

Probate Conservatorship Data:

The Need to Improve Collection & Reporting



Report to the California Judicial Council

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May 20, 2021

Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Attention: Hon. Tani Cantil-Sakauye, Chairperson

Council Members:

With this letter we are transmitting to you a report titled “Probate Conservatorship Data: The Need to Improve Collection and Reporting.” The report explains that current methods of gathering data from superior courts and reporting it to the public are wholly inadequate.

The Judicial Council is responsible for ensuring the consistent and accessible administration of justice in all court proceedings. This includes conservatorships. To do this, you need accurate information from the superior courts about how many cases are filed annually, how many conservatees are under the protection of the judicial branch, and how cases are being disposed of. You also need information about the conservatorship workload of judges and court personnel throughout the state.

Our review of the annual *Court Statistics Report* and responses from the council and superior courts to our administrative records requests shows that leaders of the judicial branch lack the necessary information to make informed decisions about the administration of justice in probate conservatorship proceedings. The superior courts are left to their own devices. Proceedings are conducted in an ad hoc manner without proper budgeting or administrative planning.

As I once asked in an op-ed published in the Daily Journal, titled *We Count What We Care About*, “How much does the judiciary care about the thousands of probate conservatees who are under its protection?” I am sorry to say that my answer was: “In a world of ‘counting equals caring’ the answer appears to be that these judicial protectors are not really concerned about their protectees.”

Please prove me wrong. Start counting and sharing reliable conservatorship data with the public. This report documents the current data deficiency and suggests ways to fill this informational void. The likely passage of several legislative bills this year, with resulting increases in the judicial workload in conservatorships, requires better planning. The time to start that planning is now.

Respectfully submitted:

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California Judicial Council and Probate Conservatorship Data

Findings and Comments

1. The Judicial Council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice in all court proceedings. (Exhibit 1) Comment. The council does not appear to be engaging in any meaningful actions to fulfill this responsibility with respect to probate conservatorships.
2. The Judicial Council has established a Trial Court Liaison Program to enhance communications between the trial courts and the Judicial Council. Judicial officer members act as liaisons to assist the trial courts in transmitting information and raising concerns. They make site visits and present reports on the efficiencies and challenges of their assigned courts. (Exhibit 1) Comment. It is unknown if any site visits or reports have focused on challenges to the trial courts in meeting their constitutional and statutory obligations to conservatees and proposed conservatees.
3. The Judicial Council is responsible for the budget process for the judicial branch. The council makes allocations and sets priorities for the branch. (Exhibit 2) Comment: It appears that no particular concern is shown in the budget planning process to ensure that trial courts have adequate resources to fulfill their constitutional and statutory responsibilities to conservatees and proposed conservatees.
4. Some trial courts appear to have unmanageable caseloads of probate conservatorship proceedings. The problem is particularly acute in Los Angeles where one judge who processed such cases on a daily basis reported that he had 75 probate cases on his 8:30 docket and nearly 20 limited conservatorships on his 9:30 docket. (Exhibit 3) He encouraged court-appointed attorneys to keep their hours down, predicting that if they did not do so that the county supervisors might end the appointed counsel program and have the public defender handle the cases instead. Comment: Large caseloads put pressure on judges to process cases quickly and they in turn put pressure on attorneys to do the same. This pressure seems to be working. Audits by Spectrum Institute of dozens of cases in Los Angeles revealed that the attorneys who put in the fewest hours in indigent cases get the most assignments to these cases. Some work as few as four hours on a case. <https://tomcoleman.us/publications/2015-efficiency-vs-justice.pdf> To comply with local rule 4.125, some of these hours are spent helping the judge resolve the matter rather than defending the rights of the client and advocating for his or her stated wishes.
5. In some superior courts, attorneys are not assigned at all to probate conservatorship cases. (Exhibit 4) Litigants with cognitive disabilities are required to represent themselves. Many attorneys are not properly trained and do not advocate for less restrictive alternatives to conservatorship. (Exhibit 4) Comment. The enactment of SB 724 will put pressure on

superior courts to handle these cases more carefully. Counsel will be required in all cases. Attorneys will be required to act as zealous advocates for the clients. This should result in more motions, objections, hearings, trials, and appeals. The Judicial Council should include the passage of this bill in its budget planning process this year to prepare for the increase in judicial time spent on these cases as a result of more attorneys and more vigorous advocacy.

6. The enactment of three pending bills is likely to increase the workload of judicial officers and employees. (Exhibit 5) Under AB 1194, key reforms of the 2006 Omnibus Conservatorship and Guardianship Reform Act will finally be implemented. This will require judges and court investigators to put more hours into cases. Under SB 602, the requirement of a comprehensive care plan for conservatees – something recommended by the Probate Conservatorship Task Force in 2007, will finally be implemented. This will require more funding for judicial officers, support staff, and court investigators. Under SB 724, judges will be required to appoint attorneys in all cases where the proposed conservatee has not retained an attorney. These attorneys will not be permitted to act as de facto court investigators or guardians ad litem. They will be required to act as zealous advocates to defend the rights of the clients and advocate for their stated wishes. More attorneys vigorously defending clients will result in more motions, objections, hearings, trials, and appeals. Comment. The council should include the likelihood of the passage of these bills in the current budget planning process.

7. The California Constitution directs the Judicial Council to “survey judicial business” and directs judges to report to the council “concerning the judicial business of their courts.” The purpose of the survey and reporting requirements is to “improve the administration of justice.” (Exhibit 6) Comment. The administration of justice in probate conservatorship proceedings will not improve until the council and the superior courts apply these directives to such proceedings. The Judicial Council cannot improve something that it knows virtually nothing about in terms of actual operations.

8. The Judicial Council annually publishes a Court Statistics Report. It “contains essential information about the annual caseload of the California judicial branch, with a particular emphasis on the number and types of cases that are filed and disposed of in the courts. This information is submitted to the California Legislature and used in numerous judicial branch reports.” (Exhibit 7) This exhibit contains excerpts from the 2020 annual report that mention the word conservatorship. Comment. The Court Statistics Report reveals nothing significant about probate conservatorship proceedings. One reason for this is that statistics in the report merge probate conservatorship data with guardianship data. Conservatorships involve adults. Guardianships involve minors. The annual report has no value for purposes of planning to improve the administration of justice in probate conservatorship proceedings. It is unknown whether the problem is with the data collection process (including the questions that are asked) or the reporting process (merging conservatorship and guardianship data). The council should change the data collection and reporting processes. Questions should be asked of each superior court about the “active inventory” of conservatees under the protection of the court, the number of new filings annually broken down into general vs. limited conservatorships, the number and methods of dispositions (no trial, court trial, or jury trial), the number of conservatees subject to biennial reviews by court investigators (regardless of

whether investigators are employees or contractors), the number of conservatees whose biennial reviews were not done in a timely manner, and the number of conservatees who cannot be located. Without such data, the council and the superior courts have no way of knowing how these cases are being processed. They are missing the “big picture” in terms of the administration of justice in conservatorship proceedings.

