

Frequently Asked Questions about Limited Conservatorships

1. What is a Limited Conservatorship?

A limited conservatorship is when a judge appoints another person or agency to act or make decisions for a person with intellectual and developmental disabilities (I/DD). Limited conservatorships are the most common type of conservatorship for people with (I/DD). In a limited conservatorship, a limited conservator may have up to 7 powers based on the needs of the conservatee.

2. What are the powers in a limited conservatorship?

The 7 powers in a limited conservatorship are:

1. Decide where the conservatee will live;
2. Access confidential records;
3. Decide if the conservatee can marry;
4. Enter into contracts;
5. Give consent to medical treatment;
6. Control of the conservatee's social and sexual relationships; and
7. Make educational decisions.

3. What powers does a limited conservator not have?

A limited conservator will not have the power to:

- Approve some kinds of medical treatment including some kinds of psychiatric drugs and electro-convulsive shock therapy (ECT) or sterilization;
- Have the conservatee committed to an institution; or
- Control the conservatee's wages from a job.

4. Who can be a limited conservator?

The court decides who is the limited conservator. A limited conservator can be a person or an agency. The judge must consider who the proposed limited conservatee wants as their limited conservator.

A limited conservator must be 18 years of age or older. They can be a family member, a friend, an agency or a private professional conservator.

A limited conservator can also be an agency. Examples of agencies who can be a conservator are: a county public guardian or the director of Department of Developmental Services (DDS). A regional center can no longer be appointed as a conservator.

5. What responsibilities does a limited conservator have?

The limited conservator should assess the needs of the conservatee and plan for how to meet them. They should choose the least restrictive, appropriate living arrangement. They should ensure that appropriate health care is available. They should also respond to crises as they arise. In general, arrange for the conservatee's care and protection.

6. What rights does the person served retain?

The limited conservatee served by a regional center has the right to make their own decisions in all areas except those given to the limited conservator by the judge. Specifically, the limited conservatee holds the following rights:

- To control salary or wages from a job;
- To make or change a will;
- To marry unless specifically taken away by the judge;
- To receive personal mail;
- To vote unless specifically taken away by the judge;
- To be represented by an attorney;
- To ask for a new conservator; and
- To ask for the conservatorship to end.

7. How is a limited conservatorship established?

- **A limited conservatorship petition is filed with the court.** The petition forms must include specific information including why the individual cannot provide for their needs, that alternatives to conservatorship were considered and tried, and why those alternatives will not meet the person's needs.
- **The proposed conservatee gets a copy of the petition.** Copies of the petition are also sent to the relatives of the proposed conservatee and to the regional center.

- **A court investigator is assigned.** The investigator meets with the proposed conservatee, explains the conservatorship petition to the proposed conservatee, asks the proposed conservatee if they want to be conserved, and if they agree or disagree with the proposed limited conservator. They will also ask if the proposed conservatee wants to attend the hearing. They share their recommendations and findings with the court and tell the court what they think is in the proposed conservatee's best interest. They do not have to go along with what the proposed conservatee wants or says.
- **The Regional center must assess the proposed conservatee and if the individual agrees, provide a report to the court.** The report provides information about the proposed conservatee's disability and the type of help they need. The report makes recommendations about the rights the proposed conservatee should keep and the rights the proposed conservator should have. The proposed conservatee and their attorney will get a copy of the report at least 5 days before the hearing.
- **The proposed conservatee gets an attorney.** A judge must appoint an attorney to represent the proposed conservatee. This attorney should tell the court the proposed conservatee's expressed interest. This means what they want, not what the attorney thinks is best.
- **The court will hold a hearing about the conservatorship.** The proposed conservatee must go to the hearing unless the judge says they do not have to attend.

8. How does a limited conservatorship end?

A limited conservatorship ends when:

- The court orders the termination of the conservatorship. This usually happens when a petition is filed saying the conservatorship is not needed. This petition can be filed by the conservator, the conservatee or by a relative or friend of the conservatee. The court will usually schedule a hearing to review the need for a conservatorship. If the petition for termination is not challenged and states facts showing that both the limited conservator and limited conservatee wish to terminate, the court can end the conservatorship without a hearing.
- The conservatee dies.
- The conservator dies and no other conservator is appointed by the court.