



AB 2283: State Public Guardian

SUMMARY

Local Public Guardians are an integral part of California’s behavioral health system – providing protection, case management, and advocacy for older adults and people with disabilities unable to manage their basic needs and/or finances. Currently, California’s Public Guardian system is fragmented into a series of local programs facing overwhelming caseloads and no state leadership on standardized practices.

This bill would establish the State Public Guardian within the Judicial Council of California, who would, among other duties, provide guidance to local Public Guardians, develop standardized referral processes, and explore the development of a single state reporting system.

BACKGROUND

Conservatorship is a court proceeding in which the court appoints a person or organization (the ‘conservator’) to manage an individual’s (the “conservatee”) financial affairs, their basic needs, their care, or any combination of these. In California, there are three types of conservatorship:

- **General Probate Conservatorship:** for individuals who are unable to provide properly for their personal needs including physical health, food, clothing, or shelter, and/or are unable to manage their own financial resources or resist fraud or undue influence.

- **Limited Probate Conservatorship:** for individuals with a developmental disability who need conservatorship to protect their well-being. The purpose of this conservatorship is to promote and continue the conservatee’s independence.
- **Lanterman-Petris-Short (LPS) Conservatorship:** for individuals with a grave disability due to severe mental health or substance use disorder who present a danger to themselves or others. The purpose of this conservatorship is to provide the conservatee with individualized treatment, supervision, and placement.

Conservatorship proceedings may be filed by a spouse, relative, or the county Public Guardian – often following a referral by another local government entity.

County Adult Protective Services (APS) departments, which are responsible for the protection of older and dependent adults subject to abuse, neglect, or exploitation, regularly refer clients to their county’s Public Guardian. General Probate Conservatorship is established when the client has been found to be unable to manage their finances and/or care. These clients are often older adults with Alzheimer’s, dementia, or other cognitive impairment.

If the court cannot find a responsible party, it will appoint the county Public Guardian to act as conservator to manage the finances and care of these individuals.

ISSUE:

California's Public Guardian system currently operates at the discretion of county governments, without clear state guidance or the additional resources needed to remain current with changes in conservatorship law. According to the Master Plan for Aging, the need for local Public Guardians is expected to grow alongside the increasing number of older adults living with cognitive impairments.

SOLUTION:

This bill would establish the State Public Guardian, an executive-level position within the Judicial Council of California. The position would be responsible for the following:

- Providing policy updates and technical assistance to local county Public Guardian offices.
- Promoting access to training materials necessary to perform the duties of a Public Guardian.
- Reviewing existing policies and providing recommendations to the Legislature for statutory changes.
- Developing a standardized referral form in consultation with CDSS to streamline referrals to local Public Guardians.
- Exploring the development of a single data reporting system to reduce gaps in caseload management.

The support provided to local Public Guardians by the State Public Guardian will not, to the extent possible, include support to LPS Conservatorships.