

**MENTAL HEALTH CONSERVATORSHIPS**  
**(LPS Conservatorships)**  
**Ventura County**

**TABLE OF CONTENTS**

Introduction	2
Directions	3
Questions and Answers	6
1. Why is an LPS Conservatorship important to obtain?	
2. What is an LPS Conservatorship?	
3. How long is an LPS Conservatorship granted?	
4. Who can be conserved?	
5. What types of LPS Conservatorships do the courts grant?	
6. What are the Conservator’s responsibilities with respect to the conservatee?	
7. What are the responsibilities for the conservatee with respect to the estate?	
8. What qualifies a person for an LPS Conservatorship?	
9. How do I know if my loved one is considered a harm to self or others?	
10. What defines gravely disabled?	
11. How does a person get a gravely disabled status?	
12. Who can be the conservator?	
13. Why is it necessary to seek an LPS Conservatorship?	
14. How much does it cost to acquire an LPS Conservatorship?	
15. Where is the conservatorship court?	
16. What is the usual process in seeking an LPS Conservatorship?	
17. What is a Riese hearing?	
18. Who can initiate a 5150 hold?	
19. How do I get hospitalization for my loved one?	
20. Does my loved one need Medical or insurance to get hospitalization?	
21. Does my loved one need SSI or Social Security to be hospitalized?	
22. All these officials, who are they and what are their roles?	
23. What are the powers and responsibilities of the conservatorship?	
24. What is imposed on the Conservatee?	
25. What do I do if the conservatee refuses to take their medication?	
26. Why should I keep a journal?	

## **INTRODUCTION**

An LPS Conservatorship allows for involuntary mental health treatment and estate management. Mental health conservatorships are described in the Lanterman-Petris-Short (LPS) Act 1967. The guidelines for this involuntary mental health treatment are under the California Welfare and Institutions Codes 5200. An individual is considered to be “Gravely Disabled” when they are unable to provide food, clothing, or shelter for themselves due to a mental disorder. An individual who can survive with assistance of family or friends is not considered to be gravely disabled.

When granted, the LPS Conservatorship gives one adult (Conservator) the responsibility for overseeing the comprehensive medical treatment for another adult (Conservatee) who has a serious mental illness.

The following information will help you to build a powerful written case for mental health treatment for your loved one. This will include their mental health history, their symptoms and characteristics, and will help to provide information for their gravely disabled status. Your written case will help to acquire resources and treatment, including an LPS Conservatorship, should it be needed. A well written case will also help the doctor to better diagnose and treat the person with mental illness.

Feel free to copy the templates below into your own document, then edit as appropriate. Your tendency may be to write pages of information. This may not be a good idea; the doctors have heard it all before and their time is limited, so a succinct well written paper is more effective in communicating and getting the appropriate treatment for mental health recovery.

## DIRECTIONS

Below is the format for a well written mental health history and case for treatment.

Your written case should consist of three parts:

- A. Mental health history
- B. Symptoms
- C. Gravely Disabled

Title the top of the page with your loved one's name.

In chronological order, starting with the most recent event, list their relevant events which should include: hospitalizations, incarcerations, homelessness, restraining orders and any prior LPS Conservatorships.

For each event, write 4 items:

- The event
- The date it occurred
- The facility or place where it occurred
- The diagnosis

If you do not know the diagnosis and the event occurred because of their mental illness, you can simply write "psychotic behavior."

Only list information of which you have knowledge. You are not expected to have access to all of your relative's medical history so do not stress if you do not have documentation. If you are missing information, this is fine. Do the best you can.

Because you may not know the exact dates of an event, it is acceptable to only put the months and years. If a person is homeless, and you have an idea of the general area or city where they were living, list it. Most likely you will not have a diagnosis for the person when they are homeless, incarcerated and sometimes even when they are hospitalized, so write "psychosis" as the diagnosis. The most recent information is the most important, not what happened prior to two or three years.

Limit all this information to only one page, if possible. Allow space at the bottom of the page to note any allergies, medical problems, or medicines they should not have. Note their insurances such as Medi-Cal, Medicare or private insurance. They can have all three insurances at the same time. Note what financial resources they receive such as SSI, SSDI, or Social Security. See the sample template format below:

