



HANDBOOK FOR PRIVATE LPS CONSERVATORS IN ORANGE COUNTY

**Orange County Health Care Agency
Behavioral Health Services
Public Guardian
Fourth Edition
2015**

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1. LPS CONSERVATORSHIP OF THE PERSON

Conservatorship under the Lanterman-Petris-Short (LPS) Act is a legal mechanism whereby persons who are “gravely disabled” are provided with assistance. A person is gravely disabled if he or she cannot provide for his or her own basic personal needs for food, clothing or shelter as a result of a mental disorder. The LPS Act is found at California Welfare & Institutions Code sections 5000-5550.

A conservator of the person, whether public (the Public Guardian) or private (relative, friend or significant other) is appointed and authorized by the Superior Court to make sure the conservatee obtains appropriate treatment for his or her mental disorder. The court will give the conservator certain powers with respect to placement and treatment of the conservatee. Since these powers vary, it is important that the conservator carefully read the court’s Order Appointing Conservator and Letters of Conservatorship so that the powers granted are understood. The Order and Letters must be kept for reference and made available upon request to medical providers, treatment facilities, Social Security, Medi-Cal, etc.

2. LPS CONSERVATORSHIP OF THE ESTATE

When the Public Guardian is the conservator, it almost always has conservatorship over both the person and the estate of the conservatee. However, most private conservators are appointed as conservator of the person only, as explained below.

Prior to the initial hearing on the petition for conservatorship, the County Conservatorship Investigator (which is the Public Guardian) files an extensive report with the court. That report includes information about the conservatee’s assets and income as far as the Public Guardian is able to determine it. If the conservatee has

assets or income that will need to be protected, then the Public Guardian will recommend that a conservator of the estate be appointed. This is not considered necessary in the vast majority of the cases where a private conservator will be appointed.

If there is no conservator of the estate, the conservatee is entitled to manage his or her income and property as he or she chooses, although as conservator of the person you will likely be assisting with that. You can also ask the Social Security Administration (SSA) to allow you to manage the conservatee's benefit income directly as "representative payee." This is discussed in more detail in Section 7.

If the court appoints a private conservator of the estate, the law requires that the conservator file a surety bond with the court. This is a form of insurance, available to reimburse the conservatee if there are improper acts by the conservator. The bond must be in an amount calculated as the value of the personal property of the estate, plus the annual gross income of all the property of the estate.

If you will need a bond, obtaining one is your responsibility; neither the Public Guardian nor the court can do this for you. The annual premium for the bond varies depending on many factors, including the size of the bond and your personal credit rating. You may pay the premium from the assets in the estate.

As a practical matter, it is difficult for a private conservator to obtain a bond unless represented by an attorney. You may obtain a surety bond through many insurance agents, but most Orange County conservators obtain their bonds through:

Bond Services of California
2700 North Main Street, Suite 1105
Santa Ana, CA 92705
(714) 558-3007

After appointment as conservator of the estate, the conservator must file with the court an Inventory & Appraisal of the conservatee's assets, and at the end of the

first year an accounting, to demonstrate that the conservatee's property and income was safeguarded and used to benefit the conservatee.

3. GRAVE DISABILITY

A person is "gravely disabled" if he or she:

A. Has a mental health disorder, which must be one of the disorders listed in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5); and

B. As a result of the mental disorder, cannot provide for his or her basic personal needs for food, clothing, or shelter.

This definition is found at Welf. & Inst. Code section 5008(h)(1)(A). There is no requirement that the person be presently dangerous to self or others in order to be found gravely disabled.

Aside from the definition in the statute, other factors can come into play. For example, even a person with a severe mental disorder is not gravely disabled if he or she can survive safely in the community with the help of responsible family, friends or others who are willing and able to assist the person. Welf. & Inst. Code section 5350(e). This is called "third party assistance."

If the person denies that he or she is gravely disabled, that must be proven in court beyond a reasonable doubt.

4. PROCEDURE TO ESTABLISH AN LPS CONSERVATORSHIP

The process of establishing an LPS conservatorship involves the following steps:

A. Referral. This is a recommendation for conservatorship by a mental health professional designated by the Orange County Director of Behavioral Health

Services. Almost always the referral is on a person who has been detained in a mental health treatment facility under Welf. & Inst. Code section 5150 [72 hours] and then section 5250 [14 days]. All LPS referrals in Orange County must be made to the Public Guardian.

B. Acceptance and Investigation by Public Guardian. Upon receipt of a referral, the Public Guardian will review the referral for appropriateness, ensuring that a diagnosis from the DSM-5 is listed, and that the proposed conservatee meets the legal criteria for grave disability.

C. Filing of a Petition in Superior Court. If the referral is accepted, it is then sent to the office of Orange County Counsel, which is the attorney for the Public Guardian. A Petition for Appointment of Conservator is then filed in Orange County Superior Court.

D. Appointment of Public Guardian as Temporary Conservator. At the time the Petition is filed, the Public Guardian seeks appointment as Temporary Conservator of the person of the conservatee. Only the Public Guardian can act as Temporary Conservator. A Temporary Conservatorship expires after 30 days unless extended by the court.

E. Appointment of the Public Defender. The court automatically appoints the Orange County Public Defender as counsel for the conservatee.

F. Investigation by the Public Guardian/Court Report. The Public Guardian is the designated County Conservatorship Investigator and is required to investigate all available alternatives to conservatorship, and to recommend conservatorship to the court only if no alternatives exist.

The Public Guardian maintains a staff experienced in the investigation and administration of conservatorships and a Deputy Public Guardian is assigned to investigate each case. The investigation consists of interviews of the conservatee, the conservatee's relatives, friends, and mental health professionals as well as

inspection of medical, psychiatric, social and financial records. A recommendation for conservatorship will include the reasons for the need of a conservatorship, the person(s) who will serve as conservator and a description of the assets and sources of income of the conservatee. Recommendations against conservatorship indicate the reasons why the person is considered no longer gravely disabled or will state the viable alternatives to conservatorship.

