



NEWSLETTER

Located at Fairview Developmental Center A State Residential Facility for the Developmentally Disabled
2501 Harbor Boulevard, Costa Mesa, California 92626-6143

WWW.FAIRVIEWFAMILIESANDFRIENDS.ORG

(714) 751-2344 - We will respond to your message at the earliest possible time.

February & March 2015

FFF Meeting

SUNDAY, MARCH 15, 10:00 A.M. LARGE CLASSROOM IN ADMIN. BLDG.

Carol Naylor-Pecson - FDC Clinical Director

Carol Naylor-Pecson will be the featured speaker at the March 15 FFF meeting, where she will share information on the daily programs that support the residents of Fairview, including educational, employment, and leisure activities. Ms. Naylor-Pecson, who spent many years on staff at Lanterman Developmental Center, will also review the recent Fairview licensing survey, and other campus matters.

Join us as we learn more about life at Fairview!

Traffic Message from FDC - Harbor Village Gate

To limit outside traffic entering Fairview during after-hours, the gate leading to the Harbor Village Apartments (on North Shelly Circle and Merrimac Way) will be locked every night at 6 pm and unlocked at 6 am the following morning. For each weekend and prior to any state holiday, the gate will be locked on Fridays at 6 pm (and on the eve of a holiday) and unlocked on Monday morning at 6 am or the first work day after a holiday. During the gate closure, the main entrance on Fair Drive will be the only entrance/exit to the facility.



Time to Renew Your FFF Membership!



Be part of all that FFF does for the residents and families of Fairview Developmental Center! Membership form on Page 5.

THANK YOU, SUPPORTERS of FFF!

The response to the Fall Festival with donations and ticket sales allowed FFF to donate **FIFTEEN THOUSAND DOLLARS** to the Fairview residents! Five thousand dollars was donated to each of the 3 Programs that provide residential and day programs!

We are grateful to everyone who gave, including the many outside of the immediate FFF community, who donated prizes and purchased raffle tickets!

Legislative Analyst's Office Recommends Closure of Developmental Centers

The Legislative Analyst's Office is California's non-partisan fiscal and policy advisor, which reviews and analyzes the state budget and programs and makes recommendations to the Legislature. **The LAO cannot force a closure of a DC** – that is something that is determined by the Legislature – but this recommendation will be discussed in the March budget hearings.

The LAO recommends that DDS report on a long-term plan for Fairview and Sonoma DCs, and put in place a timeline to close them sometime in the next 10 years. The LAO report details that less than 1% of individuals with developmental disabilities are served at DCs, at a yearly cost of about \$500,000 per person, and that residents of Agnews and Lanterman have successfully moved to the community. Federal and state policies that support community services over institutional ones are discussed. Porterville DC is not mentioned, except to recommend retaining the forensic unit.

The LAO makes recommendations to the Legislature in a variety of areas (education, health, transportation) - **the Legislature may or may not** follow them. In response to questions from FFF, **DDS Administration responded that there are no plans to announce a closure of any Developmental Center**, but rather to continue to develop community resources as done for former Agnews and Lanterman residents, and place DC clients as these resources become available.

Fairview Families and Friends will be represented at the upcoming budget hearings, and a report on the hearings will be given at the March 15 FFF meeting.

The LAO report is at <http://www.lao.ca.gov/Publications/Detail/3172>, or contact the FFF office.

Problems at Local Community Care Facility

FFF members recently learned about problems at two Costa Mesa facilities, licensed to care for clients with developmental disabilities. The problems included filthy homes, spoiled food, inadequate staffing, and mismanagement of clients' funds. These homes were closed, and the clients moved to other settings by Regional Center of Orange County. The homes remain closed, and according to the Regional Center, no clients will ever again be placed in the care of this provider. The decision to revoke the business license of the home owner rests with the Department of Social Services.

FAIRVIEW DC POPULATION (4 Year View):

293 - January 2015; **319** - March 2014; **354** - March 2013; **377** - March 2012

FOR ASSISTANCE ON IPP'S & PLACEMENTS – Call JOE PRESTON at (714) 203-1001!

SO YOU'VE BEEN TOLD YOU NEED TO GET CONSERVATORSHIP

WHAT IS A CONSERVATORSHIP? and HOW TO GET A CONSERVATORSHIP were in prior newsletters.

LIMITED CONSERVATORSHIP

As noted above, a developmentally disabled adult may be, and usually is, placed under limited conservatorship. “A limited conservatorship may be utilized only as necessary to protect the well-being of the individual, shall be designed to encourage the development of maximum self-reliance and independence of the individual, and shall be ordered only to the extent necessitated by the individual’s proven mental and adaptive limitations. The [limited] conservatee . . . shall retain all legal and civil rights except those which by court order have been designated as legal disabilities and have been specifically granted to the limited conservator.” Section 1801(d).) This is consistent with the legislative intent that developmentally disabled of this state receive services resulting in more independent, productive, and normal lives.

At the hearing for the appointment of a limited conservator, the court will have available reports from the regional center, the court investigator and the attorney appointed by the court to represent the proposed conservatee. In some counties, the public defender represents the proposed conservatee, but in Los Angeles and other counties, private counsel is appointed from the Probate Volunteer Panel. PVP attorneys must meet certain statutory requirements in order to be eligible for appointment to represent proposed conservatees.

