



*a program of Law Foundation of Silicon Valley*

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## **Temporary Mental Health Conservatorship (T-Con) Info**

### **What are my rights while I am on a temporary conservatorship?**

- You have the right to be in the least restrictive place according to your needs. However, if the conservator believes you need to be in the hospital, they can keep you in the hospital even if you want to leave.
- You have the right to be placed as close as possible to your family and friends and to update them about your hearings.
- You have the same rights as other patients such as the right to have visitors.
- You have the right to have a hearing before taking prescription medication.
- You have a right to speak to a Patient's Rights Advocate.  
You can call MHAP: (408) 280-2420 or (800) 248-6427 x420

### **How long will the temporary conservatorship last?**

It lasts for 30 days initially and can be extended periodically for up to 6 months.

### **Working with your conservator:**

The conservator is a Deputy Public Guardian. You can contact your conservator to ask to be transferred, to request a specific permanent conservator, and to discuss your treatment.

The Public Guardian's office: **408-755-7610**

### **What can my conservator do?**

The conservator, who is usually the Public Guardian, can decide where you are placed (such as in a hospital). A temporary conservator CANNOT sell or relinquish your property. A temporary conservator CANNOT force you to take medication without a separate hearing in court.

### **What can I do if I want to leave the hospital?**

You have a right file a writ of habeas corpus and a court hearing to challenge the conservatorship. You have a right to be represented by the public defender if you cannot afford an attorney.

**Call the Public Defender: Bernice Farfan, Paralegal (408) 299-7152**

Let them know that you want to go to court to challenge the conservatorship and tell them the name of the facility that you are in.

# Permanent Mental Health Conservatorship (P-Con) Info

## What are my rights while I am on a permanent conservatorship?

- You have the right to be in the least restrictive place according to your needs.
- You have the same rights as other patients in the medical center, such as access to your belongings and ability to have visitors.
- You have the right to a treatment plan designed for your needs.
- You have the right to be placed as close as possible to your family and friends and to update them about your hearings.

## How long will the permanent conservatorship last?

Up to 1 year. At the end of the 1 year, the conservatorship ends automatically unless the conservator goes to court again to renew it.

## Working with your conservator:

The conservator may be a Deputy Public Guardian or your family member. You can contact your conservator to ask to be transferred to someone else and to discuss your treatment and placement.

The Public Guardian's office: **408-755-7610**

## The conservator can:

Decide where you are placed (such as a hospital, IMD, or board and care), make medical decisions for you, manage your money and other things only if the court says.

## The conservator CANNOT:

Use your money or other resources for their own benefit. The court supervises the conservator.

## What can I do if I want to leave the facility or terminate the conservatorship?

1. You can have a hearing in court and a court or jury trial before the conservatorship begins.
2. If you lose, you can appeal the judge's decision.
3. You can ask the court to be placed in a less restrictive setting.
4. **Every 6 months** you can ask the court to: end the conservatorship, be moved to a less restrictive setting, or to challenge other powers of the conservator.

- **Call the Public Defender Paralegal (408) 299-7152**
- Let them know that you want to go to court to challenge the conservatorship and tell them the name of the facility that you are in.

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*DISCLAIMER: This fact sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, Mental Health Advocacy Project cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights for your particular case.*