G. Status Conference. An initial hearing on the Petition, called a “Status Conference,” is set approximately three weeks after filing. Status Conferences are held on Thursdays at 9:00 a.m. in Dept. C9. The conservatees are not transported to court for these hearings. The purpose of the Status Conference is to learn from the Public Defender whether the conservatee will consent (“submit”) to being on conservatorship, or will object and ask for an evidentiary hearing. In the latter case, a “Contested Hearing” is scheduled, usually the following week.

H. Contested Hearing. Contested Hearings are held on Mondays, Wednesdays and Thursdays at 8:30 a.m. in Dept. C9. At a Contested Hearing, evidence is presented by the Public Guardian and the Public Defender or a private attorney regarding grave disability. A forensic psychologist will testify, and usually the conservatee will testify. If the court finds the conservatee gravely disabled due to a mental disorder, a conservatorship is established. However, the conservatee may request a jury trial if the request is made within 5 days after the hearing.

I. Jury Trials. If the conservatee demands a jury trial after a private conservator’s initial appointment, County Counsel will still handle the matter because that trial would be on the Public Guardian’s petition. Jury trials occurring after a private conservator’s reappointment are discussed in section 9.

J. Order and Letters. Whether by consent of the conservatee at the Status Conference, or after a Contested Hearing, if the Public Guardian recommends that a private conservator be appointed, then an Order Appointing Conservator is issued

that lists the conservator's powers. The type of powers that can be granted are described below. The conservator will also be issued Letters of Conservatorship, which again list the powers granted and which contain the conservator's oath and promise to perform the duties of a conservator under California law.

You will typically receive a copy of your Order and Letters in the mail from County Counsel about 14 days after appointment. If you need proof that you are the conservator in the interim, you can ask the Clerk for a copy of the Minute Order.

K. Expiration. An LPS conservatorship automatically expires one year after the date of appointment. To continue the conservatorship after one year, a petition for reappointment must be filed with the court.

L. Planning for Reappointment. You are responsible for seeking reappointment as conservator yourself if that is believed necessary; the Public Guardian and County Counsel cannot do this for you. It can take some time to obtain the necessary declarations, so you should calendar a date about 90 days prior to the expiration date to begin that process.

5. LOCATING RESOURCES

You may already be familiar with available resources and services. Or you may be new to dealing with mental health and social services. Except for the relatively few conservators who can rely entirely on private resources, there is one essential place for you to begin your efforts on behalf of the conservatee: Care Coordination Services, part of Orange County Behavioral Health Services - Adult and Older Adult Services.

Adult and Older Adult Services provides recovery mental health services which emphasizes individual needs, strengths, choices, and involvement in service planning and implementation. Services include assessment, evaluation, collateral therapy, individual and group therapy, substance abuse treatment,

medication support, rehabilitation, linkage and consultation, placement, plan development, crisis intervention, and specialized residential services.

Eligible individuals are adults who have a serious and persistent mental illness, may have a co-occurring substance abuse disorder, and exhibit impairments in their ability to function in the community. Individuals eligible for the program typically do not have access to other resources, and have a history of psychiatric hospitalizations.

Care Coordinators work with individuals on private conservatorships who are in community placement through outpatient mental health clinics located throughout Orange County. Individuals who are on private conservatorship and are placed in a locked facility in a County-contracted bed are monitored by Health Care Agency - Long Term Care.

To receive services from Adult and Older Adult Services for a private conservatee living in a community setting, please call your local Behavioral Health Clinic community access point (See Resources section for addresses and phone numbers). If you have questions about which program would best fit your current needs please call the Orange County Behavioral Health Services Information and Referral line at (855) OC-LINKS or the TDD number at (714) 834-2332.

6. RESPONSIBILITIES OF A CONSERVATOR

The purpose of an LPS conservatorship is to provide individualized care and treatment for persons with a severe mental disorder. To accomplish that end, a conservator of the person is granted powers over the conservatee in two areas: Placement and Treatment.

These guidelines are intended to provide general information on the responsibilities and duties of a conservator. Specific advice regarding a particular situation arising in a conservatorship should be obtained from an attorney.

As conservator, you are not liable for any actions the conservatee commits, nor do you become personally responsible for his or her debts.

A. PLACEMENT

A conservatee must be placed in the least restrictive placement as determined by the court. At the time of a private conservator's initial appointment, the court will have made this determination. If a conservatee cannot be placed in his or her own home or the home of a relative, the first priority is to select a facility as close as possible to the conservatee's home and family.

In Orange County we generally divide all placements into "levels of care". In order from most restrictive to least restrictive, these are:

1. State Hospital (such as Metropolitan State Hospital in Norwalk).
2. Private locked inpatient psychiatric facility, such as Royale TRC in Santa Ana. Some of these are "IMD" facilities that provide long-term care, such as Sylmar Health & Rehabilitation. Unfortunately, none of the IMDs are in Orange County.
3. Private unlocked hospital (a skilled nursing facility).
4. Board & Care home.
5. Private residence (private home or apartment, group home, or a room & board home.)

As the conservatorship proceeds, the conservator should stay in contact with and consult with the conservatee's treating staff (psychiatrist, psychologist or care coordinator) to determine the conservatee's needs. Only Public Guardian conservatees automatically have a Care Coordinator. Private conservators need to access Adult and Older Adult Services (discussed in Section 5) to have a Care Coordinator assigned to your conservatee. That person should be consulted as to the most appropriate living arrangement for the conservatee.

Placement in a locked hospital like a TRC or IMD must be arranged through Orange County Behavioral Health Services - Long Term Care. Please contact the Long Term Care unit at (714) 834-4534. When the conservatee is admitted to any facility for treatment, you, as conservator, must provide all necessary authorizations required by the facility for treatment of the conservatee within 24 hours of admission (unless prior arrangements are made). It is also expected you will not remove the conservatee from the facility against medical advice.

1. Moving the Conservatee to a Lower Level of Care. If advised by the treatment staff that it would be appropriate to do so, you may transfer the conservatee to a less restrictive placement at any time without a hearing or court approval. **You must notify the Public Defender or other attorney for the conservatee of the conservatee's new address.** (The Public Defender's contact information is listed in the Resources section of this guide.)

