

AMENDED IN ASSEMBLY JULY 2, 2018

AMENDED IN SENATE MAY 25, 2018

AMENDED IN SENATE MAY 1, 2018

AMENDED IN SENATE APRIL 9, 2018

AMENDED IN SENATE MARCH 13, 2018

SENATE BILL

No. 1045

Introduced by Senators Wiener and Stern
(Coauthors: Senators Allen and Bradford)
(Coauthor: Assembly Member Chen)

February 8, 2018

An act to ~~add and repeal Chapter 5 (commencing with Section 5450) of, and to add and repeal Article 7 (commencing with Section 5555) of Chapter 6.2 of, and to add and repeal Chapter 5 (commencing with Section 5450) of,~~ Part 1 of Division 5 of the Welfare and Institutions Code, relating to conservatorship.

LEGISLATIVE COUNSEL'S DIGEST

SB 1045, as amended, Wiener. Conservatorship:—~~chronic homelessness;~~ *serious* mental illness and substance use disorders.

(1) Existing law establishes a procedure for the appointment of a conservator for a person who is determined to be gravely disabled as a result of a mental health disorder or an impairment by chronic alcoholism, as specified, pursuant to a petition to the superior court by an officer conducting an investigation and concurring with a recommendation of conservatorship. *Existing law also establishes a procedure for the appointment of other types of conservatorship or a guardianship as ordered by the probate court.*

Existing law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura’s Law, until January 1, 2022, grants each county the authority to offer certain assisted outpatient treatment services for a person who meets specified criteria, including, among others, that the person is suffering from a mental illness, that the person has a history of lack of compliance with treatment for his or her mental illness, and that the person is in need of assisted outpatient treatment, as specified. Laura’s Law authorizes designated persons to request the county behavioral health director to file a petition in the superior court for an order for assisted outpatient treatment.

This bill would establish a procedure, for the County of Los Angeles and the City and County of San Francisco, if the board of supervisors of the respective county or city and county authorizes the application of these provisions subject to specified requirements, for the appointment of a conservator for a person who is ~~chronically homeless and~~ incapable of caring for the person’s own health and well-being due to a serious mental illness and substance use disorder, as specified, for the purpose of providing ~~appropriate placement, including a licensed health care or psychiatric facility or community-based residential care setting, in supportive community housing that provides wraparound services, as specified.~~ *the least restrictive and most clinically appropriate alternative needed for the protection of the person. The bill would prohibit a conservatorship from being established under these provisions if a conservatorship or guardianship exists under the above-described provisions.*

This bill would make the establishment of a conservatorship pursuant to these provisions subject to, among other things, a finding by the court that the behavioral health director of the county or the city and county has previously attempted by petition to obtain a court order authorizing assisted outpatient treatment pursuant to Laura’s Law for the person for whom conservatorship is sought, that the petition was denied or the assisted outpatient treatment was insufficient to treat the person’s mental illness, and that assisted outpatient treatment would be insufficient to treat the person in the instant matter in lieu of a conservatorship.

This bill would require a conservatorship initiated under these provisions to automatically terminate one year after the appointment of the conservator by the superior court, *or shorter if ordered by the court*, except as specified.

This bill would authorize the Judicial Council to adopt rules, forms, and standards necessary to implement these provisions.

(2) This bill would require the County of Los Angeles and the City and County of San Francisco, subject to the county’s or city and county’s election to apply these provisions, to establish a working group, comprised of representatives of local agencies and disability rights groups, to conduct an evaluation of the effectiveness of the implementation of the conservatorship provisions described above in addressing the needs of ~~chronically homeless~~ persons with serious mental illness and substance use disorders. The bill would require each working group to prepare and submit a *preliminary* report to the Legislature on its findings and recommendations *no later than January 1, 2021, and a final report* no later than January 1, 2023.

(3) This bill would repeal, on January 1, 2024, all of the provisions relating to the new conservatorship procedure and the working group, as described above in paragraphs (1) and (2).

