

Rights of an Individual with I/DD in a Conservatorship

A conservator is a person appointed by a court to make decisions for you. The person with I/DD who is conserved is the conservatee. You will get a list of the areas where the conservator can make decisions for you. This will be on a [court form](#). These are called conservatorship powers. Conservators can take action only in those areas where the judge gave them decision-making power. You can make all other decisions in your life.

These include:

Getting a lawyer to help you

Asking for a new conservator

Telling the court you don't need a conservator anymore

To make a will about what to do with your belongings when you die

Get and spend the money you earn at a job

Get and spend your Personal & Incidental money or other allowance

Decisions you still get to make unless the court gives it to your conservator:

Get your own mail

Vote

Buy basic things for everyday use

In a limited conservatorship, the judge can give the conservator power to make decisions for you in any of the seven areas below:

- Where you live
- Your health care
- Your education or school
- Accessing your private records
- Entering into contracts for you
- Who visits you and if you can engage in sexual activity
- If you can get married

Sometimes, a judge will give the conservator all of these powers, but not always. It is important to understand which decisions your conservator can make and which you can make. Your conservator must speak with you. They must find out your preferences before making a decision. They must always act in your best interest.

Making decisions for you about where you live

If your conservator decides where you can live, it must be the least restrictive appropriate home. That means that you have the most freedom and flexibility for your needs. Your home must be in the community.

Your conservator can change where you live. If you move, the conservator must tell the court, your lawyer, you, and your family, including your spouse, about the move within 30 days. If your conservator moves you out of your own home, they must tell everyone in writing 15 days before you move unless it's an emergency. Your conservator cannot move you to a different state without the court's permission.

Your conservator cannot place you in a mental health treatment facility if you do not want to go there unless they have a special kind of conservatorship or a court determines that you need to be there.

[California Code, PROB 2352](#)

Making decisions about your health care

Your conservator must make sure that your health care needs are met. They should make sure that your treatment and medication is appropriate.

Making decisions about your education or school

Your conservator can make decisions about which school or day program you go to.

Making decisions about accessing your private records

Your conservator can see your records at places like the doctor's office and regional center.

Making decisions about entering into contracts

You cannot sign contracts for yourself. Your conservator can enter into contract for you.

Making decisions about who visits you and if you can engage in sexual activity

Your conservator can tell you who you can visit with and who you cannot. They can also tell you if you are allowed to engage in sexual activity with someone. If you live in a group home, your conservator might tell them not to let certain people in the house or not to let you be alone with a certain person.

Making decisions about marriage

Your conservator can tell you if you are allowed to marry someone or not.