



Board approved: November 21, 2024

DDS Approved: March 10, 2025

ACRC Policy

Delegated Conservatorship

Introduction

Alta California Regional Center (ACRC) values the health, safety and wellbeing of individuals with developmental disabilities, and we are committed to upholding the rights, dignity and autonomy of all individuals, including those who are conserved by the Director of the Department of Developmental Services (DDS) (“DDS-conserved clients”).

Legal Background

Conservatorship of individuals with developmental disabilities by DDS is authorized by California Health and Safety (H&S) Code Section 416. Pursuant to H&S Code section 416.19, when DDS is appointed conservator of an individual with a developmental disability, DDS delegates the day-to-day conservatorship authority to the regional center that is serving the conservatee. This is known as “delegated conservatorship.”

Purpose

This policy is intended to provide ACRC board members, employees, individuals served and their families, community partners, and members of the broader community information about how ACRC will mitigate conflicts of interest that may arise when ACRC is the designee for a client to whom it is also providing service coordination, and the steps any client or their legal representative can take to request assistance if they are dissatisfied with ACRC’s performance in carrying out its responsibilities as designee.

Mitigating Potential Conflicts of Interest

To mitigate potential conflicts of interest when ACRC is the designee for a client to whom it is also providing service coordination, ACRC has instituted a separation between its service coordination functions for the client and the delegated conservator responsibilities.

- The day-to-day conservatorship duties shall be carried out by the **Legal Services Specialist** and overseen by ACRC's **Legal Services Manager**.
- The client's assigned ACRC Service Coordinator will be responsible for service coordination only. None of the day-to-day conservatorship duties may be taken by the client's assigned ACRC Service Coordinator, or any co-worker in their case management unit, or by the Client Services Manager supervising the employees in that unit.
- ACRC will present this policy to conservatees on an annual basis.

Designee Responsibilities

Legal Service Specialist, under the direction and supervision of the Legal Services Manager, shall:

- Meet with the conservatee in person at a minimum quarterly (This is separate from any quarterly review meeting that the conservatee's assigned ACRC Service Coordinator may be required to hold with the conservatee.)
- Support the conservatee's participation at all IPP meetings and any other meetings, as requested by the conservatee.
- Attend all IPP meetings and consider, at each, if there are services and/or natural supports that will assist the conservatee in becoming more independent, increasing their decision-making abilities, or exploring alternatives to conservatorship. Maximize the conservatee's autonomy and support the conservatee in making their own decisions.
- Make decisions on behalf of the conservatee only: (1) when necessary; (2) after considering the conservatee's wishes and desires; (3) after discussion with the conservatee's planning team) and (4) only in areas in which the court has granted the conservatorship powers.
- Timely inform the conservatee about all decisions the Legal Services Specialist makes on their behalf,
- Complete DDS's monthly reporting tool to report any changes which impact the conservatee's health, safety or well-being, and changes to their services or service needs.
- Complete and provide to DDS the required biennial comprehensive person-centered assessment of the conservatee's needs, including the need for conservatorship, alternative decision-making options, services needed to increase the conservatee's decision-making abilities, and any proposed changes to the conservatorship powers.
- Monitor and timely address with the appropriate ACRC staff or individuals outside ACRC any concerns about the conservatee's health, safety and well-being, violations of their rights, their satisfaction with their current services and living arrangement, and their need for additional or different services. Legal Services Specialist shall also support the conservatee in raising any concerns they may have.

- 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 resources who may be able to assist them.

Participate in all necessary conservatorship hearings related to ACRC delegate conservatorships and arrange for the attendance of the conservatee whenever necessary.

Qualifications and Training of the Legal Services Specialist:

At minimum, the Legal Services Specialist will have a Bachelor's degree in any field, a social, behavioral, or life science, or special education, five years of experience working with people with developmental disabilities, and three years of experience in rights assurance, or legal or regulatory compliance.

The Legal Services Specialist will be required to receive additional training including, but not limited, on the following topics:

- Probate and LPS Conservatorship
- Alternatives to Conservatorship Including Supported Decision Making
- DDS Conservatorship Nomination Process
- Regional Center Clients' Rights
- Coordinated Future Planning
- Person-Centered Planning Facilitation Skills
- Training(s) facilitated by DDS for Individuals under DDS Conservatorship

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 DDS in resolving their concerns through:

- DDS's Ombudsperson at: Ombudsperson@dds.ca.gov
or (877) 658-9731
- DDS's Conservatorship Liaison Office at: ddsconservatorship@dds.ca.gov
or (833) 421-0061

Note: The legal representative of a delegate conservatee is the Legal Services Specialist or any licensed attorney retained to represent the conservatee.