### **A. Mental Health History**

John Smith, DOB 07-07-1996

<b>Hospitalized:</b>	January 1 to Present	Hillmont IPU, Ventura; <u>Diagnosed: Schizophrenia</u>
<b>Hospitalized:</b>	June 15 - 29, 2019	Vista Del Mar, Ventura; <u>Diagnosed: Schizophrenia</u>
<b>Homeless:</b>	Feb 2019 – June 2019	Ventura area; <u>Exhibiting psychotic behaviors</u>
<b>Incarcerated:</b>	August 12 – Sept 14, 2018	Ventura Main Jail; <u>Diagnosed: Psychosis</u>
<b>Hospitalized:</b>	March 2- April 4, 2017	So California Hospital, Culver City; <u>Diagnosed: Bipolar</u>
<b>Homeless:</b>	January 3 - March 1, 2017	Santa Monica; <u>Exhibiting psychotic behaviors</u>
<b>Symptomatic:</b>	October 2016	UC Santa Barbara, dropped out; <u>Extreme anxiety</u>

**NOTE:** Do not give Biaxin or Haldol; has diabetes; Insurance Medi-Cal, receives SSI income

*On the next page, prepare a short detailed summary of the DSM IV symptoms of the mental illness as it applies to your loved one. At this point, perhaps it's best to leave out substance use issues as that will not help the LPS case. See the format below, use short phrases:*

### **B. Symptoms and Characteristics**

#### **Visual hallucinations**

- Sees ghosts, dead people
- Sees people with pointed chins and beaked noses

#### **Auditory hallucinations**

- Laughs or smiles for no reason
- Hears television speaking to him/her (not the normal show)

#### **Delusions- includes grandiose delusions**

- Feels he/she is Christ
- Plans to open chain stores and make millions

#### **Belief in the delusions**

- Goes to the hospital to raise people from the dead
- Puts knives around bed to protect him/her from dead

#### **Disorganized speech**

- Rapid speech
- Does not make sense in conversation; can't follow conversation

#### **Disorganized behavior**

- Incapable of following directions
- Leaves stove on
- Parks car in middle of intersections
- Out of control spending sprees

#### **Poor Hygiene**

- Goes for days without showering
- Smells badly

#### **Paranoid thinking**

- People are running him/her off the road
- People are looking at him/her
- Mother/ Father molested him/her
- Government is watching him/her

#### **Behaves in accordance to his/her paranoid thinking**

- Throws food in garbage because it is poisoned
- Destroys cell phone, TV etc. because FBI are listening
- Walks in front of traffic

#### **Unable to meet the needs of daily functioning**

- Goes into other people's houses uninvited to get food, use computer
- Does not pay for items in stores, just takes things
- Can't handle finances

#### **Difficulty understanding and following directions**

- Cannot process information
- Cannot follow multiple directions

- Inability to maintain gainful employment
- Cannot keep a job
- Blames everyone for problems
- Inability to recognize their illness and difficulties associated with the illness
- Refuses medication or will not stay on medication due to anosognosia

**Gravely disabled**

- Specify clearly if they: may not come and live at home, have no place to live
- Is not capable of safely living in a shelter or board and care
- Takes clothes off at inappropriate times and places or, dresses incorrectly for the weather-wears hooded sweatshirt and sweater building up excessive body heat causing concerns for heat stroke and/or if excessively cold weather wears sandals, shorts and no shirt outside-health risk or, wears clothes for long periods of time resulting in bacteria build up on skin
- Might not eat food because it is poisoned, loses excessive weight, serious health risk
- Has no income and cannot provide for self or hold a job
- Has no insight into illness (anosognosia) and therefore will not take medication and has history of non-compliance.

**C. Gravely Disabled**

See the section below; copy as is and delete what does not apply. Gravely disabled typically applies to food, clothing and shelter.

**Gravely Disabled**

- May not come and live at home, has no place to live safely
- Is not capable of safely living in a shelter or Board and Care
- Takes clothes off at inappropriate times and places or, dresses incorrectly for the weather-wears hooded sweatshirt and sweater building up excessive body heat causing concerns for heat stroke and/or if excessively cold weather wears sandals, shorts and no shirt outside-health risk or, wears clothes for long periods of time resulting in bacteria build up on skin
- Might not eat food because it is poisoned, loses excessive weight presenting a serious health risk or compulsive eating gaining excessive weight
- Has no income and cannot provide for self or hold a job
- Has no insight into illness (anosognosia) and therefore will not take medication and has history of non-compliance.

