

In my previous articles, I discussed the [process for establishing a conservatorship](#) and [what information the court needs](#). Now we turn our attention to what exact decision making power a conservator has in regards to the adult disabled conservatee's care.

A person can be appointed a limited conservator of the person and/or a limited conservator of the estate. A limited conservatorship applies specifically to an individual that is developmentally disabled. It is called a *limited* conservatorship because the conservator's decision-making powers are limited to those the court deems necessary for welfare of the disabled individual.

The Probate Code states that a limited conservator of the person has the "care, custody and control of the limited conservatee" and may be granted any or all of the following powers:

1. To fix the residence of the limited conservatee;
2. To have access to the confidential records and papers of the limited conservatee;
3. To consent or withhold consent to the marriage of, or the entrance into a registered domestic partnership by, the limited conservatee;
4. To contract on behalf of and to set aside contracts of the limited conservatee;
5. To consent to medical treatment on behalf of the limited conservatee;
6. To control the social and sexual contacts and relationships of the limited conservatee;
7. To control the education of the limited conservatee.

The [Petition to Appoint Conservator](#) must state which specific powers from the list above the proposed conservator is requesting.

A conservator of the estate is responsible for managing the disabled individual's assets. Generally a conservatorship of the estate is only necessary when there are assets aside from wages, public benefits or assets held in a trust. A conservatee maintains the right to control his or her own wages. Public benefits can be managed through the [Representative Payee program](#). Trust assets are managed by a trustee and therefore are not under the control of the conservatee. A conservator of the estate would manage assets such as an inheritance or settlement that was not placed into a special needs trust.

Alexis Lynch is an attorney who handles conservatorship cases for special needs families throughout the Bay Area. She previously worked at an estate planning firm where many clients were special needs parents. She found the relationships she developed with these clients to be the most rewarding, so she launched her own practice to work exclusively with special needs families. Alexis partners with special needs schools and organizations to educate families about conservatorships and special needs trusts. She can be reached at alexis@alexislynchlaw.com, and you can learn more at alexislynchlaw.com.