2. Moving the Conservatee to a Higher Level of Care. If you have reasonable cause to believe that the conservatee is in need of immediate, more restrictive placement because his or her condition has changed such that the conservatee poses an immediate and substantial danger to self or others, you may place the conservatee in a more restrictive placement or hospital. **However, you must provide written notice of the change and the reason for it to the court, the conservatee's attorney, and to Orange County Patients' Rights.** (Contact information for Patients' Rights is listed in the Resources section of this guide.)

3. Change of Placement by Court Order. At any time the conservatee may petition the court for a hearing asking to be moved to a lower level of care. After the first such petition, no further petition can be filed for six months.

4. What if the Conservatee Leaves the Facility Without Permission? To help you bring the conservatee back to the facility, you can make a request in writing to the appropriate law enforcement agency (local police or Sheriff) to detain the

conservatee and return him or her to the facility. Your request must include a copy of your current Letters of Conservatorship. To help law enforcement do this, you may provide a description and photograph of the conservatee and may disclose private information about the conservatee.

If the conservatee's whereabouts are unknown, you should file a missing person report with the law enforcement agency in the jurisdiction from which the conservatee is missing. You should do this immediately.

B. TREATMENT

An LPS conservatee has the same fundamental rights to make their own treatment decisions as any other person. The conservatee retains this right until a court determines that the person lacks the mental capacity to give informed consent regarding certain decisions.

As conservator, you can be given power by the court to make three types of decisions for the conservatee. Not all of these will apply to your case; it depends on the orders made by the court, as reflected in the Order and Letters.

1. Treatment for Mental Illness. In virtually all cases, the court gives the conservator the power to consent to treatment for the condition that makes the conservatee gravely disabled. Typically this involves psychiatric treatment, including giving psychotropic medications.

2. "Routine" Medical Treatment Unrelated to Grave Disability. As with psychiatric treatment, a LPS conservatee has the right to refuse medical treatment unless that right has been taken away by the court. If you have been granted the power to make routine medical decisions for the conservatee, that will be reflected on your Order and Letters. "Routine" medical treatment generally means ongoing treatment for medical conditions that existed at admission, and simple treatment for

conditions that develop after admission. This includes physical exams; lab work; oral medications; skin tests; x-rays; injections; and routine dental care.

3. “Special” Medical Treatment. “Special” medical treatment generally means any procedure involving surgery or placing the conservatee under anesthesia. If you have been granted the power to make other (“special”) medical decisions for the conservatee, that will be reflected on your Order and Letters.

If the conservatee requires special medical treatment and you have not been granted special medical authority by the court, you have two options: (a) if the treating doctor agrees that the conservatee has capacity to give informed consent, he or she can consent to the treatment individually; or (b) you must petition the court for authority to consent on behalf of the conservatee. The conservatee may challenge the petition and is entitled to a hearing on the issue. The two issues at such a hearing will be whether the treatment is medically necessary, and whether the conservatee has the capacity to give informed consent.

4. Emergency Medical Treatment. No court order is needed for the conservator to consent to emergency treatment of a conservatee, if the conservatee faces “loss of life or serious bodily injury.”

7. OTHER LEGAL DISABILITIES

In addition to not having the right to refuse treatment and placement, certain legal disabilities may be imposed on LPS conservatees.

LPS conservatees do not suffer any legal disabilities except as specifically set forth in the LPS Act. A finding of grave disability by itself is not sufficient to impose legal disabilities on the conservatee; the court must make specific orders to impose any disabilities. The possible legal disabilities are:

A. Driving. An LPS conservatee may lose the privilege of possessing a driver's license if he or she is not capable of safely operating a motor vehicle. If the court imposes this disability the conservator must notify the Department of Motor Vehicles.

B. Contracts. An LPS conservatee can be denied the right to enter into contracts. Even if this disability is imposed, a conservatee is presumed to retain testamentary capacity and can still make a valid Last Will. The conservatee is also presumed to retain the capacity to marry.

C. Weapons. An LPS conservatee may be denied the right to own or possess a firearm or other deadly weapon during the conservatorship if the court finds that possession would present a danger to the safety of the patient or others. If the disability is imposed, the court must notify the State Dept. of Justice within one day. For anyone who is under conservatorship this disability is a matter of law; this is due to the five-year prohibition imposed by California law on anyone who was detained under *Welf & Inst. Code* §5150 or §5250, as well as the lifetime ban imposed on such persons by Federal law.

D. Voting. An LPS conservatee can be disqualified from voting based on a finding that he or she is not capable of completing an affidavit of voter registration. If the disability is imposed, the court must notify the Orange County Registrar of Voters.

8. REPRESENTATIVE PAYEE

Any income (such as SSI, Social Security, Veteran's Administration pension or other pension) received by the conservatee is to be used exclusively for the care and treatment of the conservatee or to meet other personal needs.

If the conservatee receives SSI or Social Security income, the private conservator is expected to apply to become the conservatee's Representative Payee.

Acting as the Representative Payee ensures the conservator will have the funds to pay for mental health treatment of the conservatee. You must apply to the Social Security Administration (SSA) to become Representative Payee; the court does not make the decision, and merely being appointed as conservator does not guarantee you will be appointed as Representative Payee.

You should contact the SSA office nearest you to apply to be Representative Payee; the Orange County offices are listed in the Resources section. You must then submit an application, form SSA-11 (Request to be Selected as Payee) along with documents to prove your identity. You will need to provide your Social Security number. SSA requires you to complete the application in a face-to-face interview (with certain exceptions). You can find more information on this process by calling SSA at (800) 772-1213 or on SSA's website <http://www.ssa.gov/payee/index.htm>.

If the conservatee is placed in a TRC or IMD facility funded by Orange County Health Care Agency - Long Term Care, it is your responsibility to contact Long Term Care at (714) 834-4491 to discuss financial arrangements. You must do this prior to your conservatee's admittance to a long term care facility.

