

# Limited Conservatorships for Persons with Developmental Disabilities

## The Dale Law Firm, PC

127 Aspen Drive, Suite 100, Pacheco, CA 94553

Phone: 925-826-5585 Fax: 925-826-5584

*Located southwest of the Hwy 4/680 Interchange between Martinez and Concord*

### What Is a Limited Conservatorship?

As a parent, you want your developmentally disabled child to be as self-reliant and independent as she or he can be. How can you continue to protect your child once she or he becomes an adult in the eyes of the law?

A limited conservatorship is a court proceeding whereby an individual or agency is appointed to be responsible for a developmentally disabled adult. These conservatorships are called "limited" because the law allows the powers granted to the conservator to match the needs of the person being conserved. The limited conservator cares for and controls those aspects of daily life that the court finds the developmentally disabled adult cannot competently handle.

### Who can establish a Limited Conservatorship?

- The proposed conservatee;
- The spouse of the proposed conservatee;
- A relative of the proposed conservatee;
- Any interested public officer or employee of an interested public agency of California; or
- Any other interested person or friend of the proposed conservatee.

### Does every person with a developmental disability need a Limited Conservatorship?

A limited conservatorship is not required merely because a person has a developmental disability. A limited conservatorship is appropriate only when necessary to protect the well-being of the individual and is designed to encourage the development of maximum self-reliance and independence.

You can find more materials including educational videos and printable sheets on various subjects at:

**[www.achievingindependence.com](http://www.achievingindependence.com)**

and click on "Educational Videos" or "Materials" to see more

### **What alternatives are there to a limited Conservatorship?**

Alternatives to a conservatorship for persons when appropriate may include: Durable Power of Attorney (DPOA), Advanced Health Care Directive (AHCD), Physician's Order for Life Sustaining Treatment (POLST), or a Special Needs Trust.

### **What are the duties of a Limited Conservator?**

The duty of the limited conservator is to assume legal decision making for the limited conservatee in those areas of daily living that the conservator has been granted. This may include: decisions with regards to social and vocational opportunities and services, medical, education, residential placement and living arrangements and personal relationships.

### **When can conservatorship proceedings begin?**

If the proposed conservatee is a minor, the petition may be filed so that the conservatorship may be effective immediately upon the child turning 18. If the proposed conservatee has already reached adulthood, a petition can be filed at any time.

### **What powers may the Conservator request?**

A limited conservator may request the following powers or controls over the limited conservatee:

- To select the residence or specific dwelling of the limited conservatee;
- To access confidential records and papers of the limited conservatee;
- To consent or withhold consent to the marriage of the limited conservatee;
- The right of the limited conservatee to contract;
- Decisions concerning the education of the limited conservatee;
- The power of the limited conservatee to give or withhold medical consent; and/or
- The limited conservatee's right to control his or her own social and sexual contacts and relationships.

***The Dale Law Firm, PC*** specializes in helping developmentally disabled individuals and their families. We are active members of the Special Needs Alliance, a national organization of attorneys' committed to serving people and families with special needs. Our services include: assistance with limited conservatorships, special needs trusts and general estate planning. The Dale Law Firm, PC believes that the best plan can be established with a "team" approach, working with families, social service providers, advocates, as well as financial and insurance professionals and trustees.

\*This material is for educational purposes only and is not meant as a substitute or legal counsel.