9. *When they choose to*, trial courts are able to gather, maintain, and report data on active inventory and annual filings. The Los Angeles Superior Court provides an example. (Exhibit 8) Spectrum Institute filed an administrative records request with that court in 2014. In response, the court provided data on the number of conservatees in active inventory as well as the number of new filings annually. When the same questions were asked of that court in 2021, the response was quite different. First, the court declined to provide records of this data. Then, when pressed on the matter, the court reluctantly provided some data but in a form that was not usable or relevant. The court did not indicate how many conservatees were in “active inventory” as it had in the past. It did provide data on new filings, but combined conservatorships and guardianships, thus making the information unresponsive to the request. Comment. Courts can be cooperative and transparent in response to records requests under Rule 10.500 or they can be resistant and obstructionists.

10. The Department of Developmental Services has been cooperative and responsive to records requests regarding the number of regional center clients who are probate conservatees. (Exhibit 9) Comment. Spectrum Institute has filed such requests with DDS each year since 2014. Their response is always prompt, cooperative, and relevant. DDS knows how many adults with developmental disabilities are under the protection of the judicial branch in probate conservatorships in California. It is unfortunate that the Judicial Council does not itself know how many conservatees are under such protective orders.

11. Spectrum Institute recently filed an administrative records request with the Judicial Council to determine exactly what questions the council is asking superior courts to prepare the annual Court Statistics Report. (Exhibit 10) The response was rather vague. Comment. It would be helpful if the council made staff from the statistics branch available for a conversation about the data gathering and reporting process with respect to information on probate conservatorship proceedings.

12. Spectrum Institute filed a follow-up request for records to determine the number of initial filings (per superior court and state totals) for probate conservatorship proceedings, as well as the number of active cases for persons under an order of conservatorship. Attached to the request were the responses of superior courts throughout the state to the same questions. (Exhibit 11) As of this writing, the Judicial Council has not responded. Comment. Basic information such as this is essential for budget planning and to monitor the administration of justice in conservatorship proceedings. Some superior courts readily provided the data. Others seemed to struggle to obtain and report it. Hopefully, the council has this information and will provide it in response to the request. If such information is unavailable, that alone attests to the need for reforms in the data collection and reporting process.

We Count What We Care About

By Thomas F. Coleman
Daily Journal / Oct. 20, 2019

Bankers know to the penny how much money they are managing in their financial institution. Elections are based on the actual number of votes cast, not vague estimates. Workers know exactly how much money should be in their monthly paycheck.

Schools keep tabs on how many students are enrolled. Employers track how many workers they employ. Jailers count how many inmates they have in their custody, and whether anyone is missing. Mental hospitals know if any patients have eloped.

If we care about something, we devote attention to it. When it comes to quantity, we know the exact amount and whether it is increasing or decreasing. In terms of quality, we know the condition and whether it is improving or deteriorating.

Since I have been studying the probate conservatorship system in California which is now going on seven years, I have been asking myself an important question. How much does the judiciary care about the thousands of probate conservatees who are under its protection?

In a world of “counting equals caring” the answer appears to be that these judicial protectors are not really concerned about their protectees. Part of my opinion is based on the fact that, in terms of adults who are under an order of conservatorship, the judicial branch does not care enough to even count them.

The chief justice is not aware of how many adults are under an order of conservatorship in California. Neither is the Judicial Council. They do not know the number of new probate conservatorship petitions that are filed annually in the state. Even various estimates from the judicial branch differ

greatly when it comes to the number of probate conservatees in California.

Probate courts are sometimes referred to as “protection courts” because they are charged with protecting the lives and well-being of the individuals whom they order into conservatorships. By law, probate courts are required to send investigators out to the homes of conservatees to check into their status every two years.

Considering this mandate, and considering the vulnerability of the seniors and adults with developmental disabilities who are under the “protection” of these courts, it would seem logical – indeed imperative – that the chief justice and the Judicial Council would know how many conservatees the 58 superior courts are protecting in California. Surprisingly, they don’t.

One would think that local courts would have an obligation to report to someone at the state level the number of conservatees who are missing. How many conservatees are these local courts unable to locate? Obviously, if a court can’t locate someone it can’t protect them.

Information that I have gathered from the Los Angeles County Superior Court suggests that there may be hundreds, if not thousands, of conservatees who are missing – who simply cannot be located by court investigators. These adults are no longer considered part of the court’s “active” inventory of probate conservatees. Just what category are these missing people placed into? “Inactive” inventory?

In 2015, the presiding judge of the probate division of the Los Angeles Superior Court told the State



Senate that the Los Angeles court had 10,000 “active” probate conservatorship cases. As I sat in the hearing room and heard this number, my ears perked up.

Data gathered by Spectrum Institute from the Department of Developmental Services earlier that year showed that, just counting adults with developmental disabilities, there were more than 12,500 such adults in open conservatorship cases in Los Angeles County. Add to that seniors and other adults and there easily could have been another 3,000 open cases in Los Angeles County. By my calculations there could have been 15,000 or more adults under the protection of the Los Angeles probate court in open conservatorship cases.

In her remarks to the Senate Judicial Committee, the presiding judge alluded to the inability of the court to properly monitor probate conservatees. She advised senators that the court was severely understaffed. The case loads of court investigators were unmanageable.

The whistle the presiding judge was blowing with her bated breath, barely audible to me, was not heard at all by the senators. Fortunately, my ears were sensitive to her encoded message because of my own prior research into these numbers. My interpretation of her testimony alarmed me: “Conservatees are missing, and the court needs more resources to find them and check on their well-being.”

Let us remember that these protectees are vulnerable adults, not old computers or other forms of devalued property being counted by court administrators. They are people who have been involuntarily ordered into the protection of the courts.

