

Santa Clara County Office of the Public Defender

FAQ Sheet:

We provide representation in the following matters:

Criminal Matters (both misdemeanor and felony offenses – not traffic)

Probate Conservatorships – we represent the conservatee, not petitioner

LPS Conservatorships:

1. Writs on involuntary commits at VMC/Hospitals
 - a. We represent them on their request to be released from hold
 - b. We represent person who does not want to their medication
 - c. Medical petitions – represent their capacity to consent
2. Conservatorship application
Law requires it start with the Public Guardian
Family are considered as successor conservator
3. Hearings and Trials on Application to Get Off Conservatorship
4. Hearings and Trials to Request Least Restrictive Placement

Criminal Cases:

Court must appoint us to represent an individual.

We can assist on warrants on failure to appear (exception traffic)

We provide representation for all persons in the jail.

What We Cannot Provide:

1. We do not advocate for Social Security Services.
Mental Health Advocacy Project assists in that service
(800) 248-MHAP, (408) 294-9730
2. We cannot request/advocate nor demand medication be ordered
 - a. Only under a conservatorship can someone force medication.
 - b. Courts are mandated under Supreme Court decision in Sell to only order medication in very limited situations.
 - c. We cannot give legal advice to parents seeking conservatorship

Resources : We welcome all information from family and friends that assists in defending our clients. Without a HIPPA release or consent, we cannot discuss the charges/circumstances without a release. We equally cannot control what unit client is assigned at the jail. There is a process where we can request a crisis assessment for mental health purposes.

Helpful information: prior diagnoses of mental illness and/or cognitive disorder, school records and IEP's, information regarding client's behavior prior to incident and/or stressors, prior hospitalizations and/or treatment – both inpatient and in the community. Prior success and/or side effects with psychiatric medication, any relevant medical records. Any history of head injury and/or loss of consciousness, prior veteran's service/treatment.

Contacts:

Main Office MH Paralegal:

Maya Hernandez (408) 299-7932,
Maya.Hernandez@pdo.sccgov.org

Juvenile Court Division Paralegal:

Gina Hawkins (408) 278-6177
Gina.Hawkins@pdo.sccgov.org

Juvenile Court Supervising Attorney: Nisreen Baroudi

Direct line: (408) 299-7129
Nisreen.Baroudi@pdo.sccgov.org

The Public Defender's Office is in the process of hiring a full time social worker starting in January 2016. There is a county website for the PDO that will update this contact information as soon as it is available.