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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

Conservatorship of the Person and Estate of LAURA
N.

C076322

KAREN BONE, as Public Guardian, etc.,

(Super. Ct. No. SMH0267)

Petitioner and Respondent,

v.

LAURA N.,

Objector and Appellant.

Laura N., a Lanterman-Petris-Short Act (Welf. & Inst. Code,¹ § 5000 et seq.) conservatee, appeals the order reappointing a conservator of the person and estate. She claims the trial court misapplied the law. Specifically, she contends because the trial

¹ Further undesignated statutory references are to the Welfare and Institutions Code.

court found “facts showing she was currently able to provide for her food, clothing and shelter” it erred in finding her gravely disabled. We disagree with her characterization of the trial court’s statements and affirm.

BACKGROUND

On October 1, 2013, the public guardian filed a petition for reappointment as conservator of the person and estate of Laura. In support of the petition, the public guardian attached the declarations of Drs. Thomas Andrews and Gregory White. In addition, there was a contested trial, at which Dr. Olga Ignatowicz, a physician at Placer County Mental Health; Laura; and Laura’s daughter, Diane, testified.

Dr. Ignatowicz was of the opinion that Laura was in partial remission from chronic paranoid schizophrenia. She suffers from delusions and engages in compulsive behavior. Laura denies she has a mental illness, has limited insight into her mental illness, and it is unlikely she will be willing to accept voluntary treatment. She does not believe she needs to see a psychiatrist. She has also stated she would not take medication on her own at home. Laura has a history of noncompliance with medication, and regularly argues with nurses about her medication. When she is not medicated, she decompensates. In the past, when she has been released from conservatorship, she has decompensated, requiring she be placed on conservatorship again.

Laura testified as to a detailed budget and plan for food, clothing, and shelter. She had identified an apartment complex to live in. The apartment was not available at the time of the hearing, but Diane testified her mother could live with her until the apartment became available.

Drs. Ignatowicz, White, and Andrews each expressed concerns about whether Laura’s plans were realistic. Dr. Ignatowicz said Laura was gravely disabled, in large part based on her unwillingness to accept treatment and medication, some of which was critical for her physical health.

In making its ruling, the trial court stated, “[Laura], in this matter listening to the testimony, viewing the file here over the lunch hour today Your testimony here today, you sound like a very intelligent woman. You have a comprehensive budget, had it for several years, it sounds like; 2009 I think you said. You have a comprehensive budget down to the penny. [¶] I agree with [your attorney], it sounds like you have a plan here what you want to do; Valley Oaks here in Auburn. You talked to management and your daughter’s followed up with them. Sounds like you have an idea how to get to the stores, food, and clothing. There’s a family plan and family support to help you furnish your apartment. There’s a lot of positives going on here [¶] But I’ll be honest What I’m worried about is some of the comments [county counsel] touched on; some with you, some with your daughter. I’m a little concerned in two main areas. One is the fact that you say that you don’t really believe you have a psychiatric problem to a certain extent. [¶] I know I’ve heard from three doctors; I’ve read Doctor Andrews’ and Doctor White’s reports. . . . I went back to some of the reports, other reports from doctors going back to 2009. They all talk about the schizo-affective disorder. Paranoia. Some of the issues that you have going back years now. . . . [¶] . . . [¶] But I’m concerned about maybe some of the lack of insight into what for years have been very fine doctors’ diagnoses of some of the issues that you’re facing. I’m concerned when I look at some of the prior orders and prior reports and I look at Doctor Andrews’ and doctor White’s reports, they talk about how when you are not in a real supervised setting, without a lot of prompting and monitoring, that you sometimes or oftentimes don’t take your medication because you really don’t believe that there is a mental disorder. [¶] . . . [¶] And that causes decompensation which leads to physical aggression, delusions, auditory hallucinations the doctors mention throughout many reports. And I’m concerned about

that. That along with the possible lack of taking care of what doctors have identified to be the COPD situation. I don't want any of those to lead to a position where you're put in any type of risk, where your health is jeopardized, where your life might be at risk, as Doctor Ignatowicz has indicated here. . . . [¶] . . . I'm worried that if I just stopped everything here today, . . . you would not continue with your meds, that you would not see your doctors. I am afraid that you would decompensate as Doctor Andrews and Doctor White talked about. And that would place you in great risk."

In granting the petition for conservatorship, the trial court stated, "I do find that the reappointment of the petitioner, the Public Guardian as conservator of the person stated, is necessary for you. I find it's in your best interests. . . . [¶] . . . [¶] At this point I continue to find, [Laura], and I know you disagree with me and we can agree to disagree on this -- but at this point I do find that you are still gravely disabled as a result of a mental disorder. I don't believe here today if I terminate the conservatorship, that you'd be able to provide on your own, or be safe on your own or provide for your own -- [¶] . . . [¶] -- food, clothing and shelter." The trial court reappointed the conservator from October 30, 2013, to October 30, 2014.

DISCUSSION

A conservator may be appointed only if a person is gravely disabled. (§ 5350.) Gravely disabled means "[a] condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter." (§ 5008, subd. (h)(1)(A).) "The public guardian must prove the proposed conservatee is gravely disabled beyond a reasonable doubt." (*Conservatorship of Carol K.* (2010) 188 Cal.App.4th 123, 134.)

Laura contends she was "ordered to continue living in a locked facility under permanent conservatorship, although the trial court found facts showing she was

currently able to provide for her food, clothing and shelter, based on a misapplication of the law.” Laura is not challenging the sufficiency of the evidence supporting the trial court’s factual findings. Rather, Laura’s argument is that the trial court’s statements that she had “a comprehensive budget down to the penny,” a plan for what she wanted to do, where she wanted to live, and “an idea [of] how to get to the stores, food, [and] clothing” was a “factual determination [that] essentially equated to a finding that [Laura] was able to provide for her food, clothing, and shelter. At the least, it showed that the Public Guardian had not met her burden of proof because it reflected a lack of conviction that [Laura] was presently unable to provide for herself. Accordingly, continuing the conservatorship because of concerns that [Laura] might decompensate was not a proper application of relevant law.” We disagree with Laura’s reading of the record.

The trial court’s statements were not “essentially” a finding that Laura was able to provide for her food, clothing or shelter. In relating the evidence upon which it relied in reaching its determination, the trial court reviewed the evidence before it. It summarized the testimony from Laura, including her budget, planned living arrangements, and her thoughts on getting to stores for food and clothing. The trial court then went on to discuss the medical evidence, including Laura’s history of denying her psychiatric problems, and failure to take medication when not supervised, which causes her to decompensate which in turn necessitates her being conserved. The trial court noted the risks to Laura of decompensating, and not continuing her medications, as demonstrated in her medical records and past medical history. After delineating the evidence it relied on, as well as the arguments of counsel, and the testimony at trial, the trial court *then* made its factual finding that Laura was not able to provide for her own food, clothing, and shelter. This is the factual finding necessary to support a determination that Laura is gravely disabled. Accordingly, we do not find the trial court misapplied the law.

DISPOSITION

The trial court's order of conservatorship is affirmed.

ROBIE, J.

We concur:

NICHOLSON, Acting P. J.

BUTZ, J.