You will be asked to sign the necessary consents for treatment and assign the conservatee's benefit income towards the cost of care. The conservatee's income pays only a portion of the cost of care; the remainder is paid by Long Term Care. Monthly statements will be sent to you requesting payment of the conservatee's SSI income to the County, and Social Security or Pension income directly to the facility. The conservatee is entitled to retain a small amount of funds for personal needs, usually \$35.00 per month, which you can send to the facility for the conservatee's patient trust account or retain for purchase of clothing, shoes and other personal items.

9. TERMINATION OF CONSERVATORSHIP

LPS conservatorships automatically terminate one year after the date the conservator was appointed. A conservatorship can be terminated earlier in two ways:

A. TERMINATION BY TREATING DOCTOR

It is essential that the conservator maintain close contact with the Care Coordinator and other mental health professionals who are responsible for providing or overseeing the treatment of the Conservatee's mental disorder. When progress in the course of treatment reveals that the conservatee is able to provide for his or her basic needs, then the conservator must notify the Superior Court, which will then terminate the conservatorship.

B. TERMINATION BY REHEARING

The conservatee has the right to request a Rehearing during the year-long conservatorship. The first such Rehearing can be requested at any time, but if the first Rehearing is denied, the second one may not be filed for six months. This means that the conservatee can have at most two Rehearings during each year of conservatorship.

In a Rehearing, the conservatee requests that the court find that he or she is no longer gravely disabled. In this proceeding the conservatee bears the burden of proof, but must only prove it by a preponderance of the evidence. If the court grants the Rehearing, the conservatorship is terminated.

10. FILING FOR REAPPOINTMENT

If at the end of the one-year conservatorship the conservatee remains gravely disabled (unable to provide for his or her basic needs of food, clothing and shelter due to a mental disorder) the conservator must petition the court for reappointment as conservator.

About 60 days prior to the automatic expiration of the conservatorship, the Clerk of the Superior Court will notify you by mail that the conservatorship is about to terminate. **You must notify the Superior Court if you change your address so notifications can be received timely.**

As noted earlier, you should not wait to receive the notice from the court. Starting about 90 days before expiration, you should consult with the mental health professionals responsible for the conservatee's treatment as to whether the conservatee remains gravely disabled. If there is agreement on the need to renew the conservatorship, two doctors (who must have either an M.D. or Ph.D.) must complete a Declaration in Support of Reappointment of Conservator. You must attach that Declaration to the Petition for Reappointment of Conservator.

The court has developed a LPS Conservator Reappointment Packet, a sample of which appears in the following pages. This packet is not mailed to you by the court; you must either go to the Clerk's office to obtain the forms, or download and print the forms yourself. The forms are available at:

Orange County Superior Court
700 Civic Center Drive West, 1st Floor
Santa Ana, CA 92701
<http://www.occourts.org/forms/formslocal.html>

You want Local Form L-0984, "Packet – LPS Conservatorship".

The current filing fee for the first Petition for Reappointment is \$435.00.
(There is no filing fee for subsequent years.) You can request that the court waive

that fee by completing an Application for Waiver of Court Fees and Costs (Local Form L-0080, "Packet – Fee Waiver"). The court will decide whether to waive the fee based on the conservatee's individual financial situation. Normally the fee will be waived if the conservatee is receiving SSI and/or Medi-Cal benefits.

INFORMATION SHEET FOR LANTERMAN-PETRIS-SHORT CONSERVATORSHIP REAPPOINTMENT

Your documents may be submitted to the court by eFiling, mail or at the Probate / Mental Health Clerk's office located at 700 Civic Center Drive West, Santa Ana, CA 92701. For more information regarding Probate eFiling, please visit www.occourts.org.

The following forms are required at the time of filing:

- Petition for Reappointment of Conservator
- Declaration of Physician or Qualified Licensed Psychologist Conservatorship Re-evaluation (Exhibit A)
- Notice of Hearing
- Declaration of Service
- Order Reappointing Conservator

1. All documents must be signed and dated.
2. The Petition for Reappointment of Conservator **MUST** have attached the opinions of two (2) physicians or qualified licensed psychologists declaring that the conservatee is still gravely disabled.
3. File all of the above documents to obtain a hearing date from the court.
4. Upon receiving a hearing date, place the date on the Notice of Hearing.
5. Mail copies of the Petition for Reappointment of Conservator, the Notice of Hearing and declaration(s) by first class mail to the parties listed in the Declaration of Service form.
6. Complete the Declaration of Service and file with the court.
7. **You must attend the hearing.** You must attend even if the conservatee tells you that he or she will not oppose your reappointment; the conservatee may have expressed a different position to his or her attorney. You will be notified by the conservatee's attorney if your presence at the hearing is not required.
8. The conservatee has the right to oppose your reappointment as conservator and to request an evidentiary hearing. At such a hearing you have the burden of proving that the conservatee is still gravely disabled. You will need to secure the testimony of a psychiatrist or psychologist who has examined the conservatee. You may want to hire an attorney for that purpose. If you cannot afford to hire an attorney, the court can supply you with the name of an attorney who may be willing to provide you with representation at no charge. You will need to contact that attorney and arrange representation; the court cannot do that for you.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (Name): _____ Bar No.: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 Civic Center Dr. West Santa Ana, CA 92701-4045	
IN THE MATTER OF:	
PETITION FOR REAPPOINTMENT OF CONSERVATOR	CASE NUMBER:

PETITIONER (name): _____ states:

1. a. Petitioner was appointed conservator of the person of the conservatee (name): _____
- b. Petitioner qualified, and Letters of Conservatorship were duly issued on or about (date): _____
- c. Petitioner is now, and since that date has been, the duly appointed, qualified, and acting conservator of the person of the conservatee.

2. The conservatee is presently confined at _____
 It is the professional opinion of: _____ M.D.
 and _____ M.D., as set forth in their

declaration dated: _____ (attached as "Exhibit A" and incorporated by reference) that the conservatee is still gravely disabled as a result of a mental disorder or impairment by chronic alcoholism and is unwilling to accept or incapable of accepting treatment voluntarily.

3. Petitioner is informed and believes and on that information and belief alleges that the conservatee is still a gravely disabled person as defined in Section 5008(h) of the Welfare and Institutions Code as a result of a mental disorder or impairment by chronic alcoholism is unwilling to accept or incapable of accepting treatment voluntarily, and is in need and does require a conservator of his or her person.