(4) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles and the City and County of San Francisco.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 5450) is
2 added to Part 1 of Division 5 of the Welfare and Institutions Code,
3 to read:

4
5 CHAPTER 5. HOUSING CONSERVATORSHIP FOR ~~CHRONICALLY~~
6 HOMELESS PERSONS WITH SERIOUS MENTAL ILLNESS AND
7 SUBSTANCE USE DISORDERS
8

9 5450. (a) Until January 1, 2024, this ~~article~~ *chapter* shall apply
10 only to the County of Los Angeles and the City and County of San
11 Francisco if the board of supervisors of the respective county or
12 city and county, by resolution or through the county budget process,
13 authorizes the application of this ~~article~~ *chapter* and makes a
14 finding that no voluntary mental health program serving adults,
15 ~~and~~ no children’s mental health program, *and no services or*
16 *supports provided in conservatorships established pursuant to*
17 *Division 4 (commencing with Section 1400) of the Probate Code*
18 *or conservatorships established pursuant to Chapter 3*

1 (*commencing with Section 5350*), including availability of
2 conservators, may be reduced as a result of the implementation of
3 ~~this article~~: chapter.

4 (b) (1) Before the county board of supervisors may authorize
5 the application of this ~~article~~, chapter, the county mental health
6 department, the county welfare department, and, if one exists, the
7 county department of housing and homeless services shall ~~present~~
8 *do both of the following*:

9 (A) *Develop a plan to implement this chapter in consultation*
10 *with representatives of disability rights advocacy groups, a*
11 *provider of permanent supportive housing services, the county*
12 *health department, law enforcement, and staff from hospitals*
13 *located in the county or the city and county.*

14 (B) *Present* before the county board of supervisors on the *plan*
15 *and available resources for the implementation of this* ~~article~~.
16 *chapter.*

17 (2) In order to approve authorization of the application of this
18 ~~article~~, chapter, the county board of supervisors shall determine,
19 *after a public hearing*, based on materials presented, that all of the
20 following services are available *in, at a minimum, sufficient*
21 *quantity, resources, and funding levels to serve the identified*
22 *population that the county board of supervisors intends to serve,*
23 within the county or city and county for utilization in connection
24 with the application of this ~~article~~: chapter:

25 (A) Supportive community housing that provides wraparound
26 services, with adequate beds available.

27 (B) Public conservators trained on the specifics of *how to assess*
28 *and evaluate individuals for* the new form of conservatorship
29 described in this ~~article~~: chapter.

30 (C) Outpatient mental health counseling.

31 (D) Coordination and access to medications.

32 (E) Psychiatric and psychological services.

33 (F) Substance use disorder services.

34 (G) Vocational rehabilitation.

35 (H) Veterans' services.

36 (I) Family support and consultation services.

37 (J) *A service planning and delivery process that includes all of*
38 *the following*:

39 (i) *Plans for services that contain evaluation strategies, which*
40 *shall consider cultural, linguistic, gender, age, and special needs*

