

What is a Murphy conservatorship, and how does it work?

Key facts

- A Murphy conservatorship applies to a person found mentally incompetent under Penal Code Section 1370 who faces an undismissed felony charge "involving death, great bodily harm, or a serious threat to the physical well-being of another person" and who remains dangerous because of a mental disorder (California Welfare and Institutions Code Section 5008(h)(1)(B), checked 2026-09-25).
- It is a subtype of "gravely disabled" under California's Lanterman-Petris-Short (LPS) Act, not a separate law (California Welfare and Institutions Code Section 5008, checked 2026-09-25).
- The term "Murphy conservatorship" comes from the legislator who sponsored the 1974 amendment adding this second definition of grave disability, not from any conservatee named Murphy (Conservatorship of Lee C., 18 Cal.App.5th 1072, California Court of Appeal, Third District, 2017, checked 2026-09-25).
- Only the county Public Guardian serves as conservator in a Murphy case; a relative cannot take the role the way they sometimes can in a standard LPS conservatorship (Riverside University Health System, Public Guardian Program, checked 2026-09-25).
- The county must prove the criteria beyond a reasonable doubt before a court imposes or renews the conservatorship (Conservatorship of Lee C., 18 Cal.App.5th 1072, 2017, checked 2026-09-25).
- The proposed conservatee can demand a jury trial, which must generally start within 10 days of the demand (California Welfare and Institutions Code Section 5350, checked 2026-09-25).
- A Murphy conservatorship lasts up to one year and must be renewed through a new petition, with two current physician or psychologist opinions, to continue (California Welfare and Institutions Code Section 5361, checked 2026-09-25).
- A 2026 amendment expanded the state's general "gravely disabled" definition to also cover a severe substance use disorder, but that change did not touch the Murphy-specific definition, which still requires a mental health disorder (California Welfare and Institutions Code Section 5008, checked 2026-09-30).
- A Murphy conservator generally needs the court's permission before moving the conservatee to a less restrictive placement, unlike a conservator in a standard LPS case (Disability Rights California, Handbook for Challenging Mental Health Conservatorships, checked 2026-09-30).

Murphy conservatorship checklist for families

- ☐ Confirm the criminal case has reached a Penal Code Section 1370 incompetency finding
- ☐ Ask the defense attorney directly whether a Murphy conservatorship referral is being considered
- ☐ Identify the county Public Guardian office and its investigator or caseworker
- ☐ Ask which of the five statutory criteria are actually in dispute
- ☐ Note the hearing date and whether a jury trial has been demanded

- ☐ Confirm current placement and facility contact information
- ☐ Ask about a patients' rights advocate for the conservatee
- ☐ Record the expiration date and set a renewal reminder
- ☐ Ask what, if anything, will be charged to the conservatee's estate
- ☐ Keep copies of every court order, physician declaration and placement notice together

<https://omliva.com/guides/murphy-s-conservatorship/> | Checked 2026-09-30