

## CONFLICT MITIGATION POLICY FOR DELEGATED CONSERVATORSHIPS

- I. **Purpose:** This policy is intended to mitigate conflicts that may arise when the regional center is delegated to act as the conservator while also providing service coordination for the person. This policy shall also ensure that the conservatee or their legal representative may have their concerns fairly heard if they are dissatisfied with the way the regional center is carrying out its delegated responsibilities.
- II. **Definitions:**
- **Consumer, individual, and person served are used interchangeably in regional center policy and the Lanterman Developmental Disabilities Services Act and mean a person who has been found eligible and receives services from the regional center.**
  - *A delegated conservatorship* is authorized by the California Health and Safety Code Section 416.9 when the Department of Developmental Services is appointed as an individual's limited conservator. The Department may then delegate day-to-day authority to the regional center serving that person.
  - Please see the **Limited Conservatorship and Supported Decision-Making Policy** for more information on limited conservatorship and alternatives.
- III. **Policy:** To mitigate the potential for conflicts of interest regarding any individual served by San Andreas Regional for whom the regional center has also been delegated the day-to-day responsibilities of conservator, those day-to-day duties shall be separated and removed from the activities of the service coordinator, manager, and associate director assigned to the person. The regional center shall monitor the person's health, safety, and well-being, and protect their rights. This includes providing monthly updates to the Department regarding any changes which impact the person's health, safety, or well-being, as well as changes to their needs, services, and support.

Regional center staff shall receive education and training regarding the nature, responsibilities, and rights of limited conservators and conservatees upon initial hiring. Training and consultation regarding limited conservatorship will be held monthly by regional center clinical staff and shall be open to all regional center employees.

The IPP (Individual Program Plan) team shall maximize the person's autonomy and support them in making their own decisions. This includes making decisions that reflect the person's preferences to the greatest extent possible and informing the person in a timely manner of decisions made on their behalf. At each meeting, the team shall consider if there are services and supports that will assist the person in becoming more independent by increasing their decision-making capabilities and exploring alternatives to conservatorship. On a biennial basis, the team shall develop comprehensive, person-centered assessments of the person's needs – including for conservatorship – as well as alternative decision-making options, services needed, to increase decision-making abilities, and proposed changes, if any, to the powers of the conservatorship. At all times, the person shall participate in this assessment and be encouraged to identify and include other individuals to be involved in the assessment.

- IV. **Qualifications of Delegated Limited Conservator:** To act as the delegated limited conservator, the designated staff person shall demonstrate knowledge regarding the rights of, and available services and resources for individuals with intellectual and developmental disabilities. The designee shall demonstrate knowledge of the regional center service system, supported decision-making, and the individual program plan team process. The designee shall demonstrate further familiarity with the additional rights and responsibilities of limited conservators and conservatees.
- V. **Standard of Day-to-Day Conservatorship Duties:** The designated regional center staff person shall:
- Meet with the conservatee, in person, at a minimum on a quarterly basis.
  - Inform the conservatee of any decisions made by the regional center on their behalf in a timely manner of no more than five working days.
  - Address any concerns about the conservatee's health, safety, and well-being report and investigate alleged violations of their rights; inquire regarding their satisfaction with current services, living conditions, and the need for any additional or alternative services or supports.
  - Support and encourage the conservatee in raising awareness of any concerns, questions, or opinions they may have at any time, including active participation in any IPP team meeting.

- Inform the team of the conservatee’s preferences and needs as part of the IPP team process and the comprehensive, person-centered biennial assessment. This includes providing recommendations about the need for conservatorship, alternatives to conservatorship, changes to conservator’s powers, and the availability of others who may serve as conservator.
- Assist the conservatee to resolve any concerns they may have regarding the conservatorship, their regional center services, or their rights by informing and guiding them to access assistance from the Department’s Ombudsperson, conservatorship liaison office, or other appropriate resources.

VI. **Assistance may be requested from the Department of Developmental Services.** Conservatees, family, and members of the community may request assistance, make complaints, or express concerns regarding a conservatee’s limited conservatorship, rights, or liberties by contacting the Department’s Ombudsperson.

- **Email:** [Ombudsperson@dds.ca.gov](mailto:Ombudsperson@dds.ca.gov)
- **Phone:** (877) 658-9731

Alternatively, you may contact the Department regarding a person conserved by the Director of the Department.

- **Email:** [ddsconservatorship@dds.ca.gov](mailto:ddsconservatorship@dds.ca.gov)
- **Phone:** (833) 421-0061

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