

SENATE THIRD READING  
SB 1394 (Eggman)  
As Introduced February 18, 2022  
Majority vote

## SUMMARY

Modifies the maximum amount of time by which a temporary 30-day conservatorship may be extended, pending the resolution of a petition for a conservatorship under the Lanterman-Petris-Short (LPS) Act when the potential conservatee has requested a court or jury trial on the question of whether they are “gravely disabled” for purposes of establishing a full LPS conservatorship, from six months to 180 days.

## COMMENTS

*LPS Act.* The LPS Act was signed into law in 1967 and provides for involuntary commitment for varying lengths of time for the purpose of treatment and evaluation, provided certain requirements are met. The LPS Act provides for LPS conservatorships, resulting in involuntary commitment for the purposes of treatment if an individual is found to meet the criteria of being a danger to themselves or others or is gravely disabled as defined. The person for whom such a conservatorship is sought has the right to demand a court or jury trial on the issue of whether they meet the gravely disabled requirement. Current law requires that, if a person for whom a full LPS conservatorship is sought is the subject of a temporary conservatorship, and that person requests a court or jury trial on the issue of whether they are gravely disabled, the court may extend the 30-day temporary conservatorship until the date of the disposition of the issue by the court or jury, provided that the extension is for no more than six months.

### According to the Author

This bill is intended to be a simple clarification of the upper time limit on a temporary conservatorship. Under current law, a temporary conservatorship can be established by the court when a person is believed to be gravely disabled. This temporary conservatorship ends after a period not to exceed 30 days, but can be extended up to six months for various practical reasons, such as additional investigation time, transportation issues with the client, or stabilization. This bill would simply clarify that, rather than six months, a temporary conservatorship can be extended up to 180 days.

### Arguments in Support

The Professional Fiduciary Association of California (PFAC) in a support position states the provisions of this measure would change the maximum amount of time by which a temporary 30-day conservatorship pending the resolution of a petition for an LPS conservatorship may be extended from six months to 180 days. This would help avoid potential confusion in the courts over the meaning of “six months,” and whether the term should be interpreted to mean six calendar months or 180 calendar days. In concluding PFAC states that this will also bring the statute’s terminology into line with other LPS provisions that use a 180-day time period for the rare cases where this is appropriate.

### Arguments in Opposition

The Depression and Bipolar Support Alliance (DBSA), in an oppose position states that this bill would authorize the court to extend the temporary conservatorship pursuant to LPS hearings until the date of the disposition of the issue by the court or jury trial if that extension does not

exceed 180 days. Involuntary holds, forced treatment and conservatorship are extreme and harmful measures and should only be utilized in extreme and rare circumstances. DBSA concludes that making it easier for holds to be extended and Conservatorship to be implemented is a wrongheaded approach and this bill is not the answer to the problems.

## **FISCAL COMMENTS**

None.

## **VOTES**

### **SENATE FLOOR: 36-0-4**

**YES:** Allen, Atkins, Bates, Becker, Borgeas, Bradford, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Archuleta, Caballero, Hertzberg, Nielsen

### **ASM HEALTH: 13-0-2**

**YES:** Wood, Waldron, Aguiar-Curry, Arambula, Bigelow, Carrillo, Maienschein, McCarty, Nazarian, Luz Rivas, Kalra, Santiago, Akilah Weber

**ABS, ABST OR NV:** Flora, Mayes

### **ASM JUDICIARY: 10-0-0**

**YES:** Stone, Cunningham, Bloom, Davies, Haney, Kalra, Kiley, Maienschein, Reyes, Robert Rivas

## **UPDATED**

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