



# Proxy Parent Foundation newsletter

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ISSUE 27

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### PROXY PARENT FOUNDATION

We are Trustee of the PLAN of California Master Pooled Trust. We are open to any disabled person in California.

We offer Personal Support Services for beneficiaries with a mental illness or brain disorder who have joined our Master Pooled Trust.

We coordinate public and private social services and we also provide access to healthcare. Our mandate in working directly with beneficiaries is to maintain a family-like atmosphere that promotes a better quality of life for them.

Proxy Parent Foundation is a dba of Planned Lifetime Assistance Network (PLAN) of California, a 501(c)(3) nonprofit corporation.

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## Message from our Managing Director

*Bruce Lewitt*



I asked Eric Asa-Dorian, a Proxy Parent personal support specialist, if he would be interested in writing an article for this newsletter. After reading

his article, perhaps you will share my gratitude for having him in our Proxy Parent family. I believe Eric was born to become a personal support specialist because it comes so naturally to him. He sees our beneficiaries the same way a family member would and does everything in his power to improve their quality of life.

Baron Miller is a long-time member of Proxy Parent Foundation's Board of Directors. He is a practicing attorney in San Francisco, and recently authored a book about legal issues consistently affecting persons with mental illness. Baron's Q & A article offers advice in addressing the concerns of a family whose daughter who is experiencing a manic episode, creating havoc both in her own life and the lives of her parents.

Timothy Taylor is a judge of the California Superior Court who has long sought solutions to the problems faced by autistic people in their interactions with the criminal justice system as victims, witnesses, or offenders. This is a topic I believe that applies to all people with brain disorders. You may be interested in taking a deeper dive into this important topic by connecting to the hyperlink Judge Taylor provides.

We are fortunate that this newsletter offers the useful perspective from these three experts. If you would like to discuss how our Special Needs Trust administration and Proxy Parent personal support services can be of service to your family, please reach out. I look forward to talking with you.

## The Life of a Personal Support Specialist

*Eric Asa-Dorian*



*A longtime Proxy Parent PSS (and Dodger fan!), Eric lives in Southern California with his family.*

You could call the job I do a profession, but I consider it more of a calling. I was drawn to the mental health field thanks to my childhood years being

aware of my psychologist father's patients he met within our library that he converted into his home office.

At a young age I asked my father what a psychologist does, and he replied, "I answer questions." Then I pressed a little further, "But why does it take a whole hour? Can't you just tell your clients yes or no?" He explained that a psychologist is like a professional friend to his patients. In that sense, responses to questions are more intimate and personal, as a friend would respond. Indeed, my father introduced his patients to my mother, sister, and me — as friends of our family. In fact, one of those family friends gave me my first job selling designer clothes at swap meets!

Thanks to the knowledge I internalized via my father's work, I cultivated a desire to help people by what my father called "meeting them where they're at" stories. Because of my young age, my father used fable-like cautionary tales endured by one Oscar the Ant. I was always eager to hear about Oscar's latest exploits. Oscar found himself in all kinds of predicaments, but was always able, with some assistance, to reason his way out of them.

Twenty years later I graduated from Pepperdine



# Who will care when I'm not there?

*Continued: "The Life of a Personal Support Specialist"*

University with a master's degree in clinical psychology. I'd started working at a psychiatric day treatment center. My father was proud and pleased that I had my foot in the door of the mental health world. When I became a Personal Support Specialist, my father went from being proud to being awestruck. Rather than meeting with Proxy Parent Foundation's beneficiaries for designated segments of time in an often-impersonal office setting, I relished having less restrictions and access to more resources than the Board and Care homes, homeless shelters, and day treatment centers I'd had worked for. Instead, I was venturing out into society, building rapport, and forming bonds with people suffering from wide variety of unique afflictions.

Friends have asked me what it takes to be a Personal Support Specialist and I always tell them they can be a PSS, if they are efficient, organized, selfless, and have boundaries but are always thoughtful, don't take things personally, and above all else, their goal is to do everything in their power to improve the quality of life of the people they assist.

## Q and A Time, Part 3



*Attorney and Proxy Parent Foundation Board member Baron Miller has agreed to share answers to questions he receives concerning laws*

*affecting those with mental illness. Readers are encouraged to submit their questions.*

### Question

My child is bipolar and recently went off

her meds. She is calling and coming by at all hours and causing scenes. She lost her job and I am afraid she is going to lose her apartment as I think she is likely using what money she has for needless things. I want to help her if I can. I am thinking about a conservatorship. Can I get that, and what is involved to do it?

### Answer

We'll get to the conservatorship question, but a couple of other things first. Evidently your daughter is experiencing a manic stage of her illness, acting in self-destructive ways, and also disrupting your life. You need to provide safety for yourself, and that might mean calling the police when you get uninvited visits. You said she was causing scenes and if that includes harassment of you then you likely need immediate assistance. This should not be avoided because you might feel it would be harmful to her. You not getting harmed is also important, and police intervention might actually be what is needed to get her needed help.

If your daughter has a psychiatrist or other physician, you need to get them involved. They have specific information and expertise that would likely be important in a plan to get help. Make a full report to them and discuss plans and their suggestions if you haven't already.

Your daughter needs effective persuasion to get back on her medication, and that might mean a realization that jail, or an involuntary hospitalization is an alternative. And if she simply will not cooperate and continues to be out of control, then you will need to make an attempt to get her conserved.

The first thing to know about conservatorships is that there are essentially two types — Probate conservatorship and LPS conservatorship.

