



TRI-COUNTIES REGIONAL CENTER

Enhancing the Quality of Life for Persons with Developmental Disabilities

Policies & Guidelines

Policies and Guidelines - 13301

Approved by DDS: 7/18/2012

SERVICE POLICY GUIDELINES

Assistance with Court Proceedings

Tri-Counties Regional Center will assure that persons with developmental disabilities have the same protections under the law as non-disabled persons. Tri-Counties Regional Center recognizes that it has a responsibility to assist persons served, and where appropriate their families, in their dealings with the judicial system.

Tri-Counties Regional Center personnel will actively seek opportunities to offer advocacy assistance. The individual and his/her family will be encouraged at all times to choose what level of assistance of advocacy intervention they prefer. Tri-Counties Regional Center will assist the individual and/or family in acquiring or improving their skills to advocate for themselves.

Tri-Counties Regional Center will provide persons served and their families legal assistance services in matters relating to proceedings in the Mental Health or Probate Department of the Superior Court and/or the criminal justice system.

The establishment of a limited conservatorship is a legal proceeding in which an individual or agency is appointed by the court to be responsible for a person who needs assistance in the activities of daily living. A conservator of the person will ensure that the conservatee is properly fed, clothed and housed. A conservator of the estate is responsible for managing the conservatee's money and other property. An individual or agency may serve as conservator of the person, of the estate, or of both. Two individuals or agencies may assume the different roles.

Tri-Counties Regional Center will provide information regarding the types of conservatorship options available for an individual and family, including but not limited to a Lanterman-Petris-Short or a 6500 conservatorship or a Hop proceeding.

Tri-Counties Regional Center will protect, to the extent of its influence, all individuals' rights in relation to the establishment of a conservatorship. The existence of a developmental disability should not be, in and of itself, sufficient reason for the establishment of a conservatorship. Tri-Counties Regional Center will initiate referral for conservatorship, in accordance with guidelines from the Department of Developmental Services which are founded in the Lanterman Developmental Disabilities Services Act.

On request, Tri-Counties Regional Center will ensure that appropriate staff including, but not limited to, the service coordinator, the psychologist, the physician and/or the clients' rights advocate meet to review the person's ability in each of the limited powers specified in the conservatorship proceeding in order to prepare the written recommendations for the court.

Tri-Counties Regional Center will provide consultation and/or referral to low cost legal assistance to persons interested in seeking conservatorship. Tri-Counties Regional Center will provide technical assistance in conservatorship matters when it is in the best interest of the person served and where the individual seeking conservatorship has no other resources available.



TRI-COUNTIES REGIONAL CENTER

Enhancing the Quality of Life for Persons with Developmental Disabilities

Policies & Guidelines

Tri-Counties Regional Center will not provide or purchase legal assistance services to establish a conservatorship or pay court fees related to the institution of a conservatorship except in those instances where the establishment of a conservatorship is essential to the implementation of the person's Individual Program Plan.

Tri-Counties Regional Center will assure the protection of all individuals' rights related to their respective dealings with the criminal justice system, including but not limited to:

- examinations to determine if the individual is competent to participate in his/her own defense under 1370.1 of the penal code;
- enrollment and participation in a diversion plan established to allow the court to dismiss criminal charges when the charges are for a misdemeanor or can be reduced to a misdemeanor;
- enrollment and participation in parole or probationary programs.

Tri-Counties Regional Center will advise persons served involved in the Criminal or Superior Court system of the potential opportunities when a 1370.1 evaluation or enrollment in either a diversion or a probation/parole program could be in their best interest. The Planning Team will determine whether a viable service plan can be developed and implemented that will address the criminal charges for an individual who requests enrollment in either a diversion or a probation/parole program. The Planning Team will include at a minimum, the person served and his or her representative, the service coordinator, the Tri-Counties Regional Center psychologist and a representative from the office of the clients' rights advocate. This team must reach consensus on the viability of the diversion, probation or parole program and any recommendations to be made to the court.

The expected result from the provision of any legal assistance services must lead to measurable outcomes as stated on the person's Individual Program Plan. The provision of a legal assistance service must be both clinically and fiscally an effective use of public funds.

Exception Policy:

Tri-Counties Regional Center recognizes that some individual needs are so unique that they may not be addressed in this Service Policy and may require an exception. Such requests for an exception to a Service Policy will be made through the Planning Team process.