Since this many people may be unaccounted for in Los Angeles, how many probate conservatees have unknown whereabouts in the entire state?

This is a serious problem. These adults could be victims of ongoing abuse. It is imperative that a “protector” notify law enforcement when a “protectee” cannot be located. Resources should be allocated to ensure that courts know the location

and the condition of each and every adult who is under their protection.

My plea to the judiciary is simple: “Don’t pretend to protect. Actually do it.”

The first step to fixing a problem is to acknowledge there is one. This issue of missing conservatees is something that needs to be addressed, without delay, by the chief justice and the Judicial Council. The judicial branch should demonstrate that it sincerely cares about seniors and people with disabilities. For starters, it needs to begin counting the people it is protecting. The judicial branch also has a legal obligation to know where these individuals are living, and to determine their physical, medical, and psychological condition.

The judges can’t do the protecting themselves. They rely on court investigators to monitor these cases. Investigators are supposed to see conservatees in person every two years and conduct an assessment of their well-being. According to the report issued by the Senate Judiciary Committee in 2015, in some areas of the state these biennial investigations are sometimes delayed for years.

What should be done about the problem of missing conservatees, unreasonably high caseloads of court investigators, and the backlog of biennial reviews?

For starters, the chief justice should direct the Judicial Council to conduct a statewide survey of all 58 superior courts to gather information about these protectees. How many new probate conservatorship cases are filed each year? How many open cases are there? How many of these conservatees are missing? Are the statutorily-mandated biennial reviews being conducted in a timely manner? What is the caseload of each court investigator?

It is time for the judicial branch to show that it cares about probate conservatees. It should gather essential information about them. In other words, it should start counting. ♦♦♦

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The Power of Data

“Data analytics can reveal the root cause of a persistent issue . . . allowing state leaders to be better informed in their approach to a problem and make more strategic decisions.”

– Pew Charitable Trusts

“Without data you’re just another person with an opinion.”

– W. Edwards Deming, Statistician, Professor, Author, Lecturer, and Consultant

“With data collection, ‘the sooner the better’ is always the best answer.”

– Marissa Mayer, Former President and CEO at Yahoo!

“The goal is to turn data into information, and information into insight.”

– Carly Fiorina, ex CEO of Hewlett-Packard

“Data really powers everything that we do.”

– Jeff Weiner, CEO of LinkedIn

Exhibits

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CALIFORNIA COURTS

THE JUDICIAL BRANCH OF CALIFORNIA

<https://www.courts.ca.gov/policyadmin-jc.htm?print=1>

Judicial Council

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. Judicial Council staff help implement the council's policies.

Advisory Bodies

To provide leadership for advancing the consistent, impartial, independent, and accessible administration of justice, the Judicial Council must be aware of the issues and concerns confronting the judiciary, as well as appropriate solutions and responses. The council carries out this mission primarily through the work of its advisory committees and task forces.

Judicial Council Trial Court Liaison Program

The Judicial Council Trial Court Liaison Program, established in 2011, improves the administration of justice in California by enhancing direct communications between trial courts and the Judicial Council and increasing transparency of Judicial Council policymaking and branch leadership within trial court leadership and judges. Assignments to the superior courts of 58 counties are dispersed among the judicial officer members of the Judicial Council. In their liaison roles, they serve as a resource for the courts to transmit information, raise concerns, and have direct access to the council. Liaisons also make site visits to courts and present reports on the efficiencies and challenges of their assigned courts. Up to three liaison reports are presented at each council meeting. Video presentations of the trial court liaison visits are available on the California Courts

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CALIFORNIA COURTS

THE JUDICIAL BRANCH OF CALIFORNIA

The Branch Budget Process

The judicial branch budget is a very small part of the overall budget for California state government. Just over one penny of every general fund dollar goes to the courts. For each fiscal year, which begins July 1, the budget process begins in the fall of the previous calendar year.

Begins with the Governor

The State Constitution requires the Governor to submit a balanced budget to the Legislature on January 10 of each year. Click for a summary of the [Governor's budget information](#).

Legislature and Governor finalize the budget

The Governor's budget is revised in May. The Constitution requires the Legislature to adopt a balanced budget by June 15. The Governor then has 12 working days to sign the budget bill. The Governor also has the authority to reduce or eliminate any item in the budget bill.

Judicial branch budget review process

Once the Legislature has passed and the Governor has signed a state budget, the [Trial Court Budget Advisory Committee](#) reviews the trial courts' portion of the budget and prepares recommendations to the Judicial Council on allocations among the 58 trial courts for the coming fiscal year. An appellate advisory group follows a similar process in reviewing the budgets for the Supreme Court and Courts of Appeal.

Judicial Council Review

Recommendations for the coming fiscal year and budget proposals for future fiscal years go before the Judicial Council in business meetings in July and August open to the public. The council makes allocations and sets priorities for the branch.

Probate Judge's Remarks Reveal Reasons for Judicial Resistance to Conservatorship Reform

By Thomas F. Coleman

Although I am not a PVP attorney, I attended a recent mandatory training for court-appointed attorneys who serve on a Probate Volunteer Panel operated by the Los Angeles County Superior Court. I wanted to see if things had changed much since I filed a complaint last year with the State Bar of California, alleging that these mandatory trainings were seriously deficient.

My complaint to the State Bar was based on observations I have made during my audits of the trainings over the past three years. Although these educational forums are mandated by the Superior Court, they are conducted under the auspices of the Los Angeles County Bar Association. Since the State Bar authorizes the local bar to award continuing education credits to those who attend, it seemed logical that the State Bar would want to know if these programs are deficient in any way.

To clear up one possible misunderstanding, the attorneys on the panel do not perform legal services as volunteers. They are paid fees. The word "volunteer" merely signifies that they choose to have their name placed on the list of attorneys eligible to be appointed to represent respondents in conservatorship cases. These attorneys are paid to advocate for and defend adults with cognitive and communication disabilities who may lose significant rights in these proceedings.

The clients that PVP attorneys represent include seniors in cognitive decline, men and women with intellectual and developmental disabilities, and other adults whose ability to understand and reason is challenged by medical or mental conditions. Without a court-appointed attorney to assist them, these involuntary litigants would not stand a chance to defend against the loss of significant rights or to resist the appointment of a conservator who may be someone who has been abusing them or financially exploiting them.