## Questions and Answers

1. **Why is an LPS Conservatorship important to obtain?**
2. **What is an LPS Conservatorship?**
3. **How long is an LPS Conservatorship granted?**
4. **Who can be conserved?**
5. **What types of LPS Conservatorships do the courts grant?**
6. **What are the responsibilities of the conservator with respect to the conservatee?**
7. **What are the responsibilities for the conservatee with respect to the estate?**
8. **What qualifies a person for an LPS Conservatorship?**
9. **How do I know if my loved one is considered a harm to self or others?**
10. **What defines gravely disabled?**
11. **How does a person get a gravely disabled status?**
12. **Who can be the conservator?**
13. **Why is it necessary to seek an LPS Conservatorship?**
14. **How much does it cost to acquire an LPS Conservatorship?**
15. **Where is the conservatorship court?**
16. **What is the usual process in seeking an LPS Conservatorship?**
17. **What is a Riese hearing?**
18. **Who can initiate a 5150 hold?**
19. **How do I get hospitalization for my loved one?**
20. **Does my loved one need Medi-Cal or other insurance to get hospitalization?**
21. **Does my loved one need SSI or Social Security to be hospitalized?**
22. **All these officials, who are they and what are their roles?**
23. **What powers and responsibilities are given when the conservatorship is granted?**
24. **What is imposed on the Conservatee?**
25. **Why should I keep a journal?**

**1. Why is an LPS Conservatorship important to obtain?**

An LPS Conservatorship is a tool which gives the conservator the power to work with the doctor to achieve treatment for the individual beyond the standard of “stable.” It helps the conservator to guide the treatment team to get your loved one’s life back as they knew it to be before they became ill. It may include involuntary locked placement and treatment, especially for those who have no insight into their illness and are non-compliant with treatment and medication.

**2. What is an LPS Conservatorship?**

An LPS Conservatorship is the legal term used in California which gives one adult (the Conservator) the responsibility for overseeing the comprehensive medical treatment for an adult (the Conservatee) who has a serious mental illness.

### **3. How long is an LPS Conservatorship granted?**

An LPS Conservatorship is granted for a one year term, but may be renewed if necessary each year. Once the conservatorship is terminated, the process must start from the beginning.

### **4. Who can be conserved?**

LPS Conservatorships are only granted by the court for adults with a mental disorder which are listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV). These are granted for people with:

- Schizophrenia
- Bi-Polar disorder (Manic Depression)
- Schizoaffective disorder
- Clinical Depression
- Obsessive compulsive disorder
- Chronic Alcoholism

### **5. What types of LPS Conservatorships do the courts grant?**

There are two types of LPS Conservatorship which the court can grant.

The first is an LPS Conservatorship of the Person. A qualified psychiatrist initiates a petition to the Public Guardian's office, which in turn petitions the court for the conservatorship.

The second is an LPS Conservatorship of the Estate. The Public Guardian's initial investigation determines if there is a need for an LPS Conservatorship of the Estate. The Public Guardian directly petitions the court for this conservatorship. The doctor is not involved with this matter.

### **6. What are the responsibilities of the conservator with respect to the conservatee?**

As the conservator you will be responsible for approving a place for the conservatee to live, and for approving the treatment and the medication program for the conservatee. You should also participate in developing and overseeing a treatment plan that supports and encourages the conservatee to regain his/her life as close as it was prior to the illness. It is a good idea to learn about mental health disorders; this can be done by taking the free Family to Family class offered by NAMI.

### **7. What are the responsibilities for the conservatee with respect to the estate?**

As conservator of the estate, you will be responsible - but not personally liable - for all financial matters pertaining to the estate. You don't need an estate conservatorship to be the representative payee for SSI benefits.

### **8. What qualifies a person for an LPS Conservatorship?**

A person must be a harm to self, others and/or gravely disabled and he/she must also be seriously mentally disabled.

### **9. How do I know if my loved one is considered a harm to himself or others?**

You do not need to wait until your loved one tries to commit suicide or tries to hurt someone or themselves before you seek treatment for them. If your loved one has delusional conversations expressing the need for knives or other items to protect him/her self; if they walk in front of moving cars, oblivious of the vehicles; if they seemed obsessed with others killing them; if they leave on gas burners when cooking; or are losing weight because they are afraid the food is contaminated, these are red flags that will help you get your loved one hospitalized, which is the first process in getting a conservatorship.

#### **10. What defines gravely disabled?**

Gravely disabled means the mentally ill person cannot take care of his/her basic needs for food, clothing and/or shelter. With that said, the Court may feel that if a person can get food or clothing from a shelter, then they are not considered gravely disabled. The fact that a mentally ill person lives on the streets does not mean that they are gravely disabled either.

#### **11. How does a person get a gravely disabled status?**

When a person with mental illness is hospitalized or incarcerated for being a harm to self or others, then the family or others must clarify to the doctor if the person does not have a place to live. You must stress that the ill person may not live with the family and that they have no apartment to which they can return. This is very important in requesting an LPS Conservatorship. This establishes "gravely disabled" for the purposes of the LPS Conservatorship, along with the fact that the person is not and has not been compliant with medications.

