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July 31, 2024

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: GUIDELINES TO MITIGATE CONFLICTS FOR DELEGATED
CONSERVATORSHIPS

This correspondence provides guidelines to regional centers about delegated conservatorships. Delegated conservatorships are authorized by Health and Safety (H&S) Code Section [416.19](#) and occur when the Department is appointed as an individual's conservator and delegates the day-to-day conservatorship authority to the regional center serving the conservatee. These guidelines provide direction on addressing the conflicts that may arise when a regional center is the delegated conservator while also providing service coordination and provide a 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.

These guidelines are required pursuant to H&S Code Section 416.19, and is consistent with delegated conservatorship responsibilities identified in regional center contracts with the Department and the Department's authority to oversee and monitor the way regional centers provide services.

Guidelines Regarding Delegated Conservator Responsibility to Mitigate Conflicts of Interest

Regional centers have the following responsibilities as a delegated conservator:

1. Monitoring of the conservatee's health, safety and well-being and protection of their rights. This includes providing the Department with monthly updates about any changes which impact the conservatee's health, safety or well-being and changes to their services or service needs.
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. Considering, at each Individual Program Plan (IPP) meeting, if there are 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 including the 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 assessment and to identify other individuals that should be contacted as part of this assessment.
5. Mitigating potential conflicts of interest by separating the regional center service coordination functions from the delegated conservatorship responsibilities. This means that neither a conservatee's service coordinator, co-worker belonging to the same unit, nor their supervisor should carry-out the day-to-day conservatorship responsibilities to avoid a conflict of interest.

The regional center staff member(s) who carries out the day-to-day conservatorship duties shall:

- Meet at a minimum quarterly, in person, with 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.
- Support the conservatee's participation in the IPP review meeting and other meetings, as requested by the conservatee.
- 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.

Regional Center Executive Directors
July 31, 2024
Page three

Within 120 days from the date of this correspondence, each regional center must provide the Department, for its review and approval, a board approved policy specifying how it will carry-out its delegated conservatorship responsibilities consistent with these guidelines. The policy shall also specify the expected qualifications for staff carrying out the day-to-day conservatorship responsibilities and any training provided to regional staff about conservatorships in addition to that provided by the Department.

Process for Requesting Assistance from the Department

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.

If you have any questions about this correspondence, please send an email to ddsconservatorship@dds.ca.gov.

Sincerely,



ERNIE CRUZ
Deputy Director
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cc: Regional Center Directors of Client Services
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