The role of PVP attorneys is critical to the administration of justice in these proceedings. Duties of confi-

dentiality and loyalty attach to the attorney-client relationship. Due process and access-to-justice requirements of the Americans with Disabilities Act require PVP attorneys to get the training they need so they can provide *effective* representation to clients with special needs.

That is why the trainings for PVP attorneys are critical. That is why I have been so upset – as a disability rights advocacy attorney – at the deficiencies in prior trainings that I have audited.

When I saw the advertisement for the November 2016 training program, I decided to attend – hoping that the probate court would send a judge to impress on the PVP lawyers their duty to be strong advocates and defenders for their conservatorship clients. About midway into the first presentation, my hopes were dashed.

The first panel was titled "The PVP Report." Presenters were Judge David J. Cowan and PVP attorney Jeff Marvan. I knew things were getting off to a bad start when I looked in the written materials for this panel and noticed that the first legal authority cited was Local Rule 4.125.

Unique to Los Angeles, this rule gives PVP attorneys two roles. One is to represent the interests of the client. The other is to "assist the court in the resolution of the matter to be decided." This rule has bothered me since I first discovered it three years ago when I started to study the conservatorship system in California.

An attorney cannot serve two masters. An attorney must have undivided loyalty and complete fidelity to his or her client. Giving an attorney a secondary role to "assist the court" in resolving a case creates an actual or at least a potential conflict of interest. To the extent that an attorney's role as a pure advocate for a client is diminished in any way by a duty to act as a negotiator or case settler, Rule 4.125 conflicts with state law (Rules of Professional Conduct) and federal



law (due process duty to be an advocate for the client and ADA duty to provide effective advocacy services).

Mr. Marvan's verbal remarks called attention to the dual role under Rule 4.125. However, he did not mention that PVP attorneys could challenge it if they felt it might interfere with their ethical and constitutional duties to be loyal and effective advocates. When Judge Cowan chimed in, I was even more concerned.

Judge Cowan told the attorneys: "You are the eyes and the ears of the court." This was wrong on so many levels. A court investigator or a guardian ad litem can be the eyes and ears of the court – investigating the case and advising the court, but not advocating for a particular position. An advocacy attorney, however, is not an extension of or an adjunct to the court. If he or she is "the eyes and ears" of anyone, it would be of the client and not of the court.

In my auditing of PVP reports over the past few years, I have seen attorneys put information in these reports that are adverse to the retention of rights by their client. I have seen them cite Rule 4.125 as they advocate positions that surrender rather than defend the rights of their clients. By reinforcing this "eyes and ears of the court" nonsense, Judge Cowan was giving permission to the PVP attorneys to disregard their constitutional and ethical duties so they could help the court resolve cases.

I have sometimes wondered why probate judges would give such emphasis to resolving cases. That question was answered when Judge Cowan made another amazing remark during his presentation

He advised the attorneys that each day he takes the bench he has a crushing load of cases to process. There may be 75 probate cases on his 8:30 docket. Then he has another 15 to 20 limited conservatorship petitions to contend with on the 9:30 calendar. Members of the audience, including me, could not help but empathize with the predicament of judges in the probate division. On the one hand, they should be concerned with administering individualized justice in these cases. On the other hand, they must dispose of cases in a rapid-fire fashion or be confronted with an

even larger caseload the next day or the next week.

No wonder the court has adopted Rule 4.125 which imposes a duty on lawyers to help the court resolve cases. When it comes to individualized justice versus administrative survival, which of these competing interests do you think wins the day?

The implied message of Rule 4.125 – reinforced by the directive that attorneys must be the "eyes and ears of the court" – was buttressed by additional judicial admonitions. Judge Cowan made sure to remind attorneys that "we know who you are" – a reference to fee claims that are above the norm.

Attorneys may have the perception, perhaps justifiably, that if they do not please the court, they may not get future appointments with the frequency the attorneys would like.

The ability of the court to control the PVP list – who gets on, how many cases they are appointed to, and how much they are paid in any given case – is central to the ability of probate judges to keep PVP attorneys towing the line. Attorneys may

have the perception, perhaps justifiably, that if they do not please the court, they may not get future appointments with the frequency the attorneys would like. More appointments means more money for the lawyers – something which is a matter of economic concern to them just as the expeditious resolution of cases is a matter of administrative concern to the judges. "You scratch my back, I'll scratch yours" is built into a system where the judges are the ones who control the PVP appointment system.

The attorneys know that limited conservatorship cases are not money makers. Since the clients in most of these cases are indigent and rely on SSI or other government aid to live, the attorneys are paid by the county for their services in these cases. They receive \$125 per hour and have a 12 hour presumptive limit on billable time.

However, if they play ball – keeping their hours to a minimum and fulfilling their Rule 4.125 duty to help the court resolve cases expeditiously – they may receive ample appointments in the money-making cases. These are estate conservatorships where they receive \$250 per hour *or more* and often get approval from judges for extra hours.

It appears to me there is a symbiotic relationship between accepting low-paying limited conservatorship cases – expediting case settlements which helps the

court keep their dockets from backlogging – and getting appointments on lucrative cases with additional hours and at higher hourly rates.

Then, for the finishing touch, Judge Cowan instilled fear into the attorneys. If they don't keep the hours down, and help the court keep the overall legal services budget low, the county will eliminate the PVP system altogether. He told them that there has been talk of having the Office of the Public Defender represent conservatees, thus making PVP attorneys obsolete.

You could hear a pin drop when that message was delivered. Some of these attorneys receive 70 or more conservatorship appointments each year. Some are making \$100,000 or more annually just on PVP appointment cases. This stream of income will dry up unless the attorneys keep the hours down, thus keeping the fees down, and help the judges resolve cases in an efficient manner.

I used to wonder why probate judges would care whether conservatees are represented by court-appointed attorneys rather than public defenders. My wonderment evaporated the moment I connected the dots and realized that court control over appointments and fee payments is the only leverage that judges have for managing their case loads.

If judges lost the power to decide who gets on the PVP list, who gets how many appointments, and how much the attorneys get paid, their sole function would be adjudicating individual cases. The judges would lose the best leverage they have for controlling how quickly cases are resolved – control of the PVP attorneys.

If public defenders represent clients in these cases, and if they engage in effective representation, cases may remain open much longer. More motions, more objections, and more hearings will take up more court time. The judges may not like this, but they will have no power over the public defenders to make them move cases through the system more quickly.

