

Law, Psychology, and Forensic Assessment of Capacities for Life Decisions by Limited Conservatees

A Roundtable Conference
sponsored by the
Disability and Abuse Project

Date and Location to be Announced

A Roundtable Conference will be held to focus on the role of attorneys, court investigators, mental health professionals, social workers, and judges in assessing the capacities of proposed limited conservatees to make major life decisions, such as residence, education, finances, and medical treatment. Special attention will be given to decisions involving sexual activities and decisions regarding social contacts and personal relationships.

A portion of the conference will discuss the development of criteria and guidelines for each professional person and each agency worker who assesses such capacities in limited conservatorship cases. The goal is to begin the process of developing criteria for these assessments. Discussion will also focus on strategies for challenging assessments that lack factual foundation or clinical validity.

Recent monitoring of the Limited Conservatorship System has revealed that criteria and guidelines are not being used by those who are making recommendations about which of the “seven powers” should be retained by the client and which should be given to the conservator. Court appointed attorneys are supposed to advocate for retention of rights but they are not receiving training on how and when to challenge petitions on any of these seven powers which are not supported by substantial evidence or valid assessment criteria. Doctors submitting capacity declarations do not render opinions on which of the seven powers should be retained by the client. Nor does it seem that such doctors have training on forensic assessments. Since very few petitions are contested, and appeals are almost nonexistent, there is virtually no guidance from appellate court cases on these issues.

Regional Center case managers do not have guidelines nor do they receive training on psychological assessment of client capacities in each of these seven areas. No one is giving any professional assessment regarding capacity to vote. It is unknown whether court investigators have any guidelines or receive any training on these issues. Parents routinely ask for all seven powers and do not receive any educational materials or training on these issues nor are they told about the legal presumption that their adult child should retain as many rights as possible and be as independent as possible.

These agencies and individuals will be invited to the conference: (1) Association of Regional Center Agencies (2); (2) social worker (1); (3) medical doctor (1); (4) Office of Client’s Rights Advocacy (2); (5) court investigator (1); (6) PVP training program coordinator (1); (7) State Council on Developmental Disability (2); (8) Area Board 10 (1); (9) TASH (1); (10) The Arc of California (1); (11) Forensic Mental Health Association of California (1); (12) Forensic Psychology professor (1).

For more information, contact:

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| 9:30 a.m. - 9:45 a.m. | Registration (meet and greet) |
| 9:45 a.m. - 10:00 a.m. | Overview |
| 10:00 a.m. - 11:00 a.m. | Constitutional and Statutory Considerations |
| 11:00 a.m. - 12:00 p.m. | Sexual Relationships: Assessment of Capacity; Rights of Conservatees; Duties of Conservators; Mediation of Disputes |
| 12:00 p.m. - 1:00 p.m. | Lunch (restaurants within one block) |
| 1:00 p.m. - 2:00 p.m. | Social Decisions: Assessment of Capacity; Rights of Conservatees; Mediation of Disputes |
| 2:00 p.m. - 3:00 p.m. | Regional Center and Clients Rights Advocates: Criteria and Training for Assessment Reports; Intervention for Protection of Rights |