You can hire a lawyer to petition the court to establish a Probate conservatorship, but it may not be what is needed. Assuming

you can prove an inability on the part of your daughter to effectively manage her own finances and that she is at risk of homelessness, etc. because of that, you should be able to get appointed her Probate conservator. That would enable you to control her financial affairs and preserve whatever assets she might have, but that's about it. She would still be free to reject medical assistance and you could not place her in a psychiatric unit against her will, or even compel her to get medical assistance.

If a long-term hospitalization is needed to keep her safe and get her back on her medicine, then the only way to do that is with an LPS conservatorship. And you cannot petition for that; only the county can do that. And getting the county to do it is not simple, and often futile.

You would need to start with the county office of Adult Protective Services, informing them of the situation and impressing upon them the need to investigate by calling on your daughter, etc. If they do that, and if they find that she is impaired, they could start the LPS process. You could also try to start it with the police when your daughter is making an unwelcome visit and hope that they would recognize the need for hospitalization and take her to a psychiatric unit for observation and hopefully treatment with what is called a 5150 hold. A 5150 is a not longer than 72-hour involuntary hospitalization that is allowed for one who is a danger to herself or others or who is "gravely disabled."

Usually, the county would not petition for an LPS conservatorship until your daughter had been involuntarily hospitalized with a 5150 hold with some extensions, after which her condition had failed to resolve. But even then, an LPS conservatorship is often not done due to the lack of resources to hospitalize all who need it. We see the evidence for that with the hordes of people living on the streets, so many of whom are there because of obvious untreated mental



# Proxy Parent Foundation

illness.

Should your daughter be hospitalized on a 5150 hold, then you can play an important role in trying to get the county to institute an LPS conservatorship. That is because the main basis for a conservatorship petition would be the opinion of your daughter's treating psychiatrist. If the psychiatrist believes it isn't needed, then there will be no petition filed. So, it would be incumbent on you to engage that psychiatrist both orally and in writing, and also their support staff of nurses and social workers and attendants, and to give them a history and impress upon them the good that could come out of an LPS conservatorship.

These are the basic and general processes. I can give more specific answers with more specific information, but I have to tell you that unless there are substantial assets that need protection it likely won't make sense to institute a personally invasive, expensive, and possibly never-ending Probate conservatorship. And an LPS would be dependent on available resources and possibly whether your daughter has been previously compliant with treatment.

Again, ensure your own safety, and then let's get some more specifics to see how this can be approached. But please understand that you (or someone else) getting appointed your daughter's Probate conservator would only protect her assets and would not get her medical help. And because conservatorships are labor-intensive a lot of her assets would get used up in attorney and court fees.

*Baron Miller has an adult child with schizophrenia. His law practice is focused on assisting families of persons with mental illness. He has written a book, **LAWS WE NEED TO KNOW: UNDERSTANDING RULES AND PROGRAMS FOR PERSONS WITH MENTAL ILLNESS**, which is available from online booksellers in print and digital formats, or at [www.baronmillerlaw.com](http://www.baronmillerlaw.com) where questions can be sent to him too.*

## BOOK REVIEW:

### Six Interceptions in the Rough Game of Autistic Life

Review of INSAR Policy Brief "Autism and the Criminal Justice System: Policy Opportunities and Challenges" (April 2022)

by *Timothy B. Taylor\**

Faithful readers of this newsletter might recall my review of *Caught in the Web of the Criminal Justice System* (Dubin and Horowitz, Eds.) in the Spring, 2021 edition. That volume addresses the acute problems faced by high-functioning autistic people, who often face shortcomings in their socialization as sexual beings, when they intersect with the unforgiving body of law governing possession of child pornography. A recent "policy brief" from the A.J. Drexel Autism Institute and the International Society for Autism Research (INSAR) offers a wider look at solutions to the problems faced by autistic people in their interactions with the criminal justice system.

The brief, apparently intended at least in part for lobbyists, advocates and lawmakers, is an outgrowth of deliberations by the Global Autism and Criminal Justice Consortium, which adapted a "Sequential Intercept Model" (SIM) for autistic people in their interactions with the criminal justice system as victims, witnesses or offenders. The researchers and other stakeholders then developed one preventative road closure and five "exit ramps, or areas for diversion out of the justice system." They are:

**Intercept 0:** Community services that prevent justice system interactions for autistic individuals

**Intercept 1:** Addressing interactions between autistic individuals and police officers

**Intercept 2:** Addressing initial detention and court hearings for autistic individuals

**Intercept 3:** Addressing court trials of accused persons with autism

**Intercept 4:** Addressing incarceration of convicted individuals with autism

**Intercept 5:** Supporting autistic offenders following release from jail/prison settings

The policy brief itself is only four pages long, but it includes a graphic description of the SIM and is filled with helpful hyperlinks to supportive and related research and reference materials from the United States, Canada, New Zealand, the UK, and European countries. Readers interested in a deeper dive should start here:

<https://thecrimereport.org/2022/10/14/autism-and-the-criminal-justice-system/>

My 2021 review called on legislatures to relax some laws, and noted the need to provide treatment options rather than mandated incarceration and the imperative that we acknowledge that the one-size fits all approach of the current statutes may not apply to those with an autism diagnosis. I hastened to note the challenges we face in achieving any of these outcomes in the present weaponized political environment. The policy brief really does not address these real-world barriers, or how the recommendations, adaptation and innovations can be made real for persons with autism or mental health diagnoses. With so many other problems clamoring for attention, and with other important funding priorities competing for the attention of policymakers, it seems clear that the search for equitable justice for autistic individuals will continue to require the patient, individualized advocacy of caring people like those who support the mission of the Proxy Parent Foundation.

*\*Judge of the California Superior Court, County of San Diego. The views expressed in this, his seventh review for the Proxy Parent Newsletter, are not intended as a commercial endorsement, and are Judge Taylor's opinions alone.*

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