available on the internet:

<http://www.courtinfo.ca.gov/selfhelp/seniors/handbook.htm>