To prove that a person cannot provide food or clothing is extremely difficult because if they can go to the Salvation Army or a dumpster to acquire clothes, panhandle for money, or find local food kitchens; then they are not considered gravely disabled.

#### **12. Who can be the conservator?**

- County Public Guardian
- Private conservator
- You or a relative - the County prefers a responsible family member as the conservator

#### **13. Why is it necessary to seek an LPS Conservatorship?**

If a person with mental illness does not have insight into their illness, and they are not compliant with their medications, it is a wise idea to seek an LPS Conservatorship to keep them safe, out of the revolving doors for the hospitals and out of jail. Because treatment and medication can be given under an LPS Conservatorship, it has been found that the brain will not have to continue to suffer further damage. An LPS Conservatorship is a significant tool which will help your loved one regain his/her life.

#### **14. How much does it cost to acquire an LPS Conservatorship?**

You do not need a private attorney. You may choose to hire an attorney to help you acquire the conservatorship, but this is not always necessary. The attorney cannot force the doctor to seek conservatorship.

The Public Guardian submits a report to County Counsel recommending that the person be conserved and whether or not a family member should be appointed as the conservator. The County Counsel represents the Public Guardian and petitions the court for the LPS Conservatorship. Since County Counsel deals with these matters every day, they are very knowledgeable and understand the proceedings of the conservatorship court. There is no cost to you.

#### **15. Where is the conservatorship court?**

In Ventura County, conservatorship matters are routinely scheduled for Tuesday and Thursday:  
- at Vista del Mar Hospital in the morning from 9:00 am, and  
- at Hillmont Psychiatric Center in the afternoon, starting at 1:30 pm.

There are times conservatorship hearings are on the calendar other days of the week, depending on availability of expert witnesses and County Counsel.



The mental health calendar is four days a week at each hospital, not on Wednesdays.

Since 2020, the mental health calendar, including conservatorships, is being conducted via Zoom.

Jury trials for conservatorships are scheduled within 10 days of request, and can start any day of the week at the Hall of Justice.

#### **16. What is the usual process in seeking an LPS Conservatorship?**

First, the person who exhibits harm to self or others is placed on a 72 hour hold, also known as a 5150 hold. This usually occurs by someone calling the police or the County Mental Health Crisis Team. The police can make sure the person is contained so as not to harm anyone, while assessing the situation. The Crisis Team may be able to clinically evaluate the individual. If appropriate, either party can make an application for a 72 hour hold, and transport the person to a psychiatric hospital.

- In the hospital, the psychiatrist who evaluates the person may accept the person for a “5150” or a 72-hour hold. If necessary they can later initiate a “5250” or a 14-day hold to continue the treatment for stabilization. A 14-day hold must have a Probable Cause hearing within four working days. The Probable Cause hearing is generally held in the hospital. Many times, families are not aware of this hearing until after it has taken place. This hearing allows the hospital to hold the patient for an additional 14 days, but it does not necessarily mean they will hold the patient for the full 14 days.
- After the Probable Cause hearing the treating psychiatrist may request an LPS Conservatorship investigation from the Public Guardian’s (PG) office. The PG will review the application and may petition the court for a Temporary Conservatorship, or a “T-Con”. They will also set a date for the LPS Conservatorship court hearing. The patient will be held in the hospital under the T-Con until the final LPS hearing. The T-Con can hold the patient in the hospital up to 30 days.
- The PG will visit and evaluate the patient and make a recommendation to the court to either proceed or dismiss the LPS Conservatorship case.
- If the case for conservatorship proceeds, the patient will be represented by a Public Defender who will follow the patient’s instructions and may try to show their client does not need to be conserved.

#### **17. What is a Riese hearing?**

This legal hearing is held at the hospital, often when the patient is becoming violent or agitated, and needs medication but is unwilling to voluntarily take meds. It is a capacity hearing that is held to require the patient to take medication to calm him/her.

#### **18. Who can initiate a 5150 hold?**

Certain trained designated officials may initiate the 72 hour hold/section 5150 process.

- Law enforcement officer
- Approved mental health professional – crisis team or similar clinician
- Approved psychiatrist

Remember, this is still just an “application” for a 5150, and starts the 72 hour clock. The psychiatric hospital will assess and finalize the hold.

#### **19. How do I get hospitalization for my loved one?**

There are many ways to get hospitalization. Often, a person is willing to go to the hospital voluntarily because they know something is not right. If they are not willing to go and they are harmful to themselves or others, you should contact the police or Crisis Team and explain the situation. It is important to let the police know why you think the person is a possible harm to themselves or others.