As an institutional force, the Office of the Public Defender could hire investigators and clerical staff to

assist the attorneys provide more effective representation. The cost to the county may be the same as the PVP system, but the amount of court time each case consumes could be significantly higher. The mere thought of this – and the thought of losing control over the attorneys who appear before them in these cases – is probably what is fueling judicial resistance to some of the reform proposals I have been advocating for the past few years.

Immediately after the first panel was done, and Judge Cowan and attorney Marvan left the stage, the next speaker took the podium. Attorney Laura Conti,

herself a PVP attorney, spoke on "The Role of the PVP." Her verbal presentation must have come as a surprise to Judge Cowan and those who operate the PVP system. Her materials in the printed program did not give attendees a clue that she would speak about the Americans with Disabilities Act and how it applies to court-

appointed attorneys who represent limited conservatees.

Ms. Conti spoke for 20 minutes, outlining the services that PVP attorneys must do to give clients the competent and effective representation required by due process and the ADA. Attorneys should do a more thorough investigation than they currently do – reviewing regional center IPP reports and school IEP reports, interviewing the medical doctor who prepares the capacity declaration, perhaps having a capacity assessment expert appointed under Evidence Code Section 730, and maybe seeing the client on more than one occasion. Plus she mentioned that vetting cases for possible abuse – since people with disabilities are at high risk for abuse – is a function of a PVP attorney.

Judge Cowan had said something in his earlier remarks that, at least to me, reinforced the validity of what Ms. Conti was saying. He advised the attorneys that their service in an initial conservatorship proceeding is a one shot deal. Once a petition is granted, it is unlikely the client will ever see the inside of a courtroom again, perhaps for the rest of their lives. Due to the nature of their disabilities, these clients lack the ability to get the attention of the court or schedule a court hearing again. This initial hearing is it. The attorneys better get it right the first time since there

If they don't keep the hours down, and help the court keep the overall legal services budget low, the county will eliminate the PVP system altogether . . . You could hear a pin drop when that message was delivered.

will probably never be another court hearing for their clients.

With Judge Cowan's one-time-only reality check still fresh in my mind, what Ms. Conti said about the need for thorough investigative and advocacy services made a lot of sense to me.

When she was done, I had an opportunity to speak during the break to the attorney sitting next to me. The attorney almost immediately spoke up and said: "Yeah, right. What she said sounds nice in theory, but the judges would never let us put in that many hours on a case."

When I told her that the PVP attorneys could, as a group, buck the system and put in the hours that were necessary to provide effective services, she shot back: "Sure. But then the county will eliminate the PVP panel and have the public defender take over. We will lose this source of income."

So there it was. The PVP system, with judges in control of appointments, fees, and reappointments, allows the judiciary to control the attorneys. The attorneys know this and so pleasing the court is a top priority – more so than effective advocacy. The judges fear losing control of the system, and therefore they keep the budget limited so as not to upset the county officials. The threat of transferring the legal services system from court-control to the public defender's office is enough to keep the court in line. In turn, the court reminds the PVP attorneys to keep fees down, and thus keep services to a minimum . . . or they all will be replaced.

Judge Cowan's remarks at this PVP training program helped me to finally put the pieces of the puzzle together and see the big picture. Unless the Legislature allocates more funding for court services and staff, and increases the county's budget for legal services for attorneys representing conservatees, the status quo will remain — expedited case flows; minimal legal services; and low fee claims, resulting in assembly-line efficiency rather than individualized justice for clients who need special attention.

Federal intervention may be the only hope for meaningful and lasting reform. Without pressure from a

higher authority, the State of California has no incentive to reform the conservatorship process. It may be like the deficient medical and mental health services that were occurring in the state prison system. It took a federal court to intervene in order for the situation to improve.

Whether it is brought by the Department of Justice or by one or more disability rights organizations, a federal lawsuit may be the only way to bring reform to the conservatorship system in California. Federal litigation did cause major reform in the prison system

– however reluctantly the state complied with judicially-mandated systemic changes. Federal intervention may be what it takes for the state judiciary to reform the conservatorship system in California, and for the Legislature to supply the funds needed to make the reform become a reality.

Federal intervention may be the only hope for meaningful and lasting reform. Without pressure from a higher authority, the State of California has no incentive to reform the conservatorship process.

Whatever it takes, and however long it takes for reform to occur, Judge Cowan's remarks at the PVP training helped me to decipher the encrypted basis of judicial resistance to my ongoing calls for conservatorship reform.

Such knowledge makes me think that, while reform-minded disability rights advocates start to plan for federal litigation, transferring legal services to the Office of the Public Defender may be a worthwhile experiment. I am already formulating an action plan as to how that office could provide ADA-compliant legal services in a cost-efficient manner – perhaps at or close to the cost of the current PVP system.

Another option would be for a cadre of PVP attorneys to challenge the system through collective political action or even litigation. Whatever reform method ultimately occurs, something must give. The status quo simply cannot continue. ♦♦♦



Thomas F. Coleman is the legal director of the Disability and Guardianship Project of Spectrum Institute.

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March 17, 2017

Thomas F. Coleman
Legal Director
Spectrum Institute
9420 Reseda Blvd., #240
Northridge, CA 91324

Mr. Coleman:

I am the Legal Services Manager of Alta California Regional Center (ACRC), a nonprofit corporation organized and existing pursuant to the laws of the State of California and contracted with the State of California to provide services and supports to individuals with developmental disabilities. Part of my responsibility at ACRC is to manage and provide oversight of conservatorships of regional center clients, including reviewing newly proposed conservatorships and monitoring clients under existing conservatorships. Based upon my years of experience in this role, I believe that the current conservatorship law and procedures in California are insufficient to protect the rights of individuals with developmental disabilities.

At our agency, for example, approximately 80% of our conserved clients are under general conservatorship, and not, as you might imagine under limited conservatorship, an arrangement which was designed specifically for Californians with developmental disabilities. And the law and probate courts treat general and limited conservatorships quite differently.

For example, proposed general conservatees are not provided a court-appointed attorney, as are proposed limited conservatees. Further, the Probate Code does not require the regional center to assess the proposed conservatee and file an assessment report for general conservatorship petitions, whereas this is mandatory for limited conservatorship petitions. The net result is that in general conservatorships, the probate courts are deprived of objective test data reflecting the proposed conservatee's level of intellectual and adaptive functioning, as well as the regional center's recommendations regarding conservatorship, in making these incredibly important decisions.