- 1 *of minorities and those based on any characteristic listed or defined*
2 *in Section 11135 of the Government Code in the target populations.*
3 *Provision shall be made for staff with the cultural background and*
4 *linguistic skills necessary to remove barriers to mental health*
5 *services as a result of having limited-English-speaking ability or*
6 *cultural differences.*
7 *(ii) Provision for services to meet the needs of persons who are*
8 *physically disabled.*
9 *(iii) Provision for services to meet the special needs of older*
10 *adults.*
11 *(iv) Provision for family support and consultation services,*
12 *parenting support and consultation services, and peer support or*
13 *self-help group support, if appropriate.*
14 *(v) Provision for services to be client-directed and to employ*
15 *psychosocial rehabilitation and recovery principles.*
16 *(vi) Provision for psychiatric and psychological services that*
17 *are integrated with other services and for psychiatric and*
18 *psychological collaboration in overall service planning.*
19 *(vii) Services reflecting special needs of women from diverse*
20 *cultural and socioeconomic backgrounds.*
21 *(viii) Provision for housing for clients that is immediate,*
22 *transitional, permanent, or all of these.*
23 *(K) The individual personal services plan ensures that a person*
24 *subject to conservatorship pursuant to this chapter receives*
25 *age-appropriate, gender-appropriate, disability-appropriate, and*
26 *culturally appropriate services, to the extent feasible and when*
27 *appropriate, that are designed to enable those persons to do all*
28 *of the following:*
29 *(i) Live in the most independent, least restrictive housing feasible*
30 *in the local community, and, for clients with children, to live in a*
31 *supportive housing environment that strives for reunification with*
32 *their children or assists clients in maintaining custody of their*
33 *children as is appropriate.*
34 *(ii) Engage in the highest level of work or productive activity*
35 *appropriate to their abilities and experience.*
36 *(iii) Create and maintain a support system consisting of friends,*
37 *family, and participation in community activities.*
38 *(iv) Access an appropriate level of academic education or*
39 *vocational training.*
40 *(v) Obtain an adequate income.*

1 (vi) *Self-manage their illnesses and exert as much control as*
2 *possible over both the day-to-day and long-term decisions that*
3 *affect their lives.*

4 (vii) *Access necessary physical health benefits and care and*
5 *maintain the best possible physical health.*

6 (viii) *Reduce or eliminate the distress caused by the symptoms*
7 *of mental illness.*

8 (3) *The county or the city and county shall not seek to conserve*
9 *any individual pursuant to this chapter unless there is funding and*
10 *available resources to provide all of the services set forth in*
11 *paragraph (2).*

12 5451. In the County of Los Angeles and the City and County
13 of San Francisco, subject to Section 5450, a conservator of the
14 person may be appointed for a person who is ~~chronically homeless~~
15 ~~and~~ incapable of caring for the person's own health and well-being
16 due to a serious mental illness and substance use disorder, as
17 evidenced by ~~high-frequency emergency department use,~~
18 ~~high-frequency jail detention due to behavior resulting from the~~
19 ~~person's serious mental illness and substance use disorder, or~~
20 frequent detention for evaluation and treatment pursuant to Section
21 5150. The procedure for establishing, administering, and
22 terminating a conservatorship under this chapter shall be the same
23 as provided for in Division 4 (commencing with Section 1400) of
24 the Probate Code, except as follows:

25 (a) ~~The court may appoint the public conservator or the director~~
26 ~~of a local agency who is tasked with addressing the homeless~~
27 ~~population in the county of residence of the person to be conserved~~
28 ~~and the person to serve as conservator if it is in the best interests~~
29 ~~of the proposed conservatee. the person requesting the appointment~~
30 ~~establishes, and the court makes an express finding, that it is~~
31 ~~necessary for the protection of the proposed conservatee and the~~
32 ~~granting of the conservatorship is the least restrictive alternative~~
33 ~~needed for the protection of the conservatee.~~

34 (b) (1) The person for whom conservatorship is sought shall
35 have the right to demand a court or jury trial on the issue of whether
36 the person meets the criteria for the appointment of a conservator
37 of the person under this chapter. Demand for court or jury trial
38 shall be made within five days following the hearing on the
39 conservatorship petition. If the proposed conservatee demands a
40 court or jury trial before the date of the hearing as provided for in

1 Section ~~5466~~, 5465, the demand shall constitute a waiver of ~~the~~
2 *that* hearing.

3 (2) Court or jury trial shall commence within 10 days of the
4 date of the demand, except that the court shall continue the trial
5 date for a period not to exceed 15 days upon the request of counsel
6 for the proposed conservatee.

7 (3) This right shall also apply in subsequent proceedings to
8 reestablish *a* conservatorship.

