

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 15, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1836**

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**Introduced by Assembly Member Maienschein  
(Coauthor: Assembly Member Cristina Garcia)  
(Coauthor: Senator Wieckowski)**

February 9, 2016

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An act to add Section 5350.5 to the Welfare and Institutions Code, relating to conservatorships.

LEGISLATIVE COUNSEL'S DIGEST

AB 1836, as amended, Maienschein. Mental health: referral of conservatees.

Existing law provides a procedure for the appointment of a conservator for a person who is determined to be gravely disabled as a result of a mental disorder or an impairment by chronic alcoholism. Existing law authorizes certain persons to recommend conservatorship of an individual under his or her care to the officer providing conservatorship investigation in the county of the individual's residence, as specified. Existing law also provides for the establishment of a conservatorship for a person who is unable to properly provide for his or her personal needs or is substantially unable to manage his or her finances.

This bill would authorize the court, if a conservatorship has already been established under the Probate Code, to refer the conservatee for an assessment by the local mental health system or plan to determine if the conservatee has a treatable mental illness, including whether the

conservatee is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, and is unwilling to accept, or is incapable of accepting, treatment voluntarily. The bill would also require the court to appoint counsel to a conservatee if he or she cannot afford counsel. The bill would require the local mental health system or plan to file a copy of the ~~evaluation~~ *assessment* with the court that made the referral.

By increasing county duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 5350.5 is added to the Welfare and  
2 Institutions Code, to read:  
3 5350.5. (a) If a conservatorship has already been established  
4 under the Probate Code, the court, in a proceeding under the  
5 Probate Code, after an evidentiary hearing attended by the  
6 conservatee, unless the conservatee waives presence, and the  
7 conservatee’s counsel, may refer the conservatee, in consultation  
8 with a licensed physician or licensed psychologist satisfying the  
9 conditions of subdivision (c) of Section 2032.020 of the Code of  
10 Civil Procedure providing ~~evaluation~~ *assessment* or treatment to  
11 the conservatee, for an assessment by the local mental health  
12 system or plan to determine if the conservatee has a treatable  
13 mental illness, including whether the conservatee is gravely  
14 disabled as a result of a mental disorder or impairment by chronic  
15 alcoholism, and is unwilling to accept, or is incapable of accepting,  
16 treatment voluntarily. If the conservatee cannot afford counsel,  
17 the court shall appoint counsel for him or her pursuant to Section  
18 1471 of the Probate Code.

1 (b) The local mental health system or plan shall file a copy of  
2 the ~~evaluation~~ *assessment* with the court that made the referral for  
3 ~~evaluation~~ *assessment* in a proceeding under the Probate Code.

4 SEC. 2. If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

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