Moreover, I have concerns over the qualifications and focus of the court-appointed attorneys assigned our clients for limited conservatorship petitions. I have personally met court-appointed attorneys who represent themselves as Spanish speaking whose Spanish is so poor that they are unable to communicate with their Spanish-speaking clients. More concerning is the lack of familiarity and training of court-appointed attorneys about individuals with developmental disabilities and their rights. It is my understanding that an individual's attorney should advocate for the client to retain

his/her civil rights. In practice, the court-appointed attorneys I have seen nearly always support removal or restriction of their own client's civil rights. I'm unaware of why this should be different for an individual with a developmental disability.


Additionally, petitioners and their attorneys are often unaware of the legal requirement to serve a copy of conservatorship petitions on the regional center at least 30 days prior to the conservatorship hearing. Savvy courts will not allow conservatorship hearings to proceed until after they receive proof the regional center has served at least 30 days before the hearing. However, I have seen multiple instances of courts granting conservatorship petitions without the regional center receiving notice, much less recommendations—this typically occurs in smaller counties.

Also, in my opinion, the presumption of attorneys and probate courts that parents and family members are always suitable conservators for their relatives with developmental disabilities should be reversed for our clients' protection. In my experience, even the most well-meaning and loving family member, once given conservatorship authority, can easily make decisions which unduly restrict the rights of the conservatee, and at worst, can seriously compromise the individual's health and safety. And the court's statutory biennial review of conservatorships (which does not always occur) has historically been insufficient to prevent this type of abuse.

Finally, conservatorship is not the least restrictive method of providing assistance and protection to individuals with developmental disabilities. Probate Code Section 1821(a)(3) requires conservatorship petitions to list all "alternatives to conservatorship considered by the petitioner or proposed conservator and reasons why those alternatives are not available." In reality, petitioners can simply check a checkbox on the petition form and need provide no explanation whatsoever of why the alternatives were not available. ACRC continues to recommend that clients and families consider and exhaust the use of less restrictive methods for providing assistance and protection to individuals with developmental disabilities before even considering seeking conservatorship. Such alternative methods include, but are not limited to, supported decision making, regional center funded services and supports, the regional center planning team process, powers of attorney, written consents for disclosure of records/information, and assignments of educational decision making rights. I note, however, that local school districts, juvenile dependency courts, and probate attorneys do not share this perspective.

Should you have any questions in this regard to this letter, please do not hesitate to contact me.

Sincerely,



Robin M. Black
Legal Services Manager
Alta California Regional Center
(916) 978-6269
rblack@altaregional.org

Date of Hearing: April 27, 2021

ASSEMBLY COMMITTEE ON JUDICIARY

Mark Stone, Chair

AB 1194 (Low) – As Amended April 21, 2021

As Proposed to be Amended

SUBJECT: CONSERVATORSHIP

KEY ISSUES:

- 1) IN ORDER TO IMPROVE COURT OVERSIGHT OF CONSERVATORSHIPS AND BETTER PROTECT FRAIL AND VULNERABLE ADULTS, SHOULD KEY REFORMS OF THE 2006 OMNIBUS CONSERVATORSHIP AND GUARDIANSHIP REFORM ACT FINALLY BE IMPLEMENTED, INCLUDING REQUIRING MORE FREQUENT COURT INVESTIGATIONS INTO, AND REVIEWS OF, CONSERVATORSHIPS?
- 2) IN ORDER TO BETTER PROTECT WARDS AND CONSERVATEES FROM FISCAL HARM, SHOULD GUARDIANS AND CONSERVATORS, WHO LOSE DISPUTES OVER THEIR FEES, BE PROHIBITED FROM COLLECTING "FEES ON FEES," THAT IS, FEES AND COSTS FOR *UNSUCCESSFULLY* DEFENDING THEIR FEE PETITION?
- 3) SHOULD A NEW CIVIL PENALTY BE ESTABLISHED FOR CONSERVATORS WHO PHYSICALLY, MENTALLY, OR FINANCIALLY ABUSE THEIR CONSERVATEES OR DEPRIVE THEM OF NECESSARY CARE?

SYNOPSIS

In California, if an adult is unable to manage their financial affairs, a conservator of the estate may be appointed by a court to manage the adult's financial matters. If the adult is unable to manage their medical and personal needs, a conservator of the person may be appointed. A guardian may be appointed to protect a minor, the minor's estate, or both. The appointment process generally requires an investigation by a court investigator and approval by the court. Both conservatorships and guardianships involve a court-appointed third party – the conservator or guardian – making far-reaching, life-changing decisions on behalf of their charge – the conservatee or the ward.

Unfortunately, the conservatorship system has been riddled with significant and longstanding problems that have not been fully addressed, despite major legislation in the area, including the 2006 Omnibus Conservatorship and Guardianship Reform Act (Reform Act), a package of bills to overhaul California's conservatorship system by establishing greater court oversight and requiring that professional fiduciaries be licensed. This bill seeks to address many of the systemic problems by, among other things: (1) fully implementing the reforms of the 2006 Reform Act; (2) requiring better coordination between the courts and the licensing entity for professional guardians and conservators, the Professional Fiduciaries Bureau; (3) eliminating fees on fees when a conservator loses a court challenge to their fees or costs; (4) providing the court with better medical information before a general conservatorship is established or a temporary conservator is permitted to move a conservatee out of their house; and (5) establishing a new civil penalty against conservators who abuse their conservatees.

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 602 (Laird)
Version: April 5, 2021
Hearing Date: April 13, 2021
Fiscal: Yes
Urgency: No
JT

SUBJECT

Review of conservatorships

DIGEST

This bill requires probate conservators to submit, at specified points, comprehensive care plans for the care of conservatees and the management of their estates.

EXECUTIVE SUMMARY

Following a 2005 *Los Angeles Times* investigative series that exposed numerous abuses by probate conservators, a major reform effort was undertaken. While some important changes were made, the Great Recession scuttled much of the effort's momentum, leaving numerous potential reforms unrealized. One such reform was the creation of a general plan for the care, custody, and control of the conservatee, including a plan for meeting the conservatee's financial needs. The plan was proposed by a Probate Conservatorship Task Force, which was appointed by then-Chief Justice Ronald George to make recommendations to improve the management of probate conservatorship cases in California trial courts. SB 800 (Corbett, 2007) took up this idea, among others. However, the bill died in the Assembly Appropriations Committee after passing policy committees and the Senate floor with zero no votes.