9 (c) Conservatorship investigation shall be conducted pursuant
10 to ~~this part~~ Chapter 3 (*commencing with Section 5350*) and shall
11 not be subject to Section 1826 of, or Chapter 2 (*commencing with*
12 *Section 1850*) of Part 3 of Division 4 of, the Probate Code.

13 (d) Notice of proceedings under this chapter shall be given to
14 a guardian or conservator of the person or estate of the proposed
15 conservatee appointed under the Probate ~~Code~~. *Code and as*
16 *otherwise provided in Section 5350.2.*

17 (e) As otherwise provided for in this chapter.

18 (f) *A conservatorship pursuant to this chapter shall not be*
19 *established if a conservatorship or guardianship exists under*
20 *Division 4 (commencing with Section 1400) of the Probate Code*
21 *or under Chapter 3 (commencing with Section 5350).*

22 5452. For purposes of this chapter, the following definitions
23 apply:

24 (a) ~~“Chronically homeless” shall have the same meaning as that~~
25 ~~term is defined in Section 578.3 of Title 24 of the Code of Federal~~
26 ~~Regulations.~~

27 (b)

28 (a) “Frequent detention for evaluation and treatment” means
29 ~~four~~ *eight* or more detentions for evaluation and treatment in the
30 preceding 12 months.

31 (c) ~~“High-frequency emergency department use” means five or~~
32 ~~more monthly individual patient visits to an emergency department.~~

33 (d) ~~“High-frequency jail detention” means five or more monthly~~
34 ~~bookings, detentions, or other processing of the person into a jail.~~

35 (e) ~~“Homeless” shall have the same meaning as that term is~~
36 ~~defined in Section 578.3 of Title 24 of the Code of Federal~~
37 ~~Regulations.~~

38 (b) “*Evaluation*” *consists of multidisciplinary professional*
39 *analyses of an individual’s medical, psychological, educational,*
40 *social, financial, and legal conditions as they may appear to*

1 *constitute a problem. Persons providing evaluation services shall*
2 *be properly qualified professionals and may be full-time employees*
3 *of an agency providing face-to-face, which includes telehealth,*
4 *evaluation services or may be part-time employees or may be*
5 *employed on a contractual basis.*

6 (c) *“Intensive treatment” consists of such hospital and other*
7 *services as may be indicated. Intensive treatment shall be provided*
8 *by properly qualified professionals and carried out in facilities*
9 *qualifying for reimbursement under the Medi-Cal program as set*
10 *forth in Chapter 7 (commencing with Section 14000) of Part 3 of*
11 *Division 9, or under the federal Medicare Program as set forth in*
12 *Title XVIII (42 U.S.C. Sec. 1395 et seq.) of the federal Social*
13 *Security Act and regulations thereunder. Intensive treatment may*
14 *be provided in hospitals of the United States Government by*
15 *properly qualified professionals. This chapter does not prohibit*
16 *an intensive treatment facility from also providing 72-hour*
17 *evaluation and treatment.*

18 ~~5453. The purpose of conservatorship under this chapter is to~~
19 ~~provide appropriate placement, including a licensed health care or~~
20 ~~psychiatric facility or community-based residential care setting,~~
21 ~~in supportive community housing that provides wraparound~~
22 ~~services, such as onsite physical and behavioral health services,~~
23 ~~for a person who is chronically homeless and incapable of caring~~
24 ~~for the person’s own health and well-being due to a serious mental~~
25 ~~illness and substance use disorder, as evidenced by high-frequency~~
26 ~~emergency department use, high-frequency jail detention due to~~
27 ~~behavior resulting from the person’s serious mental illness and~~
28 ~~substance use disorder, or frequent detention for evaluation and~~
29 ~~treatment pursuant to Section 5150.~~

