

Santa Clara County Office of the Public Defender

Fact Sheet:

We provide representation in the following matters:

Criminal Matters (both misdemeanor and felony offenses—not traffic)

Probate Conservatorships – we represent the conservatee, not petitioner LPS Conservatorships:

1. Writs on involuntary commits at VMC/Hospitals
 - a. We represent them on their request to be released from hold
 - b. We represent persons who do not want their medication
 - c. Medical petitions – represent their capacity to consent
2. Conservatorship application
Law requires it start with the Public Guardian
Family are considered as successor conservator
3. Hearings and Trials on Application to Get Off Conservatorship
4. Hearings and Trials to Request Least Restrictive Placement

Criminal Cases:

Court must appoint us to represent an individual.

We can assist on warrants on failure to appear (exception traffic).

We provide representation for all persons in jail.

What We Cannot Provide:

1. We do not advocate for Social Security Services.
Mental Health Advocacy Project assists in that service
(800) 248-MHAP, (408) 294-9730
2. We cannot request/advocate nor demand medication be ordered
 - a. Only under a conservatorship can someone force medication.
 - b. Courts are mandated under Supreme Court decision in Sell to only order medication in very limited situations.
3. We cannot give legal advice to parents seeking conservatorship.