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The Public Guardian of Santa Clara County **may** be appointed by the Superior Court to serve as Conservator of the person and/or estate (after a 30 day temporary conservatorship period); however, this appointment is made only when no friend or relative is available and appropriate to serve, and is usually based on the recommendation of the LPS investigator.

Upon request, the Public Guardian's Office is available to assist family members, who are willing to serve as a Conservator, in the non-legal aspects of the conservatorship process.



Santa Clara County  
Department of Aging and Adult Services  
Public Administrator/Guardian/Conservator  
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## WHAT IS A CONSERVATORSHIP?

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Santa Clara County  
Department of  
Aging and Adult Services

Public Administrator/ Public Guardian/  
Public Conservator

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## WHAT DOES A CONSERVATOR DO?

1. The main responsibility of the conservator of the **person**, whether private or public, is to provide each Conservatee with the best and most independent living environment possible, within their abilities and resources. The Conservator assures that all personal care, medical care and services needed to maintain a safe and comfortable living environment are provided for the Conservatee.
2. A Conservator of the **estate** is responsible for: locating, managing and protecting all assets of the Conservatee's estate; applying for all income and benefits to which the Conservatee may be entitled; paying all just debts and keeping separate records of all funds received and disbursed on the Conservatee's behalf.
3. A Conservator must represent, or arrange, representation for the Conservatee, in all legal matters, which may include domestic litigation, compensable personal injury actions, heirships, other money judgment actions and Superior or Municipal Court criminal actions
4. A Conservator must file timely accountings of income and disbursements with the Superior Court, and send a copy to the Conservatee. (Probate Conservators may file biennial accounts after the first annual accounting.

## WHO MAY BE CONSERVED?

1. Probate: If the court decides that an individual is substantially unable to provide for his/her own personal needs of health, food, clothing or shelter and/or unable to manage financial resources or resist fraud, or undue influence a Conservator can be appointed by the Superior Court.

2. LPS: If an individual is gravely disabled and unable to provide for food, shelter and clothing due to mental illness or chronic alcoholism (a medical determination), a conservator can be appointed under the **Lanterman-Petris-Short Act (LPS)**. This Court determination requires the recommendation of two psychiatrists or a psychiatrist and a psychologist.

## WHO CAN BE A CONSERVATOR?

The Conservatee (person being conserved) may nominate any qualified individual or the Public Guardian may petition to be a person's Conservator. Conflicts are resolved by the Superior Court. In an LPS Conservatorship, the Public Guardian is the only party appointed as **temporary** conservator by the Court. At the time of the **permanent** hearing, the Court may appoint a willing family member, a friend or the Public Guardian as the conservator, at the court's discretion.

## HOW LONG DOES A CONSERVATORSHIP LAST?

**Probate:** A **temporary** Probate Conservator may be appointed to act until a **permanent** appointment is made. A Probate Conservatorship is terminated by the death of a Conservatee, or the court may terminate the Conservatorship upon request.

**LPS:** A **temporary** LPS Conservatorship is effective for only 30 days from the date of appointment unless extended by court action. In no instance can a **temporary** Conservatorship be extended beyond 6 months. If a **permanent** conservator is appointed, the Conservatorship lapses one year from the date of appointment unless a Petition for reappointment is filed and granted. A reappointment requires the same recommendation as the original appointment. The same process must be repeated annually.