4. It is in the best interests of the conservatee and necessary that the conservator have the following powers:
 - a. The power to place, for the purpose of involuntary care and treatment, the conservatee in a medical, psychiatric, nursing or other state-licensed facility, or a state hospital, county hospital, hospital operated by the Regents of the University of California, United States Government Hospital, or other nonmedical facility approved by the State Department of Health Care Services or an agency accredited by the State Department of Health Care Services; or, in cases of chronic alcoholism, in a county alcoholic treatment center, as provided in Section 5358 of the Welfare and Institutions Code.
 - b. The power to require the conservatee to receive treatment related specifically to remedying or preventing the recurrence of the conservatee's being gravely disabled.
 - c. The power to require conservatee to receive other medical treatment unrelated to remedying or preventing the recurrence of the conservatee's being gravely disabled which is necessary for the treatment of an existing or continuing medical condition, namely (specify medical condition and treatment): _____

5. It is necessary and in the best interests of the conservatee that the conservatee not be permitted to possess a license to operate a motor vehicle, nor to possess or carry firearms.

IN THE MATTER OF:

CASE NUMBER:

WHEREFORE, Petitioner prays that:

1. A conservator of the person be reappointed for the conservatee.
2. The conservator of the person be given the power to place, for the purpose of involuntary care and treatment, the conservatee in a medical, psychiatric, nursing, or other state-licensed facility, or a state hospital, county hospital, hospital operated by the Regents of the University of California, United States Government hospital, or other nonmedical facility approved by the State Department of Mental Health; or, in a case of chronic alcoholism, in a county alcoholic treatment center pursuant to section 5358 of Welfare and Institutions Code.
3. The conservator of the person be given the powers to require the conservatee to receive treatment related specifically to remedying or preventing the recurrence of the conservatee's being gravely disabled and to require the conservatee to receive other medical treatment unrelated to remedying or preventing the recurrence of the conservatee's being gravely disabled, which is necessary for the treatment of an existing or continuing medical condition, namely (specify medical condition and treatment): _____

4. The conservatee not be allowed to possess a license to operate a motor vehicle, nor possess or carry firearms.
5. Other relief be granted as the Court deems proper.

Dated: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF CONSERVATOR)

VERIFICATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF CONSERVATOR)

Name: _____ Case No.: _____
Address: _____ City, State, Zip: _____
Age: _____ Sex: _____ Birthdate: _____ Date of Current Evaluation: _____
Previous Diagnosis: _____

1. Is there a mental disorder? Please give a diagnosis and explain the symptoms.

3. Do you feel this individual is Incapable or unwilling to accept voluntary treatment?

Executed on (date): _____

(TITLE)

(TITLE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (Name): _____ Bar No: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 Civic Center Dr. West Santa Ana, CA 92701-4045	
IN THE MATTER OF:	
NOTICE OF HEARING ON PETITION FOR REAPPOINTMENT OF CONSERVATOR	CASE NUMBER:

NOTICE IS HEREBY GIVEN that a Petition for Reappointment of Conservator has been filed in this court. Any interested person may appear and show cause, if any, why a conservator should not be reappointed for the proposed conservator referred above. The hearing will be held before the judge of this court in the County of Orange, State of California, located at 700 Civic Center Drive West, Santa Ana, CA 92701, on (date): _____ at time: _____ In Department _____.

REFERENCE is made to the petition on file in this matter for further particulars.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF CONSERVATOR)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (Name): _____ Bar No.: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 Civic Center Dr. West Santa Ana, CA 92701-4045	
IN THE MATTER OF:	
DECLARATION OF SERVICE	CASE NUMBER

I, the undersigned, hereby declare that I mailed or hand delivered a copy of the Petition for Reappointment of Conservator and Notice of Hearing as follows:

1. Date: _____ ☐ Mailed ☐ Hand Delivered to: **Orange County Health Care Agency
Mental Health Director
405 West 5th Street, Suite 458
Santa Ana, CA 92701**
2. Date: _____ ☐ Mailed ☐ Hand Delivered to: **Orange County Public Guardian
P.O. Box 11526
Santa Ana, CA 92711**
3. Date: _____ ☐ Mailed ☐ Hand Delivered to: **Orange County Public Defender
600 West Santa Ana Blvd., Suite 501
Santa Ana, CA 92701**
4. Date: _____ ☐ Mailed ☐ Hand Delivered to: **Conservator:
Address: _____**
5. Date: _____ ☐ Mailed ☐ Hand Delivered to: **Facility: _____
Address: _____**
6. Date: _____ ☐ Mailed ☐ Hand Delivered to: **Other: _____
Address: _____**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF CONSERVATOR)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ Bar No: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 Civic Center Dr. West Santa Ana, CA 92701-4045	
IN THE MATTER OF:	
ORDER REAPPOINTING CONSERVATOR	CASE NUMBER:

1. The petition for the reappointment of a conservator of the person of (name): _____ came regularly for hearing on (date): _____.
 (Name): _____ appeared on behalf of the conservatee.
 - ☐ The conservatee was present in court and was advised of his or her right to a court or jury trial.
 - ☐ The presence of the conservatee was waived.
 - ☐ The conservatee did not waive his or her right to trial, but consented to the reappointment of a conservator by the court.
2. THE COURT FINDS, after examining the petition and hearing the evidence, that
 - a. All notices of the hearing have been given as required by law.
 - b. The conservatee is still gravely disabled as defined in Section 5008(h) for the purposes of Section 5350 of the Welfare and Institutions Code.
 - c. It is in the best interests of the conservatee that a conservator of his or her person be reappointed.
3. IT IS ORDERED,
 - a. (Name): _____ is reappointed conservator of the person of (name): _____ and appropriate Letters of Conservatorship shall be issued to the conservator upon filing the oath required by Section 2300 of the Probate Code.
 - b. The conservator shall have the power to require the conservatee to receive treatment related specifically to remedying or preventing the recurrence of the conservatee's being gravely disabled and to require the conservatee to receive treatment for an existing or continuing medical condition described as follows (specify): _____
 - c. The conservator shall be guided by the advice of medical doctors specializing in psychiatry and other qualified medical and social welfare personnel. The conservator is authorized to require that the conservatee be detained in a facility providing intensive treatment for the purpose of involuntary care and treatment, or to place this conservatee in a medical, psychiatric, nursing, or other state-licensed facility or state hospital, county hospital, hospital operated by the Regents of the University of California, United States Government hospital, or a nonmedical facility approved by the State Department of Health Care Services or an agency accredited by the State Department of Health Care Services pursuant to Section 5358 of the Welfare and Institutions Code.

