

## CAN I CHALLENGE A CONSERVATORSHIP?

Yes, if you had a jury trial or a court (bench) trial and were found gravely disabled, you have a right to file an appeal. You must file a notice of appeal (rehearing) within sixty (60) days of the establishment of Conservatorship. You need to contact the public defender. Otherwise, you will have an annual rehearing called a "Reestablishment Hearing."

### What if I lose the Conservatorship rehearing?

You can request a Writ of Habeas Corpus. The court can do one of three things with the writ:

- 1) "Issue the Writ" meaning you win, or;
- 2) "Order to Show Cause" meaning County Council will respond, or;
- 3) Deny the Writ (you lose).

## WHO ASSISTS YOU WHILE ON LPS CONSERVATORSHIP?

**Public Administrator/Public Guardian (PA/PG)** – assists with obtaining and managing your entitlements (SSDI, SSI, Medi-Cal, Medi-Care, etc.)

**LPS Mental Health unit** – assists you by assigning a Care Coordinator that provides Case Management and Mental Health Services.

**Patients' Rights Advocate** – assists with ensuring your rights are maintained.

**Public Defender** – assists with legal proceedings including rehearing and writs.

## MY GOAL IS TO GET OFF CONSERVATORSHIP

Remember the court has found you to be "gravely disabled." It is your responsibility to show otherwise. This can be done by participating in your program, having a plan to care for yourself and your medication needs. Simply put; can you provide for your own food, clothing and shelter?



If you have any questions or complaints regarding your rights, contact your advocate at:

### MHS Patients' Rights Advocacy Services

600 West Santa Ana Blvd., Suite 805  
Santa Ana, CA 92701

(714) 276-8145

(800) 668-4240

Fax: (714) 242-1579

### Hours of Operation

Monday through Friday  
8 AM – 5 PM.

[mhsinc.org/pras](http://mhsinc.org/pras)

# LANTERMAN- PETRIS-SHORT (LPS) CONSERVATORSHIP

## What Happens Now?



**mhs**

**MENTAL  
HEALTH  
SYSTEMS**



## WHAT IS A LPS (5358) CONSERVATORSHIP?

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This is a process in which the court appoints a person to make certain legal decisions for you for a renewable one-year period. This person is called a conservator. Your conservator can make decisions like:

- Whether you can start or stop taking psychiatric medications.
- Accept other medical treatment.
- Manage your money.
- Decide where you will live.

### Other court imposed limits may include:

- Limit your right to vote.
- Limit your ability to enter into contracts (over \$50.00).
- Suspend your right to drive a vehicle.
- Suspend your right to own a firearm.

When you were placed on LPS Conservatorship the court found you “gravely disabled,” meaning that you have a mental disorder that keeps you from being able to provide food, clothing and shelter for yourself.

## CAN I CHALLENGE A PLACEMENT?

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Yes, this is called a “Placement Review Hearing.” You are asking the judge to review the appropriateness of your placement. However, once you go back to court for a Placement Review Hearing, you must wait another six months before having another one. (Welfare & Institutional Code § 5358.3). This hearing will be held where the Con-

servatorship was established (Welfare & Institutional Code § 5358.7). You will need to contact your public defender. Be sure to give your full name, birth date, facility where you’re at, telephone number where you can be reached, best time to reach you and message that you are “requesting a Placement Review Hearing.” Allow 2 weeks for a public defender to contact you.

## DO I HAVE RIGHTS?

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### Undeniable Rights:

1. A right to treatment services which promote the potential of the person to function independently. Treatment should be provided in ways that are least restrictive of personal liberty.
2. A right to dignity, privacy, and humane care.
3. A right to be free from harm, including excessive physical restraint, isolation, medication, abuses or neglect. Medication shall not be used as punishment for the convenience of staff, as a substitute for program, or in quantities that interfere with the treatment program.
4. A right to prompt medical care and treatment.
5. A right to religious freedom and practice.
6. A right to participate in appropriate programs of publicly supported education.
7. A right to social interaction and participation in community activities.
8. A right to physical exercise and recreational opportunities.
9. A right to be free from hazardous procedures.
10. The right to see a Patients’ Rights Advocate.

11. The right to confidentiality in respect to information and records involved in one’s treatment.

### Deniable Rights Due to Good Cause:

1. To wear one’s own clothing.
2. To keep and use one’s own personal possessions including one’s own toilet articles.
3. To keep and be allowed to spend a reasonable sum of one’s own money for canteen expenses and small purchases.
4. To have access to individual storage space for private use.
5. To see visitors each day.
6. To have reasonable access to telephone, both to make and receive confidential calls or to have such calls made.
7. To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

## WHAT IS GOOD CAUSE?

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Good cause for denying one of the rights exists if the professional person in charge of the facility has a good reason to believe:

1. That the exercise of the specific right could be injurious to the resident; or
2. That there is evidence that the specific right, if exercised, would seriously infringe on the right of others; or
3. That the institution or facility would suffer serious damage if the specific right is not denied; and
4. That there is no less restrictive way of protecting the interest specified in above good cause 1, 2, or 3.