

LPS AND MURPHY

MENTAL HEATH CONSERVATORSHIPS

LANTERMAN, PETRIS & SHORT

- Mandated due process commitment criteria to protect the civil rights of the mentally ill
- Forces Mental Health treatment – placement and medication – requires “Least Restrictive Placement”
- Begins at Welfare & Institutions Code §5150
- Conservatorships expire annually

Must be “Gravely Disabled”

- Due to a mental illness, unable to provide for their basic need of food, clothing or shelter
- And the person is unwilling/ unable to accept voluntary treatment

LPS CONSERVATEES

Before Conservatorship

- The most ill of Behavioral Wellness clients
- In & out of the PHF, or just in, without being stabilized
- Referred during possible total of 47 days on hold in PHF

Temporary conservatorship for 30 days + Court hearing(S) on PHF

When conservatorship established, challenging individual's placement may take time

LPS PLACEMENTS

- Conservatees, as the sickest of sick , may need a very high level of care
- IMD, and “augmented” SNF or Board & Care are paid for all or in part by the County
- Statewide shortage of beds means facilities can take who, and charge as much. as they want
- Placement hearings for level of care; back to the PHF and non-reimbursable

MURPHY CONSERVATORSHIP

- Specialized conservatorship for mentally incompetent felony criminal offender under W&I Code
- Found Incompetent to Stand Trial under Penal Code
- Unable to be restored to competency

BEFORE MURPHY

- Inditement pending/Charges still pending
- Unable to understand proceeding/participate in own defense
- Doubt declared; may be Incompetent to Stand Trial (IST)
- Sent to State Hospital for restoration, up to two years
- The State pays during the IST restoration

MURPHY CRITERIA

“Gravely Disabled” definition different than LPS:

- Does not need to be unable to provide for food clothing or shelter
- Must be incompetent as a result of a mental disorder and the condition regarding the outstanding felony charges must exist
- Currently represents a substantial danger of physical harm to others

Legal proceeding is similar to LPS; conservatorship expires annually

MURPHY PLACEMENT

- Due to their violence, the State Hospital is often the most appropriate placement
- State Hospital shortage of beds means months before placement
- The County pays for this placement
- Unless something changes, reestablished annually

LPS AND MURPHY

- Legally puts a mental health treatment decision-maker in place
- Impossible to predict how many individuals may legally qualify for this annually
- Must follow the law of who meets the legal parameters for LPS & Murphy; it's not subjective and must be proven beyond a reasonable doubt
- The County is legally responsible for the treatment of its conservatees
- Payment for treatment and placement is not an option