

## **The Role of Regional Centers in Assessing the Capacities of Proposed Conservatees**

There are 21 regional centers in California. Each one is a separate nonprofit corporation. Each receives funding from the State of California through contracts with the Department of Developmental Services. Together they have formed a trade association known as the Association of Regional Center Agencies. ARCA has a lobbyist in Sacramento.

Regional Centers have been assigned a statutory duty to assess the abilities of clients for whom probate conservatorship proceedings have been initiated. If a petition for limited conservatorship is filed, the court must obtain an assessment of the proposed conservatee from the relevant regional center. If a petition for general conservatorship is filed, the regional center assessment is optional.

Some petitioners file for a general conservatorship in order to bypass this assessment and also to avoid the necessity of an attorney being appointed for the proposed conservatee. In limited conservatorship proceedings it is mandatory for the court to appoint an attorney for the proposed conservatee. In general conservatorship proceedings, appointment of counsel is not mandatory. No assessment and no attorney usually results in an expedited procedure ending with an order granting a conservatorship.

Although the Department of Developmental Services contracts with regional centers to provide services to people with developmental disabilities – and provides substantial funding for these services – there are no provisions in these contracts regarding conservatorship assessments. DDS allows each regional center to do whatever it wants in connection with conducting capacity assessments and submitting reports to the courts. DDS provides absolutely no education, guidance, or oversight with respect to this statutory duty of the regional centers.

As a result of the lack of oversight and monitoring, the practices of the regional centers vary greatly from one regional of the state to another. A survey of regional centers confirmed such variations.

The state constitution declares that laws of a general nature shall be uniform in operation. Because of the lack of DDS oversight and monitoring in this area, the statute mandating regional center evaluations of clients who are involved in conservatorship proceedings is not being administered uniformly throughout California. Clients are not receiving equal protection of the law.

There is a role for court-appointed attorneys in the regional center evaluation process. They should demand an Individual Program Plan (IPP) for each client. An IPP for conservatorship evaluations would involve convening a multi-disciplinary team, including a qualified capacity assessment professional, to determine the client's ability to make decisions in each of seven areas of decision-making. The IPP review team would also evaluate whether, with proper supports and services, a less restrictive alternative to conservatorship would be feasible. Unfortunately, attorneys are not demanding IPP reviews and regional centers are not conducting them.

What follows is a list of articles and reports to help the Capacity Assessment Workgroup better understand the current situation regarding regional center assessments in conservatorship proceedings and how the assessment process could be improved.

**Expanding the Role of Regional Centers in Limited Conservatorship Proceedings**  
<http://spectruminstitute.org/capacity/1-regional-center-role.pdf>

**Individual Program Plan (IPP) for Limited Conservatorships: An Essential Advocacy Tool for Court-Appointed Attorneys**  
<http://spectruminstitute.org/capacity/2-ipp-by-pvp.pdf>

**Survey Results on General vs Limited Conservatorships and Appointed Attorneys**  
<http://spectruminstitute.org/capacity/3-survey-imle.pdf>

**Part One: State Agency Guidance and Oversight is Needed for Conservatorship Assessments and Reports by Regional Centers**  
<http://spectruminstitute.org/capacity/4-dds-guidance-part-one.pdf>

**Part Two: How Regional Centers Should Perform Conservatorship Assessments and How the State Should Fulfill Its Oversight Duties**  
<http://spectruminstitute.org/capacity/5-dds-guidance-part-two.pdf>

**Master's Thesis: Exploring Regional Centers, Limited Conservatorship Policies, and Implications for Adults with Intellectual or Developmental Disabilities**  
<http://spectruminstitute.org/capacity/6-imle-thesis.pdf>

**Legal and Contractual Materials Regarding DDS and Regional Centers in Connection with Capacity Assessments in Conservatorship Proceedings**  
<http://spectruminstitute.org/capacity/7-dds-attachments.pdf>