This bill resurrects this idea. It is part of a package of bills that have been introduced this session in response to concerns over potential abuses in probate conservatorships. The bill requires a conservator, within 30 days of appointment or 30 days before a hearing to determine the continuation or termination of an existing conservatorship, to submit a care plan for the care, custody, and control of the conservatee using a form developed by the Judicial Council. The plan must be provided to specified parties and family members. Failure to timely submit the care plan may result in a civil penalty, administrative discipline, and removal from the conservatorship. The bill has no known support or opposition.

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 724 (Allen)
Version: April 5, 2021
Hearing Date: April 13, 2021
Fiscal: Yes
Urgency: No
JT

SUBJECT

Guardianships and conservatorships

DIGEST

This bill (1) activates numerous provisions related to the judicial oversight of conservatorships that courts are not currently required to implement, and (2) seeks to enhance the legal representation of conservatees or proposed conservatees.

EXECUTIVE SUMMARY

Following a 2005 *Los Angeles Times* investigative series that exposed numerous abuses by probate conservators, a major reform effort was undertaken. While some important changes were made, the Great Recession scuttled much of the effort's momentum, leaving numerous potential reforms unrealized, including some reforms related to judicial oversight of conservatorships that were enacted in 2006 but defunded in 2011.

A national spotlight is on conservatorships again. Investigative journalism, Congressional inquiries, documentaries, podcasts, and even a recent major motion picture have explored abusive practices across the country. But the focal point of late has been the conservatorship of Britney Spears, the pop icon who has been under the legal control of her father for over a decade even though she has continued to tour and produce records, raking in tens of millions of dollars. Reformers argue that her legal entanglements are indicative of widespread abuses and systemic failures.

This bill activates the dormant 2006 reforms and seeks to invigorate the legal representation of conservatees or proposed conservatees by (1) making legal counsel mandatory in specified hearings and appeals, (2) giving the person their choice of counsel, and (3) specifying that the role of legal counsel is that of a zealous advocate. The author argues that the status quo impermissibly privileges expediency over liberty and that these changes are necessary to restore balance and protect vulnerable individuals. The bill is supported by advocates for reform and has no known

CONSTITUTION OF THE STATE OF CALIFORNIA

ARTICLE VI JUDICIAL

Section 6

SEC. 6. (a) The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, three judges of courts of appeal, 10 judges of superior courts, two nonvoting court administrators, and any other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice for a three-year term pursuant to procedures established by the council; four members of the State Bar appointed by its governing body for three-year terms; and one member of each house of the Legislature appointed as provided by the house.

(b) Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

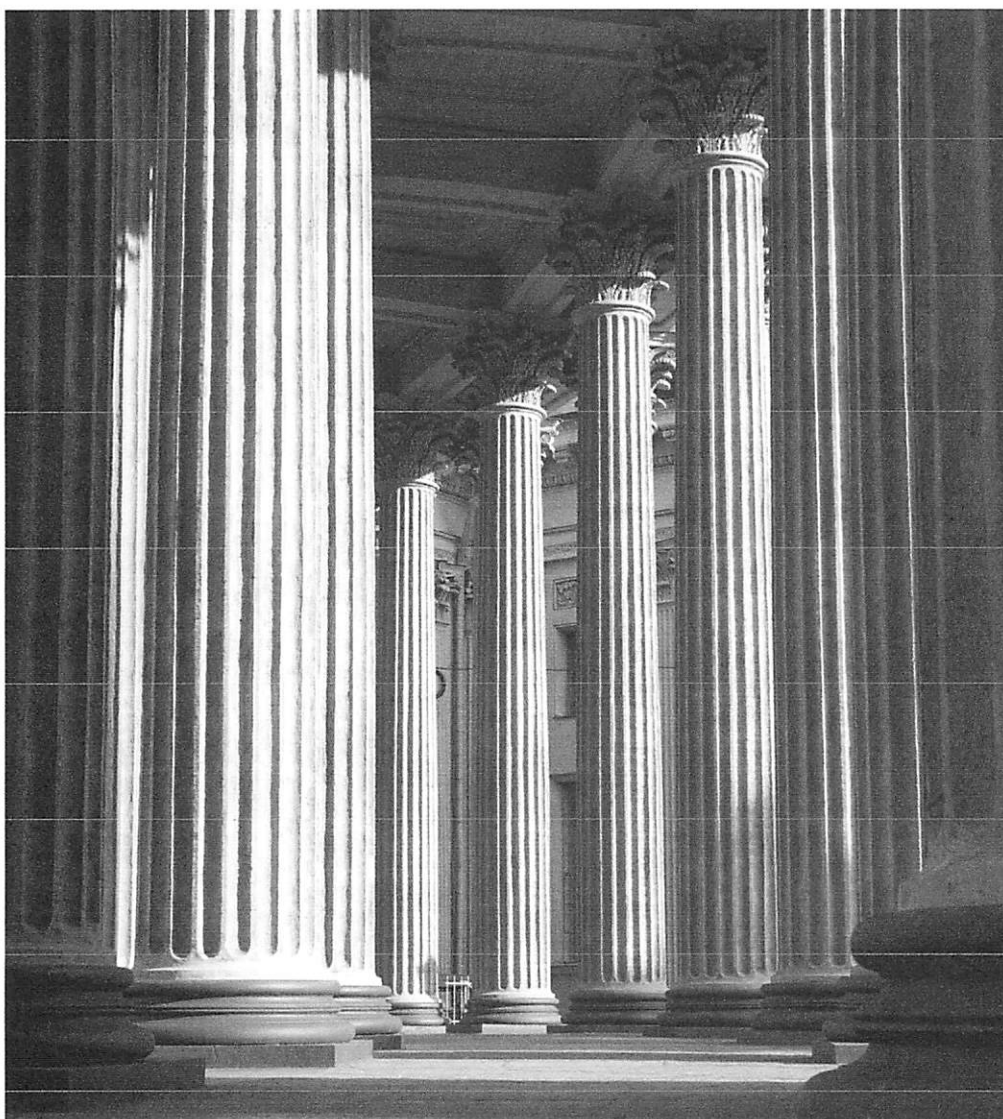
(c) The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

(d) To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute.

(e) The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

(f) Judges shall report to the council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

(Sec. 6 amended Nov. 5, 2002, by Prop. 48. Res.Ch. 88, 2002.)