30 5453. *The purpose of conservatorship under this chapter is to*
31 *provide the least restrictive and most clinically appropriate*
32 *alternative needed for the protection of a person who is incapable*
33 *of caring for the person’s own health and well-being due to a*
34 *serious mental illness and substance use disorder, as evidenced*
35 *by frequent detention for evaluation and treatment pursuant to*
36 *Section 5150. If the court determines that the person needs to be*
37 *moved from his or her current residence, the placement shall be*
38 *in supportive community housing that provides wraparound*
39 *services, such as onsite physical and behavioral health services,*

1 *unless the court, with good cause, determines that such a placement*
2 *is not sufficient for the protection of that person.*

3 5454. In the County of Los Angeles and the City and County
4 of San Francisco, subject to Section 5450, the ~~governing board of~~
5 *supervisors of the respective county or city and county shall*
6 *designate the agency or agencies to provide conservatorship*
7 *investigation as set forth in this ~~chapter.~~ chapter, and those*
8 *investigations shall comply with the requirements of Section 5354.*
9 The governing board may designate that conservatorship services
10 be provided by the public guardian or agency providing public
11 guardian services.

12 ~~5455. (a) (1) The professional person in charge of a hospital~~
13 ~~facility providing emergency services may recommend~~
14 ~~conservatorship to the officer providing conservatorship~~
15 ~~investigation in the county of residence of the person if the~~
16 ~~professional person in charge of the hospital facility determines~~
17 ~~that a person in the professional's care is chronically homeless and~~
18 ~~incapable of caring for the person's own health and well-being~~
19 ~~due to a serious mental illness and substance use disorder, as~~
20 ~~evidenced by high-frequency emergency department use,~~
21 ~~high-frequency jail detention due to behavior resulting from the~~
22 ~~person's serious mental illness and substance use disorder, or~~
23 ~~frequent detention for evaluation and treatment pursuant to Section~~
24 ~~5150.~~

25 ~~(2)~~

26 5455. (a) (1) The county sheriff may recommend *an*
27 *evaluation for* conservatorship to the officer providing
28 conservatorship investigation in the county of residence of the
29 person if the sheriff determines that a person detained in a jail is
30 ~~chronically homeless and~~ incapable of caring for the person's own
31 health and well-being due to a serious mental illness and substance
32 use disorder, as evidenced by ~~high-frequency emergency~~
33 ~~department use, high-frequency jail detention due to behavior~~
34 ~~resulting from the person's serious mental illness and substance~~
35 ~~use disorder, or~~ frequent detention for evaluation and treatment
36 pursuant to Section 5150. *The county sheriff may delegate this*
37 *authority to make a determination and recommendation to the*
38 *health care service providers in the county jail.*

39 ~~(3)~~

1 (2) The director of a county mental health department or a
 2 county department of public social services may recommend *an*
 3 *evaluation for* conservatorship to the officer providing
 4 conservatorship investigation in the county of residence of the
 5 person if the director determines that a person is ~~chronically~~
 6 ~~homeless and~~ incapable of caring for the person’s own health and
 7 well-being due to a serious mental illness and substance use
 8 disorder, as evidenced by ~~high-frequency emergency department~~
 9 ~~use, high-frequency jail detention due to behavior resulting from~~
 10 ~~the person’s serious mental illness and substance use disorder, or~~
 11 frequent detention for evaluation and treatment pursuant to Section
 12 5150.

13 (4)

14 (3) The professional person in charge of an agency providing
 15 comprehensive evaluation or a facility providing intensive
 16 treatment may recommend *an evaluation for* conservatorship to
 17 the officer providing conservatorship investigation in the county
 18 of residence of the person if the professional person in charge of
 19 the agency providing comprehensive evaluation or the facility
 20 providing intensive treatment determines that a person in the
 21 professional’s care is ~~chronically homeless and~~ incapable of caring
 22 for the person’s own health and well-being due to a serious mental
 23 illness and substance use disorder, as evidenced by ~~high-frequency~~
 24 ~~emergency department use, high-frequency jail detention due to~~
 25 ~~behavior resulting from the person’s serious mental illness and~~
 26 ~~substance use disorder, or~~ frequent detention for evaluation and
 27 treatment pursuant to Section 5150.