Among the determinations that the court must make is which of the following powers and controls should be granted to the limited conservator, and which should be reserved to the conservatee:

- (1) To fix the residence or specific dwelling of the limited conservatee.
- (2) Access to the confidential records and papers of the limited conservatee.
- (3) To consent or withhold consent to the marriage of the limited conservatee.
- (4) The right of the limited conservatee to contract.
- (5) The power of the limited conservatee to give or withhold medical consent.
- (6) The limited conservatee’s right to control his or her own social and sexual contacts.
- (7) Decisions concerning the education of the limited conservatee.

The regional center, which usually views the proceedings with the attitude that its clients should have the maximum self-determination, will often recommend that all seven of these powers, enumerated in Section 2351.5(b), be denied. This can be bewildering to parents or other family members who are often convinced that their loved one cannot exercise any of these powers without assistance. The control of the limited conservatee’s social and sexual contacts is, as you might expect, often the most contentious issue. Frequently, the court investigator or the PVP attorney will disagree with the recommendations of the regional center. Ultimately, of course, the decision is up to the judge.

While a conservator may petition the court for authority to have the conservatee sterilized (Section 1958), such authority is rarely granted, “the right to exercise choice over matters of procreation [being recognized as] fundamental.”

(Section 1950.)

In any proceeding to establish a limited conservatorship, the appointment of counsel for the proposed conservatee is mandatory. (Section 1471(c).) The court-appointed attorney can be a valuable resource. Even though the attorney is appointed to represent the proposed conservatee and cannot represent you, PVP counsel are often willing to explain the probate notes and other issues that may come up.

WHAT TO EXPECT AT AND AFTER THE HEARING

The hearing will probably not take more than a few minutes unless some problem shows up in one of the reports or someone voices an objection. At the hearing, the court will advise the proposed conservatee of his or her rights unless the proposed conservatee's absence from the hearing has been excused.

If there is an objection or some other problem, the hearing may have to be continued. If everything appears to be in order, the court will grant the petition and make other orders including, in the case of a limited conservatorship, a determination as to which of the seven powers should be granted to the conservator. At or after the hearing (depending on local practice), you should give the clerk your proposed Order Appointing Probate Conservator (Form GC-340) and your Letters of Conservatorship (Form GC-360). Your appointment as conservator is not effective until your Letters are issued. (Section 2310(b).) It is your Letters that give you authority to act on behalf of the conservatee and you will use certified copies as your badge of authority. Before your Letters can be issued, you must complete and file the Duties of Conservator (Form GC-348). If you are appointed as conservator of the estate, you will also need to file a surety bond as required by the court. Most surety companies, however, will not bond a conservator who is not represented by counsel.

If you are worried about what to expect at the hearing, you might want to sit in on a probate calendar in the same department a week or so before your hearing. This can give you some idea how things will be done at your own hearing.

There are additional forms that must be filed after your appointment, including Notice of Conservatee's Rights (Form GC-341) and Determination of Conservatee's Appropriate Level of Care (Form GC-355). If you have been appointed as conservator of the estate (or of the person and estate), you must also file an inventory and appraisal of the conservatee's assets as of the date of your appointment.

The court will set a date for a review hearing. The first review for a limited conservatorship is one year after the appointment. After that the reviews are supposed to be conducted every other year, but some courts, due to budget constraints, are not setting review hearings beyond the first one.

RESOURCES

The law of conservatorship is specialized and can trip up even experienced attorneys. The court-appointed attorney for the proposed conservatee may be able to help you.. In Los Angeles County, Bet Tzedek Legal Services at www.bettzedek.org offers self-help clinics for persons facing this challenge.

Keith S. Walker Law Offices of Keith S. Walker 319 Harvard Avenue Claremont, California 91711-4721
The complete series is at www.fairviewfamiliesandfriends.org, or the FFF office (714- 751-2344)

2015 MEMBERSHIP FORM

Please use the Membership Form below to enroll in FFF or renew your existing membership in FFF for 2015. Indicate your choice of membership by placing your (X) below.

CHOICE OF MEMBERSHIP DONATION

- () Individual Membership Donation.....\$25.00
() Family Membership Donation.....\$35.00

Note: A Family Membership covers ALL Family Members residing at the same address.

- () I want an Individual Membership. My check for: \$25.00 is enclosed.
() We want a Family Membership. Our check for: \$35.00 is enclosed.

I would also like to make an additional donation of \$ _____

TOTAL ENCLOSED: _____

Note: If you are sending both your membership dues and an additional donation, you may use one check to cover both of these items.

Please make all checks payable to Fairview Families and Friends, Inc.
Fairview Families and Friends is a Non-Profit Corporation.

PLEASE PRINT CLEARLY

NAME(S): 1) _____ (2) _____

3) _____ (4) _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

HOME #: _____ WORK #: _____

FAX #: _____ E MAIL: _____

Relationship to developmentally disabled person: _____

Disabled person resides at Home: ____ Fairview: ____ Private Facility: ____

Other State Facility: _____ Community Facility: _____

Other: _____

PLEASE CUT THIS PAGE ALONG THE INSIDE FOLD AND MAIL THIS ENTIRE PAGE TO:

Fairview Families and Friends, Inc., Fairview Developmental Center, 2501 Harbor Blvd.,
Costa Mesa, CA 92626

You can receive the FFF newsletter electronically!
Help us keep costs down and help the environment.

Yes, email the newsletter to: _____

All Dues and Donations to FFF are TAX DEDUCTIBLE. MANY THANKS!

FFF MEETING DATES FOR 2015!

March 15 May 17 July 19 September 20 Fall Festival November 8

FFF meetings are open to everyone, including Fairview employees!

**CONGRATULATIONS & THANKS TO THE FAIRVIEW FAMILIES AND FRIENDS
2015 BOARD OF DIRECTORS**

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