



*California's Protection & Advocacy System
Toll-Free (800) 776-5746*

Duties of a Conservator

August 2012, Pub #5514.01

What is a conservator?

A conservator is the person appointed by the court to make sure that you have food, shelter and clothing, and services to meet your individual needs.

Who can be a conservator?

Only a public guardian or conservator can be appointed if you are on temporary conservatorship under the Lanterman-Petris-Short (LPS) Act. If you have been found eligible for the full or one-year LPS conservatorship, the conservator may be a relative, a friend or a public or private guardian.

What is a conservator supposed to do?

A conservator of the person is supposed to make sure that your personal needs are met. A conservator of the estate is supposed to protect your finances or manage your money. In general, a conservator has a duty to protect you from abuse or neglect, and to help you integrate in society.

How can a conservator arrange for my care and protection?

A conservator has a duty to arrange for services to meet your daily needs, such as: health care, meals, clothing, personal care, transportation, recreation, and housekeeping.

What if the conservator has control over my finances?

This could include: controlling your assets, paying your bills, making a budget, and providing personal funds to you. If so, the conservator must account to you and the court about how s/he spent your money.

How can I find out what my conservator is supposed to do for me?

You can ask your conservator by phone or letter. If no response, you can write a letter to the supervisor. If you do not know the supervisor's name, you can call the conservator's office and ask for the supervisor's name and address. Or you could address your letter to Supervisor of [Conservator's Name]. You could also call or write your attorney. This is usually a public defender. You could ask your questions, or explain your problem and ask for help.

Where is a conservator supposed to find a place for me to live?

You have a right to live in the least restrictive, most integrated setting appropriate to your individual needs. This is generally the place where you can interact with people without disabilities to the fullest extent possible. For example, this could be an apartment with support services. It could be a home that you share with other people.

How is my conservator supposed to make decisions for me?

A conservator must act to protect your interests. Decisions should be based on your expressed interests, if known. This means you should tell your conservator what you prefer. A conservator has a duty to accommodate your preference. This means that your conservator should honor your wishes except if doing so would violate her or his responsibilities or impose an unreasonable expense on your estate.

Can a conservator make mental health treatment decisions for me?

Yes, if the court gives this power to the conservator. If so, the conservator needs to provide informed consent. But this must be done in consultation with you.

Can a conservator consent to surgery?

If you refuse, no surgery can be performed on you, unless there is a court order or emergency where you face the loss of life or serious bodily injury.

How often should my conservator visit me?

A conservator should visit you often enough to assure your needs are being met. The frequency of visits may vary depending on your living situation and needs. For example, in Orange County a conservator should visit a conservatee placed in a nursing facility at least once a month. A conservator also needs to have sufficient contact to ensure placement in the least restrictive, most integrated setting appropriate to your needs.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.