

LPS CONSERVATORSHIP

August 2011

A Mental Health Conservatorship is part of the Lanterman-Petris-Short (LPS) Act 1967. An LPS Conservatorship is the legal term used in California which gives one adult (conservator) the responsibility for overseeing the comprehensive medical (mental) treatment for an adult (conservatee) who has a serious mental illness.

If you need an LPS Conservatorship for a loved one who has a serious mental illness and is gravely disabled then, the following information is being addressed first, since time may be of the essence. The information you produce will help cover the doctor's "blind spot" and provide a fuller understanding of the serious nature of your loved one's illness. The rest of this paper will be a resource to answer questions in understanding the LPS Conservatorship process.

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 bad

Paranoid thinking

- People are running him/her off the road
- People are looking at him/her
- Mother/ Father molest 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

Mood Swings

- Cycles between moods- highs and lows
- Becomes extremely agitated

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

(Defined:

- **May not** come and live at home, **Has no place to live**
- Is not capable of safely living in a shelter or board and care
- 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
- Takes clothes off outside
- Might not eat food because it is poisoned

UNDERSTANDING LPS CONSERVATORSHIP

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 their SSI benefits.

8. What qualifies a person for an LPS Conservatorship?

To qualify for the LPS Conservatorship, the person must be **gravely disabled**, have a serious mental illness and there are no other alternatives to help them in the recovery of their impairment.

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 the red flags that will help you get your loved one hospitalized which is usually the first process in acquiring 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 state feels that if another person provides for their food, clothing or shelter, or if a person can get food or clothing from the shelters 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. With this said, it is still possible to get the person in treatment and gain conservatorship for them even when they are living on the street.

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 stress to the doctor that 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, nor has 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, pan handle for money, or find the food kitchens; then they are not considered gravely disabled. When a person is basically a vegetable living on the street, and someone provides food for them, they are not considered gravely disabled, even if they have lost substantial weight, and are too sick to know they are sick.