IN THE MATTER OF:	CASE NUMBER:
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- d. The conservatee shall not have the privilege of possessing a license to operate a motor vehicle, nor the right to possess or carry firearms.
- e. The conservatee shall not be allowed to refuse treatment related specifically to the conservatee's being gravely disabled, or to refuse treatment necessary for the treatment of an existing or continuing medical condition described as follows (specify): _____
- f. The Court determined that a
- ☐ State Hospital
 - ☐ Private locked facility
 - ☐ Private unlocked facility
 - ☐ Board and care facility
 - ☐ Current (specify): _____
- is the least restrictive and most appropriate placement for the conservatee.
- g. In addition to the conservatee's attorney and the county's patients' rights advocate, the following persons shall be notified of a placement more restrictive than the court-determined placement (names): _____
- h. (1) The reappointment shall be effective as of (date): _____
 (2) The conservatorship shall terminate on (date): _____
 unless a conservator is earlier reappointed.
- i. The declarations in support of reappointment of conservator shall be sealed and are not to be opened without a further order of the court.
- j. Other (specify): _____

Date: _____

 (JUDGE OF THE SUPERIOR COURT)

11. REAPPOINTMENT PROCEDURE

When you file your Reappointment Petition, it will be set for hearing on a Thursday at 9:00 a.m. in Dept. C9. This is called a Status Conference. The conservatee does not need to be in court for this hearing, but you must attend. You should attend even if the conservatee tells you that he or she will not oppose your reappointment; the conservatee may have expressed a different position to the Public Defender.

The purpose of the Status Conference is to learn from the Public Defender whether the conservatee will consent (“submit”) to being on conservatorship for another year, or will ask for an evidentiary hearing. The conservatee has the right to oppose your reappointment as conservator and to request an evidentiary hearing. If so, a “Contested Hearing” is scheduled on a date agreed upon by you and the Public Defender.

Contested Hearings are held on Mondays, Wednesdays and Thursdays at 8:30 a.m. in Dept. C9. At a Contested Hearing you have the burden of proving that the conservatee is still gravely disabled. You will need the testimony of a psychiatrist or psychologist who has examined the conservatee. You may want to hire an attorney for that purpose. If you qualify based on the conservatee’s resources, your attorney can request that the court appoint a psychologist to examine the conservatee and testify at a hearing.

You will need to contact an attorney and arrange representation; the court cannot do that for you. If you cannot afford to hire an attorney, there are referral services listed in the Resources section of this guide. One attorney who provides free representation to many private conservators is:

<p>Sandra W. Skahen Chapman University School of Law 462 North Glassell Street Orange, CA 92866 (714) 628-2504 skahen@chapman.edu</p>

If the court finds the conservatee to still be gravely disabled, the conservatee can request a jury trial on that issue if the request is made no more than five days after the hearing. In that event, you (and your attorney, if any) will have to handle the jury trial; the Public Guardian and County Counsel cannot handle it for you.

12. RESIGNING AS CONSERVATOR

If you find that you cannot continue as conservator, you should write a letter to the Superior Court Mental Health Judge explaining your situation and requesting to be allowed to resign as conservator. The Court will take the letter under consideration and will normally order the Public Guardian to investigate the situation. The Public Guardian will determine if a conservatorship is still necessary and, if so, recommend appointment of a successor conservator – which may be the Public Guardian itself if no other family member or friend is willing and able to serve.

It is important to note that merely writing a letter to the Court does not relieve you of your duties and responsibilities as conservator. Unless and until the Court allows you to resign and names a successor conservator, you are responsible for carrying out the duties and responsibilities provided in the court order appointing you. This process can take several weeks.

13. THE CONSERVATEE'S RIGHTS

Persons with mental illness have the same legal rights guaranteed all other persons by the Constitution and laws of the United States and California. Persons detained under the LPS Act retain all rights not specifically denied them under the Act. Persons with mental illness are also given specific rights:

A. A right to treatment services which promote the potential of the person to function independently.

- B. A right to dignity, privacy, and humane care.
- C. A right to be free from harm, including unnecessary restraint, isolation, medication, abuse, and neglect. Medication should not be used as a punishment, as a substitute for other forms of treatment, or in excessive quantities.
- D. A right to prompt medical care and treatment.
- E. A right to religious freedom and practice.
- F. A right to participate in educational programs.
- G. A right to social interaction and to participate in community activities.
- H. A right to physical exercise and recreation.
- I. A right to be free from hazardous procedures.

Every person involuntarily detained in a treatment facility or State Hospital under the LPS Act has certain additional rights:

- A. To wear his or her own clothes, keep personal possessions, and to have a reasonable sum of spending money for small purchases.
- B. To have access to individual storage space for private use.
- C. To see visitors each day.
- D. To have reasonable access to a telephone to make and receive calls.
- E. To have access to writing material, including stamps, and to send and receive unopened correspondence.
- F. To refuse convulsive treatment, including ECT, and insulin coma treatment.
- G. To see and receive the services of a patient advocate.

A patient's rights may not be waived by his or her conservator.

A facility may deny a patient the rights listed only for "good cause," which is when the exercise of the right: (1) would be injurious to the patient; (2) would seriously infringe on the rights of others; or (3) would cause the facility to suffer serious damage.