28 (b) If the officer providing conservatorship ~~investigation concurs~~
 29 ~~with the recommendation, investigation, upon conducting an~~
 30 *evaluation for conservatorship, finds that the person meets the*
 31 *criteria for conservatorship and the conservatorship is the least*
 32 *restrictive alternative,* the officer shall petition the superior court
 33 in the county of residence of the person to establish
 34 conservatorship.

35 5456. The establishment of a conservatorship pursuant to this
 36 chapter is subject to a finding by the court that the behavioral health
 37 director of the county or the city and county has previously
 38 attempted by petition to obtain a court order authorizing assisted
 39 outpatient treatment pursuant to Article 9 (commencing with
 40 Section 5345) of Chapter 2 for the person for whom

1 conservatorship is sought, and that both of the following conditions
2 exist:

3 (a) The petition was denied or the assisted outpatient treatment
4 was insufficient to treat the person’s mental illness.

5 (b) Assisted outpatient treatment would be insufficient to treat
6 the person in the instant matter in lieu of a conservatorship.

7 5457. (a) The officer providing conservatorship investigation
8 shall investigate all available alternatives to a conservatorship
9 *under this chapter, including a conservatorship under Division 4*
10 *(commencing with Section 1400) of the Probate Code or a*
11 *conservatorship under Chapter 3 (commencing with Section 5350),*
12 and shall recommend conservatorship to the court only if no
13 ~~suitable alternatives are available.~~ *less restrictive alternatives exist*
14 *and it appears that the person does not qualify for a*
15 *conservatorship under Division 4 (commencing with Section 1400)*
16 *of the Probate Code or a conservatorship under Chapter 3*
17 *(commencing with Section 5350). This officer shall render to the*
18 *court a written report of investigation prior to the hearing. The*
19 *report to the court shall be comprehensive and shall—contain*
20 *contain, in addition to the elements required under Section 5354,*
21 *all relevant aspects of the person’s medical, psychological,*
22 *financial, family, vocational, and social condition, and information*
23 *obtained from the person’s family members, close friends, social*
24 *worker, or principal therapist. The report shall also contain all*
25 *available information concerning the person’s real and personal*
26 *property. The facilities providing medical treatment, or intensive*
27 *treatment or comprehensive evaluation, the sheriff, and the director*
28 *of the county mental health department or the county department*
29 *of public social services shall disclose any records or information*
30 *that may facilitate the investigation. If the officer providing*
31 *conservatorship investigation recommends—against a*
32 *conservatorship, he or she shall explain why all less restrictive*
33 *alternatives are not sufficient, and if the officer recommends*
34 *against a conservatorship, he or she shall set forth all alternatives*
35 *available. When confidentiality and client privacy laws permit, a*
36 *copy of the report shall be transmitted to the individual who*
37 *originally recommended conservatorship, and the information*
38 *shared shall be compliant with state and federal laws governing*
39 *protected health information. The court may shall receive the report*

1 in evidence and ~~may~~ *shall* read and consider the contents of the
2 report in rendering its judgment.

3 (b) The report of the officer providing conservatorship
4 investigation shall contain the officer's recommendations
5 concerning the powers to be granted to, and the duties to be
6 imposed upon, the conservator, the legal disabilities to be imposed
7 upon the conservatee, and the proper placement for the conservatee
8 pursuant to Section ~~5460~~: 5460, *and shall explain why each of*
9 *these items is the least restrictive alternative.* The report to the
10 court shall also contain an agreement signed by the person or
11 agency recommended to serve as conservator certifying that the
12 person or agency is able and willing to serve as conservator.

13 5458. Except as otherwise provided in this chapter, the person
14 recommended to serve as conservator shall promptly notify the
15 officer providing conservatorship investigation whether the person
16 recommended to serve as conservator will accept the position if
17 appointed. If notified that the person or agency recommended will
18 not accept the position if appointed, the officer providing
19 conservatorship investigation shall promptly recommend another
20 person to serve as conservator.

