

Frequently Asked Questions about What are Alternatives to Conservatorship?

1. What decisions can a conservator make for a conservatee?

There are seven areas a judge can give the conservator in a Limited Conservatorship to make decisions about. These are:

1. Where a person lives
2. Who a person spends time with
3. Who a person marries
4. What kind of education a person gets
5. What contracts a person enters into
6. What medical treatment a person gets
7. Who has access to confidential records

2. What support is available to help a person make decisions?

Under the Lanterman Act a person can invite others to help them at their Individual Program Plan (IPP) meeting. The family has input regarding regional center services. The regional center service coordinator can be an advocate and advocacy can include a service in the IPP. The Department of Developmental Services (DDS) has a contract with the Office of Clients' Rights Advocacy to provide free legal services to people served by the regional center and their families. The State Council on Developmental Disabilities can also appoint an authorized representative to assist.

3. What is Supported Decision-Making?

Supported Decision-Making (SDM) is a tool that allows people with disabilities to retain their decision-making capacity by choosing supporters to help them make choices. A person using SDM selects trusted advisors, such as friends, family members, or professionals, to serve as supporters. The supporters agree to help the person with a disability understand, consider, and communicate decisions, giving the person with a disability the tools to make her own informed decisions.

4. What are alternatives to a conservator deciding where a person lives?

Supported Living Services (SLS) assist adults with intellectual/developmental disabilities establish and maintain a safe, stable, and independent life in homes they own or rent. SLS helps individuals make meaningful choices toward their personal goals in relationships and the community. SLS is offered for as long as needed and is flexible to a person's changing needs over time.

Independent Living Skills (ILS) services provide training and assistance for adults with intellectual/developmental disabilities to achieve greater independence while living with others or to acquire and maintain living independently.

The IPP Team can help decide where a person should live and what services they would need to do so. The IPP team can also decide if a person needs rental assistance to live on their own.

Every person with a disability should have a circle of support. This group of people can provide support and advice. The circle of support can also help out in some scenarios.

5. What are alternatives to the conservator having access to confidential records?

A person served by a regional center can sign consent and release forms. They need to be over 18 years old and understand that they are giving someone else information about themselves.

6. What are alternatives to the conservator deciding on friends or other social relationships and deciding if a person served by the regional center can get married?

There are numerous services available through the regional center that help people develop the skills to have safe and healthy relationships. These include:

- Socialization training
- Money management
- Counseling
- Social Recreation
- Personal Safety training
- Sexuality training

These services help to teach people how to make good safe choices for themselves.

7. What are alternatives to a conservator entering into contracts on behalf of the person?

A person over the age of 18 can enter into legal contracts. This can result in problems if they did not understand the contract they were signing. Getting assistance and advice from trusted family and friends before entering a contract can reduce the chance of getting into trouble. However, if the person didn't understand the contract, it may be terminated or rescinded. A person served by a regional center can give someone else decision-making authority by signing a Durable Power of Attorney.

Financial protections also exist. For example, money can be placed in a special needs trust or living trust which can limit access to the money. The Social Security Administration also has Representative Payees that receive the social security income and manage the money on behalf of the recipient. There are also very strict rules about when money can be taken from SSI/SSDI checks to pay back money owed.

8. What are alternatives to consent for Medical Treatment?

A person can give someone else the power to make medical decisions for them in a Power of Attorney. This arrangement can take effect immediately or if the person's health declines. People can also draft advanced directives which set out the kinds of medical treatment they want and don't want. Family members can provide consent for a medical procedure in certain circumstances. The regional center executive director can also authorize a medical procedure if there are no legal relatives or the relatives are not responding to requests for permission. If a medical procedure is an emergency a doctor can provide medical treatment without permission in certain circumstances. Lastly, a court could authorize a necessary medical procedure.

9. What are the alternatives to the conservator making educational decisions?

Educational rights transfer to the student at age 18. A person can assign their educational rights. This gives someone else the ability to make decisions and sign the Individual Education Plan (IEP). IEPs and other document do not have to be signed at the meeting. A person served can take them home and review them with the circle of support before deciding whether to sign an agreement or not.