14. ASSISTANCE TO PRIVATE CONSERVATORS

A. Problems with a Facility. If you as the conservator are experiencing difficulties with the conservatee's facility doctors, treatment staff or social workers (such as not receiving return calls, not being kept informed of issues or problems or not being included in treatment meetings), you can ask for assistance. First, contact the facility Administrator and explain the difficulties or issues you are experiencing. If this does not resolve the issue, you can contact the Ombudsman assigned to that facility. Contact information for the Ombudsman must by law be posted at the facility, and is also listed in the Resources section of this guide. If that still does not resolve your problem, you can contact State Licensing. Contact information for State Licensing is also listed in the Resources section of this guide.

B. Problems with Completing the Reappointment Forms. If you find you need assistance in completing the reappointment forms: There is a free evening workshop held at the Public Guardian's office, led by attorney Sandra W. Skahen and Public Guardian staff. For information on the next workshop, call (714) 567-7660 and press "0" during the recorded greeting.

15. MENTAL HEALTH SERVICES ACT

In November 2004, California voters approved Proposition 63, the Mental Health Services Act (MHSA). MHSA imposes an additional 1% tax on taxable income in excess of \$1 million. Those funds are deposited into an MHSA fund and distributed to County Mental Health programs. The purpose of MHSA is to improve the lives of those adults afflicted with serious and persistent mental illness. The funds are to be used in specific areas such as planning and community services, education and training,

prevention and early intervention, capital and information technology and innovative programs.

In Orange County, MHSA funds have been used to establish several programs including the Intensive Recovery Full Service Partnership called Telecare and Orange County (TAO); a Criminal Just Full Service Partnership called Opportunity Knocks (OK); a Centralized Assessment Team (CAT); a Psychiatric Evaluation Response Team (PERT); a supported employment program called Employment Works and a Full Service Partnership for older adults called Older Adult Support and Intervention System (OASIS); and Assisted Outpatient Treatment (“Laura’s Law”), just to name a few. To learn more about these programs or to determine if a conservatee is eligible, please contact the assigned Care Coordinator or contact the MHSA office directly at (714) 834-2907.

16. LPS vs. PROBATE CONSERVATORSHIP

In addition to an LPS conservatorship, there is a different type of conservatorship called a “probate conservatorship.”

The most important ways in which probate conservatorship differs from a LPS conservatorship are: a probate conservatorship can be established for a person who is not gravely disabled as a result of a mental disorder; a probate conservatorship does not automatically terminate after one year but is, however, subject to bi-annual reviews by Court investigators; and a probate conservator cannot involuntarily place a probate conservatee in a mental health treatment facility.

Probate conservatorships of the person and/or estate are generally established for older adults or those individuals with a developmental disability. The Probate Code provides that a conservatorship of the person can be created for those adults unable to properly provide for their personal needs of physical health, food, clothing and shelter. A

conservatorship of the estate can be established for a person who is substantially unable to manage his/her own financial resources or is unable to resist fraud or undue influence.

The Probate Code allows for additional powers under a probate conservatorship, specifically “Dementia Powers.” For those individuals suffering from dementia, Alzheimer’s Disease and its associated disorders, the conservatorship can include the ability to provide placement in a facility specifically for those with dementia and to provide medications for treatment of the dementia, even if the conservatee does not want these services.

Most probate conservatorships are handled in the private sector. However, the Public Guardian does receive referrals primarily from Adult Protective Services (APS), the Court and the community. You should consult with your attorney or the Orange County Public Guardian - Probate unit for information related to individual cases or situations in which a probate conservatorship may be more appropriate than an LPS conservatorship.

RESOURCES

PUBLIC GUARDIAN, PUBLIC DEFENDER, & SUPERIOR COURT

Orange County Public Guardian

1300 S. Grand Ave., Building C
Santa Ana, CA 92705
(714) 567-7660

(For information or questions, please
ask to speak to the Officer of the Day)

Mailing Address:
P.O. Box 11526
Santa Ana, CA 92711
www.papg.ocgov.com

Orange County Public Defender

600 W. Santa Ana Blvd., Suite 501
Santa Ana, CA 92701
(714) 568-4242

Email: mhclerical@pubdef.ocgov.com

Orange County Superior Court

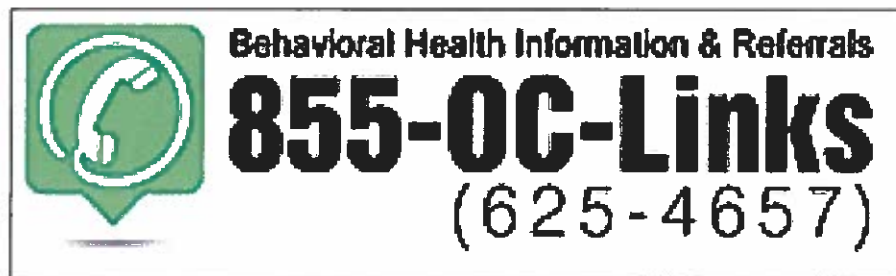
Department C9

700 Civic Center Drive West
Fourth Floor
Santa Ana, CA 92701
(657) 622-5209

www.occourts.org

ORANGE COUNTY HEALTH CARE AGENCY RESOURCES

The starting point for assistance from any of the County's many mental health service programs is (855) OC-Links. Call between 8 a.m. and 6 p.m. and you will be connected to a Behavioral Health "Navigator" who can assist you. Help is available in English, Spanish, Vietnamese, and other languages.



Behavioral Health Outpatient Clinics

Santa Ana Clinic (Central Orange County)

1200 N. Main Street, Suite 200
Santa Ana, CA 92701
(714) 480-6767

Anaheim Clinic (North Orange County)

2035 E. Ball Road, Suite 200
Anaheim, CA 92805
(714) 517-6300

Mission Viejo Clinic (South Orange County)

23228 Madero
Mission Viejo, CA 92691
(949) 454-3940

Westminster Clinic (West Orange County)

14140 Beach Blvd., Suite 223
Westminster, CA 92683
(714) 896-7566
(Includes Pacific Asian Unit)

Program of Assertive Community Treatment (PACT)

PACT provides comprehensive treatment to people with serious and persistent mental illnesses. Unlike other community-based programs, PACT is not a linkage or case-management program; it provides individualized services directly to consumers.