21 5459. (a) A person or agency shall not be designated as
22 conservator whose interests, activities, obligations, or
23 responsibilities are such as to compromise the person's or agency's
24 ability to represent and safeguard the interests of the conservatee.
25 *The conservator has a fiduciary duty to protect and care for the*
26 *conservatee.*

27 (b) If a public guardian is appointed conservator, the public
28 guardian's official bond and oath as public guardian are in lieu of
29 the conservator's bond and oath on the grant of letters of
30 conservatorship. A bond shall not be required of any other public
31 officer or employee appointed to serve as conservator.

32 5460. When ordered by the court after the hearing required by
33 this chapter, a conservator appointed pursuant to this chapter shall
34 provide *the least restrictive and most clinically* appropriate
35 placement for the conservatee, ~~including a licensed health care or~~
36 ~~psychiatric facility or~~ *which shall be the conservatee's residence*
37 *or a community-based residential care setting, setting in supportive*
38 *community housing that provides wraparound services, such as*
39 *onsite physical and behavioral health services. services, unless the*
40 *court for good cause orders otherwise.*

1 5461. (a) At any time, a conservatee or any person on the
2 conservatee's behalf with the consent of the conservatee or the
3 conservatee's counsel, may petition the court for a hearing to
4 contest the powers granted to the conservator under Section 5460.
5 ~~However, after the filing of the first petition for hearing pursuant~~
6 ~~to this section, no further petition for rehearing shall be submitted~~
7 ~~for a period of six months.~~

8 (b) A request for hearing pursuant to this section shall not affect
9 the right of a conservatee to petition the court for a rehearing as
10 to his or her status as a conservatee pursuant to Section ~~5465~~. *5464*.
11 A hearing pursuant to this section shall not include trial by jury.

12 5462. (a) Conservatorship initiated pursuant to this chapter
13 shall automatically terminate one year after the appointment of
14 the conservator by the superior ~~court~~. *court, or shorter if ordered*
15 *by the court*. If upon the termination of an initial or a succeeding
16 period of conservatorship the conservator determines that
17 conservatorship is still required, the conservator may petition the
18 superior court for the conservator's reappointment as conservator
19 for a succeeding one-year ~~period~~. *period or any shorter period*.

20 (b) ~~Any supportive housing program in which a conservatee is~~
21 ~~placed shall release the conservatee at the conservatee's request~~
22 ~~when the conservatorship terminates. A petition for reappointment~~
23 ~~filed by the conservator or a petition for appointment filed by a~~
24 ~~public guardian or public conservator shall be transmitted to the~~
25 ~~supportive housing program at least 30 days before the automatic~~
26 ~~termination date. The program may hold the conservatee after the~~
27 ~~end of the termination date only if the conservatorship proceedings~~
28 ~~have not been completed and the court orders the conservatee to~~
29 ~~be held until the proceedings have been completed.~~

30 5463. (a) The clerk of the superior court shall notify each
31 conservator, the conservatee, the person in charge of the ~~supportive~~
32 ~~housing~~ program in which the conservatee receives services, and
33 the conservatee's attorney, at least 60 days before the termination
34 of the one-year *or shorter* period. Notification shall be given in
35 person or by first-class mail.

36 ~~(b) Subject to a request for a court hearing or jury trial, the judge~~
37 ~~may, on the judge's own motion, accept or reject the conservator's~~
38 ~~petition.~~

39 (e)

1 (b) If the conservator does not petition to reestablish
2 conservatorship at or before the termination of the one-year *or*
3 *shorter* period, the court shall issue a decree terminating
4 conservatorship. The decree shall be sent to the conservator and
5 the conservatee by first-class mail.

6 ~~(d)~~

7 (c) The Judicial Council may adopt rules, forms, and standards
8 necessary to implement this chapter.

