



Effective :

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Approved By: RCEB BOD on _____

Policy #: TBD

Delegated Conservatorships Policy

DEFINITIONS:

Conservatorship: A court-ordered arrangement where a judge appoints a person (conservator) to manage the rights and affairs of another who is unable to do so for themselves. The individual being conserved is the "conservatee". A filed court document identifies which rights are granted to the conservator to manage.

Delegated Conservatorship: For the purpose of this policy, Delegated Conservatorship is when the Department of Developmental Services (DDS) delegates the day-to-day responsibilities of a conservatorship to a regional center. This is authorized by California Health and Safety Code Section 416.

PURPOSE: Regional Center of the East Bay (RCEB) is committed to upholding the rights, dignity and autonomy of all individuals served regardless of their legal status. This policy is intended to provide guidelines to aid in maximizing the autonomy of the conservatee and to mitigate conflicts that may arise when RCEB is the delegated conservator while also providing service coordination (case management). It addresses the responsibilities of the delegated conservator and the process a conservatee or their legal representative may use if they are dissatisfied with the way the regional center is carrying out its delegated conservatorship responsibilities.

LEGAL AUTHORITY: California Health & Safety (H&S) Code Section 416 (a) Et seq.

(a) The services to be rendered by the director as adviser or as guardian or conservator of the person shall be performed through the regional centers or by other agencies or individuals designated by the regional centers.

RCEB DELEGATED CONSERVATOR RESPONSIBILITIES:

1. Monitoring of the conservatee's health, safety and well-being and protection of their rights. This includes providing the DDS with monthly updates about any changes which impact the conservatee's health, safety or well-being and changes to their services or service needs.

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Website: www.rceb.org

2. Maximizing the conservatee's autonomy and supporting the conservatee in making their own decisions. The regional center shall, to the greatest extent possible, make decisions consistent with the conservatee's preferences including current and previously expressed preferences. These preferences may be made through spoken and non-spoken means of communication including alternative or augmentative communication. This would also include informing the conservatee timely about all decisions the regional center makes on their behalf.
3. Attend each Individual Program Plan (IPP) meeting, and review any potential services and/or natural supports that will assist the conservatee in becoming more independent, increasing their decision-making abilities, and exploring alternatives to conservatorship.
4. Developing a comprehensive person-centered biennial assessment of the conservatee's needs. This should include a review of the continued need for a conservatorship, alternative decision-making options, services needed to increase the conservatee's decision-making abilities and any proposed changes to the conservatorship powers. The conservatee shall have the opportunity to participate in this.

MITIGATING POTENTIAL CONFLICT OF INTEREST:

To mitigate potential conflicts of interest, RCEB has identified the **RCEB Appeals Specialist** position to carry out delegated conservatorship responsibilities. This is an independent position that is not within a service coordination (case management) unit and thereby separates and mitigates the potential for conflict. The position is supervised by the Director of Consumer Services.

ONGOING DESIGNEE RESPONSIBILITIES:

The RCEB Appeals Specialist carrying out the day-to-day conservatorship duties shall:

- Meet with the conservatee in person, at a minimum on a quarterly basis.
- Support the conservatee's participation in the Individual Program Plan (IPP) review meeting and other meetings, as requested by the conservatee.
- Timely inform the conservatee about all decisions made by the regional center on their behalf.
- Timely address with the appropriate regional center staff or external consultants any concerns about the conservatee's health, safety and well-being, violations of their rights, their satisfaction with current services and living arrangement and the need for additional or different services. They also shall support the conservatee in raising any concerns they may have.
- Provide information about the conservatee's preferences and needs as part of the comprehensive person-centered biennial assessment. Provide recommendations about the need for the conservatorship, alternatives to conservatorship, changes to the conservator's powers, and the availability of others who may be able to serve as conservator.

- Assist the conservatee in resolving any concerns they may have about the conservatorship or their regional center services by informing them of the process to request assistance from the Department and/or referring them to other

PROCESS FOR REQUESTING ASSISTANCE FROM DDS:

A conservatee or their legal representative who is dissatisfied with a regional center's performance in carrying out its delegated conservatorship responsibilities may request assistance from the Department in resolving their concerns through:

- The Department's Ombudsperson at: Ombudsperson@dds.ca.gov or (877) 658- 9731
- The Department's conservatorship liaison office at: ddsconservatorship@dds.ca.gov or (833) 421-0061.