Fullerton PACT (Adult and Young Adult)

211 W. Commonwealth
Fullerton, CA 92632
(714) 447-7000

Costa Mesa PACT (Adult and Young Adult)

3115 Redhill Ave.
Costa Mesa, CA 92626
(714) 850-8463

Aliso Viejo PACT (Adult)

5 Marellu
Aliso Viejo, CA 92656
(949) 643-6930

Emergency Psychiatric Services

Centralized Assessment Team (CAT)

(866) 830-6011

For assessment and evaluation of an individual experiencing a psychiatric emergency, including threats to harm self or others or grave disability. CAT personnel have the authority to have the person taken to a psychiatric hospital for evaluation.

Evaluation and Treatment Services (ETS)

1030 W. Warner Ave.
Santa Ana, CA 92707
(714) 834-6900

Services for Older Adults

Older Adult PACT

1901 E. 4th Street, Suite 312
Santa Ana, CA 92705
(714) 972-3700

Older Adult Services (OAS)

(714) 972-3700

Social Services Agency

Adult Protective Services

1505 E. Warner Ave.
Santa Ana, CA 92705
(800) 451-5155 (Confidential Abuse Reports)

In-Home Supportive Services (IHSS)

Multipurpose Senior Services Program (MSSP)

1505 E. Warner
Santa Ana, CA 92705
(714) 825-3000

Assisted Outpatient Treatment Program ("Laura's Law")

The Assisted Outpatient Treatment (AOT) program, also known as Laura's Law, provides court-ordered treatment for persons with severe mental illness who meet certain criteria.

The program does not involve a conservatorship, but is designed to assist individuals who are resistant to obtaining or maintaining treatment. The criteria for AOT can be found at <http://ochealthinfo.com/bhs/about/amhs/aot>.

To learn if a person would meet AOT criteria, or to refer someone to the program, call (855) HCA-1421 (855-422-1421).

Patients' Rights Advocacy Services

405 W. 5th Street, Suite 477

Santa Ana, CA 92701

(714) 834-5647

TDD: (714) 796-0376

The office of Patients' Rights works to protect the rights of people receiving mental health services.

MEDI-CAL APPLICATIONS

Applications for Medi-Cal may be requested by phone by calling the Social Services Agency at (800) 281-9799. Or you may apply in person at the SSA Regional office nearest to you:

County Community Service Center

15460 Magnolia St.

Westminster, CA 92683

Aliso Viejo Regional Center

115 Columbia

Aliso Viejo, CA 92656

Anaheim Regional Center

3320 E. La Palma

Anaheim, CA 92806

Central Regional Office

2020 W. Walnut

Santa Ana, CA 92703

Garden Grove Regional Center

12912 Brookhurst Street

Garden Grove, CA 92840

Santa Ana Regional Center

1928 S. Grand Ave., Bldg. B

Santa Ana, CA 92705

Office of Consumer and Family Affairs

405 W. 5th Street, Suite 417
Santa Ana, CA 92701
(714) 834-5917

The Office supports consumers of mental health services and family members by providing information and education, facilitating access, and working to reduce stigma and discrimination.

Other Local Hotlines

Domestic Violence Hotline
(800) 799-7233

Rape Crisis Hotline
(714) 957-2737

Sexual Assault Victim Services
(714) 834-4317

LEGAL ASSISTANCE

Orange County Bar Association Lawyer Referral Service

(949) 440-6747
<http://www.lrisoc.org>

Legal Aid Society of Orange County Lawyer Referral Service

2101 N. Tustin Ave.
Santa Ana, CA 92705
(800) 834-5001
<http://www.legal-aid.com>

FEDERAL BENEFITS RESOURCES

OC Community Services Veterans Service Office

1300 S. Grand Avenue, Building B
Santa Ana, CA 92705
(714) 480-6555
<http://veterans.ocgov.com>

Social Security Administration (Representative Payee Applications)

<http://www.ssa.gov/payee/index.htm>

1851 E. 1st Street, Suite 500
Santa Ana, CA 92705
(800) 772-1213

17075 Newhope Street, Suite B
Fountain Valley, CA 92708
(800) 772-1213

900 S. Harbor Blvd.
Anaheim, CA 92805
(800) 772-1213

26051 Acero Road
Mission Viejo, CA 92691
(800) 772-1213

3230 E. Imperial Hwy., Suite 150
Brea, CA 92821
(800) 772-1213

OTHER RESOURCES

Mental Health Association of Orange County

822 W. Town & Country Rd.
Orange, CA
(714) 547-7559

The Mental Health Association of Orange County is dedicated to improving the quality of life of Orange County residents impacted by mental illness through direct service, education, advocacy and information. MHA operates three outpatient clinics serving adults with severe psychiatric disorders.

Garden Grove Outpatient Clinic
12755 Brookhurst, Suite 116
Garden Grove, CA 92840
(714) 638-8277

Costa Mesa Outpatient Clinic
420 W. 19th Street
Costa Mesa, CA 92627
(949) 646-9227

Lake Forest Outpatient Clinic
22471 Aspan Street, Suite 103
Lake Forest, CA 92630
(949) 458-2715

Clubhouses compliment the Outpatient Clinics and are open to anyone receiving services from Orange County or its contracting partners. The Clubhouses are member driven, designed and operated solely by mental health clients. The Clubhouses provide individuals with social, recreational activities, education and programs.

**Orange County Conservator Assistance Group
(OCCAG)**

<https://www.i-neighbors.org/92701/OCCAG>

Jim Farell (714) 373-0552

OCCAG is an organization created by private conservators to assist each other in meeting the challenges they all face.

OCCAG meets every other month on Saturday mornings at Christ Cathedral in Garden Grove.

24-Hour Suicide Prevention Hotline

(877) 727-4747

Provides 24-hour, immediate, confidential suicide prevention services to anyone who is in crisis or experiencing suicidal thoughts.

**National Alliance for the Mentally Ill
(NAMI-OC)**

1810 E. 17th Street

Santa Ana, CA. 92705

(714) 544-8488

NAMI WarmLine

(877) 910-WARM

Provides non-crisis support for anyone struggling with mental health or substance abuse issues.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.