

REVIEW

By Sam Sugar, M.D.

Capacity Assessments in California Conservatorship Proceedings

Improving Clinical Practices and Judicial Procedures to Better Protect the Rights of Seniors and People with Disabilities

By Thomas F. Coleman, Legal Director, Spectrum Institute
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Why is America's guardianship system so badly broken? Why have advocates across the country been able to document thousands of cases of egregious abuse, neglect and exploitation of vulnerable elderly citizens conscripted into guardianship purgatory? Why hasn't any branch of government been responsive to the torrent of legally valid complaints arising from abuse of the state-based guardianship machine?

Answering these questions requires a deep dive into the origins and roots of the system and why it has become a stain on our country.

Spectrum Institute's report, written by Tom Coleman, is a tour de force. *Capacity Assessments in California Conservatorship Proceedings* is a landmark document. It offers a sobering and cogent analysis of how this "system" intended to assist those in need has instead become a tool of government overreach.

Since appeals by wards/conservatees almost never occur, justices of the Supreme Court and Court of Appeal are generally clueless about the countless failings of their own broken system which they are, nonetheless, charged to manage.

As just one glaring example of the courts' failure to manage itself, theoretically, current law in many states clearly favors the use of alternatives to conservatorship. But in practice, viable less invasive and less costly alternatives like supported decision-making are almost never seriously explored by court appointed attorneys, court investigators, and judges.

As Coleman states "*Judges and attorneys in California should move away from doing what is expedient and instead do what is statutorily and constitutionally required. Less restrictive alternatives should be investigated and evaluated with due diligence.*"

Coleman documents many blatant deficiencies in California's system. Seeing them so clearly laid out, eloquently explained, and thoroughly documented, raises the question of why the judiciary with its unparalleled latitude and resources has been unable, or more likely unwilling, to recognize the urgency of correcting this long-standing abuse of power.

Until the status quo is no longer tolerated and these courts are held accountable for their actions, closely monitored, and the solutions put forth by Coleman are enacted, there will continue to be a great need for guardianship advocacy to expose the danger faced by any vulnerable individual who grows old in America.

Kudos to Tom Coleman for this outstanding effort.



Sam J. Sugar, M.D. is a board-certified specialist in internal medicine residing in Hollywood, Florida. He is the founder and director of Americans Against Abuse Probate Guardianship. Dr. Sugar has been extensively published and quoted in the media on his activism against

probate guardianship elder abuse and has been instrumental in developing and passing guardianship reform laws in Florida. He is a frequent lecturer and contributor to social media on the subject of abusive guardianship.

Dr. Sugar is the author of *Guardianship and the Elderly: The Perfect Crime*. (2018) The book is designed to explain the guardianship process clearly and make the reader aware of the common violations carried out by court insiders and their affiliates.

Email: drsam@aaapg.net