



## Senator Scott Wiener, 11<sup>th</sup> Senate District Senator Henry Stern, 27<sup>th</sup> Senate District

### SB 1045 – Improving California Conservatorship Law

#### SUMMARY

Senate Bill 1045 creates a new conservatorship pilot program for the Counties of San Francisco and Los Angeles that focuses on providing supportive housing with intensive wraparound services to care for the most vulnerable Californians who are chronically homeless, seriously mentally ill, and suffer from substance use disorders. This program focuses on people who routinely end up in emergency room, psychiatric facilities, jail, or other police custody and for whom voluntary support services have repeatedly failed to have a positive long-term impact.

#### BACKGROUND

The California conservatorship system is made up of two sections: the Lanterman-Petris-Short (LPS) Act section and the probate section. Conservatorship law is an important safeguard for protecting individuals incapable of managing their own affairs. Conservatorships under the LPS Act are designated for individuals unable to care for themselves due to debilitating mental illness, while probate conservatorships are designed for individuals unable to care for themselves due to physical health issues, cognitive impairment or elder abuse. These types of conservatorships have allowed families to conserve adult children or elderly family members with grave disabilities in order to manage their care or finances.

#### PROBLEM

California faces an unprecedented housing affordability crisis, accompanied by significant untreated mental illness and drug addiction. These conditions, coupled with the limitations of our state and local social services, have left some counties searching for more tools to provide help and support to those Californians in the most need. Many of the successful programs and services across the state have still fallen short of providing meaningful rehabilitation to a small population of residents with severe mental illness and drug addiction who are deteriorating on our streets.

Some of these individuals are regularly placed on psychiatric hold, admitted to the emergency room for evaluation, or are arrested for behavior related to severe mental illness or drug addiction. By allowing greater flexibility to conserve these extremely disabled individuals, who are unable to make decisions for themselves, we can keep people out of the criminal justice system and focus on their health and well-being.

#### SOLUTION

SB 1045 creates a five year pilot program for San Francisco and Los Angeles Counties for a conservatorship program in the Welfare and Institutions Code that focuses on providing housing with wraparound services to the most vulnerable Californians living on the streets. In order to be considered for conservatorship, an individual must be chronically homeless, suffering from serious mental illness and substance use disorder such that those co-occurring conditions have resulted in that individual frequently visiting the emergency room, being frequently detained by police under a 5150, or frequently held for psychiatric evaluation and treatment.

Under this bill, San Francisco and Los Angeles Counties would have to opt-in through a resolution by the Board of Supervisors in the same way that Laura's Law authorization happens. This process ensure that a County is transparently considering the adoption of this program and not sacrificing the resources of voluntary programs in favor of this conservatorship. Under the program, the director of a county mental health or social services department, the county sheriff, the director of a hospital or emergency health facility, or the head of a facility providing intensive services can recommend to the county that a person be conserved.

(Over)

If the county officer investigating the conservatorship agrees with that recommendation, a judge will consider the case of the person to be conserved and only order conservatorship if there are no viable alternatives to caring for that individual, other than conservatorship. Before an individual is conserved, a presentation and declaration of available resources must be made to the judge in order to assure that the individual will have the necessary care provided by trained staff.

The conservatorship in supportive housing with wraparound services would end after one year, with the opportunity for the conservatee to petition the court for a hearing on their conservatorship status every month. After one year, the conservatee would be released from the supportive housing program.

Lastly this bill also requires Los Angeles and San Francisco Counties to establish working groups to assess the effectiveness of this new conservatorship to meet the needs of the people that would qualify and to determine whether the county has the resources and ability to effectively implement this conservatorship. These working groups would have to report back to the County with data collected about the function of the conservatorship program before the pilot program terminates.

This bill will provide a narrow, but effective optional tool for counties to deliver services, treatment, and support to the most vulnerable people in California.

## **FOR MORE INFORMATION**

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## **SUPPORT**

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- Mayor Mark Farrell, City of San Francisco (sponsor)
- City and County of San Francisco (sponsor)
- America's Physician Groups
- City of Fairfield
- City of Los Angeles
- City of Santa Monica
- Stop Crime SF
- Summer Stephan, District Attorney, San Diego County
- Treatment Advocacy Center