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SB-1394 Conservatorships: gravely disabled persons. (2021-2022)

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Senate Bill No. 1394

CHAPTER 996

An act to amend Section 5352.1 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1394, Eggman. Conservatorships: gravely disabled persons.

Existing law, the Lanterman-Petris-Short Act, among other provisions, authorizes a conservator of the person, of the estate, or of the person and the estate to be appointed for a person who is gravely disabled as a result of a mental health disorder or impairment by chronic alcoholism, as specified, in order to provide individualized treatment, supervision, and placement. Existing law authorizes a court to establish a temporary conservatorship for a period not to exceed 30 days and appoint a temporary conservator under specified circumstances. Existing law, if the proposed conservatee demands a court or jury trial on the issue of whether they are gravely disabled, authorizes the court to extend the temporary conservatorship until the date of the disposition of the issue by the court or jury trial if that extension does not exceed 6 months.

This bill would instead authorize the court to extend the temporary conservatorship until the date of the disposition of the issue by the court or jury trial if that extension does not exceed 180 days.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5352.1 of the Welfare and Institutions Code is amended to read:

5352.1. (a) The court may establish a temporary conservatorship for a period not to exceed 30 days and appoint a temporary conservator, on the basis of the comprehensive report of the officer providing conservatorship investigation filed pursuant to Section 5354, or on the basis of an affidavit of the professional person who recommended conservatorship stating the reasons for their recommendation, if the court is satisfied that the comprehensive report or affidavit shows the necessity for a temporary conservatorship.

(b) Except as provided in this section, a temporary conservatorship shall expire automatically after 30 days, unless prior to that date the court conducts a hearing on the issue of whether or not the proposed conservatee is gravely disabled, as defined in subdivision (h) of Section 5008.

(c) If the proposed conservatee demands a court or jury trial on the issue of whether they are gravely disabled, the court may extend the temporary conservatorship until the date of the disposition of the issue by the court or jury trial, provided that the extension does not exceed 180 days.