Always ask for a CIT trained officer when calling for police help. Just being psychotic does not, by law, allow for a 5150 hold.

**20. Does my loved one need Medi-Cal or other insurance to get hospitalization?**

No. Ventura County residents will be accepted into Hillmont IPU. Though Vista Del Mar Hospital accepts only private insurance or Medicare, they will accept indigent or Medi-Cal residents under an agreement with Ventura County Behavioral Health. If there is a bed shortage, it is possible that your loved one may be sent to an out-of-county psychiatric hospital. If you don't have insurance, that hospital may merely tend to stabilize and discharge your loved one with no follow up.

**21. Does my loved one need SSI or Social Security to get hospitalized?**

No. You may want to go immediately to the social security office or online, and apply for SSI for your loved one. When they are hospitalized, this is the best time to apply. This establishes a "disability start date." When SSI is granted, the payments will be retroactive to the date of initial application.

The social security office will give you forms to fill out and have your loved one sign. Also, a doctor will evaluate your loved one for approval for SSI. If they are later turned down for SSI, you need to appeal the decision within the 60 day time period. When you are approved for SSI, then Medi-Cal insurance is usually approved simultaneously.

**22. All these officials, who are they and what are their roles?**

During conservatorship hearings:

- County Counsel -- represents Ventura County in all legal proceedings, including the Public Guardian in establishing conservatorship;
- Public Defender -- represents the person to be conserved and not the family
- Public Guardian -- investigates LPS conservatorship referrals and makes recommendations to the court
- District attorney -- represents the hospitals with involuntary treatment; also can be more involved in criminal matters
- Patient Rights Advocate -- ensures the regulations of the WIC code are carried out fairly
- Court -- the Judge ensures fairness and compliance with the laws in all proceedings involving involuntary treatment and conservatorships

**23. What powers and responsibilities are given when the conservatorship is granted?**

Conservator Powers With Respect to the Conservatee

- To place the conservatee in a licensed medical acute psychiatric hospital or psychiatric nursing facility (Institute for Mental Disease aka IMD) or other State or County licensed facility, where the conservatee does not have free access into or out of the premises.
- To require the conservatee to have treatment related specifically to remedying or preventing the recurrence of his her being gravely disabled.
- To require the conservatee to accept psychotropic medications.
- To place the conservatee in a "least restrictive placement" necessary to achieve the purpose of treatment. This may be a psychiatric or non-psychiatric residential care facility, board and care, nursing or other State licensed facility where the conservatee has free access into or out of the premises, or even a private residence.

## 24. What rights are suspended for the Conservatee?

- The privilege of possessing a license to operate a motor vehicle is suspended. The conservator can ask the psychiatrist to petition the court to allow the person to drive. It is up to the court to grant permission for driving and it is the DMV that evaluates and issues the license. Don't ask for this at the LPS hearing.
- The privilege of possessing, controlling or maintaining custody of a firearm or any other deadly weapon is temporarily taken away.
- They lose the right to refuse or consent to treatment. In other words, they must take their medications.
- The right to enter into any contract in which the consideration for performance is money or property is temporarily taken away. This power can also be given back by the court to the conservatee when they are stable.

## 25. Why should I keep a journal?

It is important to keep a journal to document hospitalizations, medications, behaviors and symptoms and their side effects. Your journal will help to cover the doctor's blind spot. It will assist the doctor and treatment teams to better evaluate and assess the treatment for diagnosis and recovery.

### Resources:

- Welfare and Institute Codes 5150, 5250, 5270, 5352 -- available on the internet, e.g. "CA WIC 5150"
- Ventura County Public Guardian: 805-654-3141
- Hillmont Psychiatric Center: 805-652-6729  
aka Hillmont InPatient Unit or IPU
- Aurora Vista Del Mar Hospital: 805-653-6434
- Ventura County Behavioral Health (VCBH): 866-998-2243
- SSI and SS: 800-772-1213
- Medi-Cal: 877-597-4777
- Search the internet for LPS Conservatorships (not conservatorship)

**\*\*\* KEEP A SENSE OF HUMOR TO SURVIVE THIS ORDEAL \*\*\***

An LPS Conservatorship is a powerful tool to help your loved one regain their life very closely as they knew it before the illness. Recovery is real and very doable. Seek treatment early so your loved one can live a "normal" life. Even if the person has been ill for many years, they can still improve their life with quality treatment. If you are the Conservator, this tool gives you the power to work with the doctor to find the best medications for your loved one.

Good luck!

*April 2023*