

**OLIVE VIEW-UCLA MEDICAL CENTER  
CLINICAL SOCIAL WORK  
POLICY & PROCEDURE**

**NUMBER: 1334  
VERSION: 1**

**SUBJECT/TITLE:** CONSERVATORSHIP/PUBLIC GUARDIAN

**POLICY:** The Clinical Social Work Department will complete the application for probate conservatorship through the Public Guardian Office when appropriate and work with any patient's court appointed conservator.

**PURPOSE:** Provide Clinical Social Work role in conservatorship and Public Guardian cases which would include "Due Diligence Search" For concerned family or friends when indicated in order to proceed with the conservatorship application.

**DEPARTMENTS:** All

**DEFINITIONS:** Conservatorship – A legal procedure for authorizing a person to make certain decisions for another person. Types of conservatorship proceedings:

1. Lanterman-Petris-Short Act (LPS) – for persons unable to care for themselves due to a mental disorder.
2. Probate Code Conservatorship - for persons unable to care for themselves, their property, or their finances for reasons other than a mental disorder.

**PROCEDURE:** Review each case to determine if guardianship is appropriate and in the best interest of the patient in conjunction with the findings from the Medicine staff and Psychiatry.  
Assess, evaluate and screen cases for the type of action that best meets the patient's needs. Provide patient and family with advocacy and community resources appropriate to the patient's situation. SW staff need to discuss the status of conservatorship proceedings with Risk Management since they are currently facilitating the application process for conservatorship hearings with the county Public Guardian's Office.

**1. Patients Unable To Consent:**

When the referring physician indicates the patient is not able to make decisions. Clinical Social Work staff needs to determine if the patient already has a conservatorship, family who can give consent or a Power of Attorney for Health Care / Advance Directives. In situations where the patient is conserved, the clinical social work staff must confirm the guardianship is current and who is appointed to make decisions for that specific patient. This information must be documented and filed in the patient's medical record.

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- a) If the patient has a conservator or appointed decision maker, staff must contact that person in order to proceed with a transfer or a placement.
- b) If the patient is without a conservator, document clearly in the patient’s medical record why the treatment team determined this patient to be “lacking the capacity to consent” and what steps were taken to locate other interested persons or, suggest that the physician initiate a 3200. If indicated, file a “Referral for Probate Conservatorship Investigation” form and place a copy of the referral form and associated medical documentation in the patient’s medical record. Send the form to: Office of the Public Guardian, 320 West Temple Street, 9th Floor, Los Angeles, California 90012.

**2. Closest Available Relative:**

Circumstances where the patient is incompetent or unable to give consent. Consent can be obtained from the patient’s closest available relative. In this situation clinical social work staff should confirm the relative’s identification and relationship to the patient. Staff should inquire about other relatives; obtain information regarding immediate family and attempt to notify anyone closely related to the patient. Medical records notes should reflect that staff asked about other relatives and any knowledge they have about the patient’s wishes. Staff should question all family members present and indicate they concur with the proposed treatment.

**3. Patients With Acute Mental Illness – LPS patients:**

Patients that are on a 72-Hour Psychiatric Hold and being transferred to the psychiatric ward or being placed in a mental health facility will obtain services from the Psychiatric Department Team. Patients on a 72-Hour Psychiatric Hold, but not considered appropriate for a psychiatric setting, may require our assistance for placement. Examples would include some Dementia patients, with no acute mental health conditions. Cases will be evaluated individually. LPS conservatorship applications will be managed by the Psychiatry Department.

References: W & I Code Sec 5000-5371, P.C. 3200. VC Policy 222	
Approved by: Stephanie Johnson (Assistant Hospital Administrator)	Date: 04/27/2011
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