9 ~~5464. In the event the conservator continues in good faith to~~
10 ~~act within the powers granted to the conservator in the original~~
11 ~~decree of conservatorship beyond the one-year period, the~~
12 ~~conservator may petition for and shall be granted a decree ratifying~~
13 ~~the conservator's acts as conservator beyond the one-year period.~~
14 ~~The decree shall provide for a retroactive appointment of the~~
15 ~~conservator to provide continuity of authority in those cases where~~
16 ~~the conservator did not apply in time for reappointment.~~

17 ~~5465.~~

18 ~~5464.~~ (a) At any time, the conservatee may petition the
19 superior court for a rehearing as to the conservatee's status as a
20 conservatee. ~~However, after the filing of the first petition for~~
21 ~~rehearing pursuant to this section, no further petition for rehearing~~
22 ~~shall be submitted for a period of 30 days.~~

23 (b) If a conservatee appeals a court's decision to establish a
24 conservatorship, the conservatorship shall continue unless
25 execution of judgment is stayed by *the superior court or the*
26 *appellate court.*

27 ~~5466.~~

28 ~~5465.~~ A hearing shall be held on all petitions under this chapter
29 within 30 days of the date of the petition. ~~The~~ *If the conservatee*
30 *or proposed conservatee is not represented by counsel, the court*
31 *shall appoint the public defender or other attorney for the*
32 *conservatee or proposed conservatee within five days after the*
33 *date of the petition. petition at the county's or city and county's*
34 *expense. A hearing or trial shall not occur under this chapter*
35 *unless the conservatee or proposed conservatee is represented by*
36 *counsel.*

37 ~~5467.~~

38 ~~5466.~~ This chapter shall remain in effect only until January 1,
39 2024, and as of that date is repealed.

1 SEC. 2. Article 7 (commencing with Section 5555) is added
2 to Chapter 6.2 of Part 1 of Division 5 of the Welfare and
3 Institutions Code, to read:

4
5 Article 7. Housing Conservatorship Working Group
6

7 5555. (a) The County of Los Angeles and the City and County
8 of San Francisco, subject to Section 5450, shall establish a working
9 group to conduct an evaluation of the effectiveness of the
10 implementation of Chapter 5 (commencing with Section 5450) in
11 addressing the needs of ~~chronically homeless~~ persons with serious
12 mental illness and substance use disorders in the county or the city
13 and county. *The evaluation shall include an assessment of the*
14 *number and status of persons who have been conserved under this*
15 *chapter, the effectiveness of these conservatorships in addressing*
16 *the short- and long-term needs of those persons, and the impact*
17 *of conservatorships established pursuant to this chapter on existing*
18 *conservatorships established pursuant to Division 4 (commencing*
19 *with Section 1400) of the Probate Code or Chapter 3 (commencing*
20 *with Section 5350) and on mental health programs provided by*
21 *the county or the city and county. The working group shall be*
22 *comprised of representatives of disability rights advocacy groups,*
23 *the county mental health department, the county health department,*
24 *the county social services department, law enforcement, staff from*
25 *hospitals located in the county or the city and county, and, if one*
26 *exists, the county department of housing and homeless services.*

27 (b) Each working group shall prepare and submit a *preliminary*
28 *report and a final report* to the Legislature on its findings and
29 recommendations regarding the implementation of Chapter 5
30 (commencing with Section 5450). *The preliminary report shall*
31 *be submitted to the Legislature no later than January 1, 2021, and*
32 *the final report shall be submitted to the Legislature no later than*
33 *January 1, 2023, in compliance with Section 9795 of the*
34 *Government Code.*

35 5556. This article shall remain in effect only until January 1,
36 2024, and as of that date is repealed.

37 SEC. 3. The Legislature finds and declares that a special statute
38 is necessary and that a general statute cannot be made applicable
39 within the meaning of Section 16 of Article IV of the California

- 1 Constitution because of the unique circumstances of the County
- 2 of Los Angeles and the City and County of San Francisco.

O