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Conservatorships

A conservatorship is when a judge appoints another person to act or make decisions for the person who needs help. The person the judge appoints is called the **conservator**. The person who needs the help is the **conservatee**. A judge can only appoint a conservator if other less restrictive options won't work.

Find legal and social service resources

Get information about free and low-cost legal resources and government programs that may help.

Get resources

This page does not have information about mental health (LPS) conservatorships. Mental health conservatorships are for people with serious mental illness who need special care. Family members or other private parties cannot start a mental health conservatorship. Typically, treatment staff at the hospital where the person is receiving care can start the process.

Conservatorships

A conservatorship must be the least restrictive type of assistance needed to help a person with a developmental disability lead a life of their choice. That requirement continues even after a conservator is appointed.

Because people need different levels and types of help there are different types of conservatorships.

- **General conservatorship:** A conservatorship where the conservator has all powers and responsibilities, except ones found unnecessary
- **Limited conservatorship:** A conservatorship where the conservator's powers are strictly limited to up to 7 specific powers based on the needs of the conservatee

With either type of conservatorship, the conservator may handle just the care of the person or may also manage the person's finances.

- If they're responsible for a person's care and protection, it's called a **conservatorship of the person**.
- If they handle finances, it's called **conservatorship of the estate**.

If someone needs a conservatorship of the person and the estate, a judge could appoint one person to be in charge of both or they could have different people.

7 powers in a limited conservatorship

A limited conservator may have up to 7 powers:

1. Fix the conservatee's residence or specific dwelling

2. Access the conservatee's confidential records and papers.
3. Consent or withhold consent to the conservatee to marry
4. Exercise the conservatee's right to enter into a contract
5. Give or withhold medical consent on behalf of the conservatee
6. Exercise or limit the conservatee's right to control social and sexual contacts and relationships
7. Make decisions about the conservatee's education

In a limited conservatorship, the judge first decides if a person with a developmental disability needs a conservatorship. If the judge decides they do, the judge must consider one by one whether the person needs help in each of the seven areas of life covered by the seven powers. The judge may grant the limited conservator only the powers that are requested and that the court determines necessary.

Before asking to start a conservatorship

Needing help is not enough to warrant an appointment of a conservator. A judge can only appoint a conservator if you can show that it's necessary to promote and protect the person's well-being. The conservatorship must be designed to encourage the conservatee's maximum self-reliance and independence.

If you haven't yet, explore some options. If you ask to be a conservator, you'll need to explain why some of these won't work for your situation.

Other options to help

Places to get support



If you want information or advice about conservatorships of the estate or general conservatorships, [talk to a lawyer](#).