2020 COURT STATISTICS REPORT

Statewide Caseload Trends

2009–10 Through 2018–19



JUDICIAL COUNCIL
OF CALIFORNIA

INTRODUCTION

Court Statistics Report

The *Court Statistics Report (CSR)* is published annually by the Judicial Council of California and is designed to fulfill the provisions of article VI, section 6 of the California Constitution, which requires the Judicial Council to survey the condition and business of the California Courts. The CSR combines 10-year statewide summaries of superior court filings and dispositions with similar workload indicators for the California Supreme Court and Courts of Appeal. The 2020 CSR also provides more detailed information on filings and dispositions in the individual superior courts for the most recent fiscal year for which data are available, 2018–19.

The California Court System

California's court system serves a population of more than 39 million people—about 12.1 percent of the total U.S. population—and processed about 5.9 million cases in fiscal year (FY) 2018–19. The judicial branch budget for the 2018–19 fiscal year of \$3.8 billion (excluding infrastructure) represents about 2 percent of the California state budget and makes possible the case-processing activity detailed below while also providing the basis of support for approximately 2,000 judicial officers and just over 17,000 judicial branch employees statewide.

The vast majority of cases in the California courts begin in one of the 58 superior (or trial) courts that reside in each of the state's 58 counties. With more than 500 court buildings throughout the state, these courts hear both civil and criminal cases as well as family, probate, mental health, and juvenile cases. The equivalent of more than 2,000 judicial positions statewide address the full range of cases heard each year by the superior courts, as reflected in the sheer number of case filings and dispositions reported here. The superior courts report summaries of their case filing counts to the Judicial Council, and the CSR reports those figures here in aggregate form.

The next level of court authority within the state's judicial branch resides with the Courts of Appeal. Most of the cases that come before the Courts of Appeal involve the review of a superior court decision that is being contested by a party to the case. The Legislature has divided the state geographically into six appellate districts, each containing a Court of Appeal. Currently, 106 appellate justices preside in nine locations in the state to hear matters brought for review. Totals of Court of Appeal case filings are forwarded to the Judicial Council; these are summarized in the tables that follow.

The Supreme Court sits at the apex of the state's judicial system and has discretion to review decisions of the Courts of Appeal in order to settle important questions of law and resolve conflicts among the Courts of Appeal. Although the Supreme Court generally has considerable discretion in determining which cases to grant review, it must review the appeal in any case in which a trial court has imposed the death penalty. The Supreme Court sends the Judicial Council its annual case filing figures, which are reported here in summary form.

Caseload Data and Court Workload

The *Court Statistics Report* contains essential information about the annual caseload of the California judicial branch, with a particular emphasis on the number and types of cases that are filed and disposed of in the courts. This information is submitted to the California Legislature and used in numerous judicial branch reports. As with any published data, the numbers in this report represent a snapshot of the most complete and reliable information available at the time of compilation.

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DISPOSITIONS. The appellate court may dispose of a case by affirming or reversing the action of the lower court, or it may send the case back to the lower court for further proceedings if appropriate.

RECORD OF APPEAL. A *record of appeal* is the compilation of documents and transcripts associated with a given superior court case under review by an appellate court. The record is a component of a new appellate case and as such is not counted separately from the initial appeal.

REVERSAL OF CASE DECISION. A *reversal* is the overturning of a lower court's decision by an appellate court.

Superior Courts

FILING. In the most general sense, a *filing* is the initiation of a legal action with the court through a carefully prescribed legal procedure.

How Filings Are Counted. The procedure used to count filings for this report follows a set of rules consistent with national standards for statistical reporting. These rules differ according to casetype:

- Each filing in a *civil case* pertains to the complaint or petition that has been submitted to the court for action. A given civil complaint may name one or more individuals or groups as its object. However, regardless of the number of parties named in a case, each civil case is reported as one filing or one disposition.
- Each filing in a *criminal case* is associated with a single defendant against whom criminal charges have been filed. Multiple criminal charges may occur in a case where different charges have been brought against the same defendant, but only the single most severe charge against a defendant in a given case is counted as a new criminal filing. When multiple defendants are charged with a crime, multiple filings are reported.
- Each filing in a *juvenile case* pertains to a minor who is the subject of a petition made to the court for adjudication. A minor may have an initial filing that brought him or her to the attention of the court, and subsequent filings if new petitions or charges are filed over time. This practice continues until termination of the dependency or delinquency jurisdiction by the court or when the minor has reached the legal definition of adulthood. In a single case involving multiple minors, each minor is counted as a separate filing.

DISPOSITION. In a general sense, a *disposition* may be described as a final settlement or determination in a case. A disposition may occur either before or after a civil or criminal case has been scheduled for trial. A final judgment, a dismissal of a case, and the sentencing of a criminal defendant are all examples of dispositions. In certain case types, however, a disposition may merely signal the beginning of the court's authority over a case. For example, after the petition to appoint a conservator is disposed of in conservatorship cases, the court assumes control over that case. Rules for counting and reporting dispositions mirror those for filings, although a case filed in one year may be disposed of by the court in a subsequent year.

California Judicial Branch: Structure and Duties

The Courts

CALIFORNIA SUPREME COURT

www.courts.ca.gov/supremecourt.htm

- Has discretionary authority to review decisions of the Courts of Appeal, jurisdiction to review original petitions for writ relief, and direct responsibility for automatic appeals after death penalty judgments.
- Hears oral arguments in San Francisco, Los Angeles, and Sacramento.

Probate, Mental Health, Appeals, Habeas Corpus Filings and Dispositions

Fiscal Years 2009–10 through 2018–19

Superior Courts

Figures 47–51



Get this data

Filings
Dispositions

Figure 47: Conservatorship & Guardianship

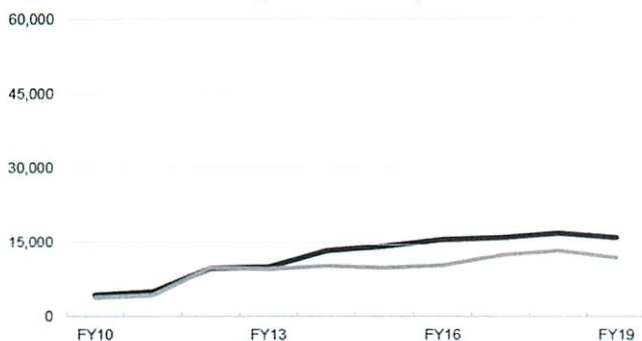


Figure 48: Other Probate

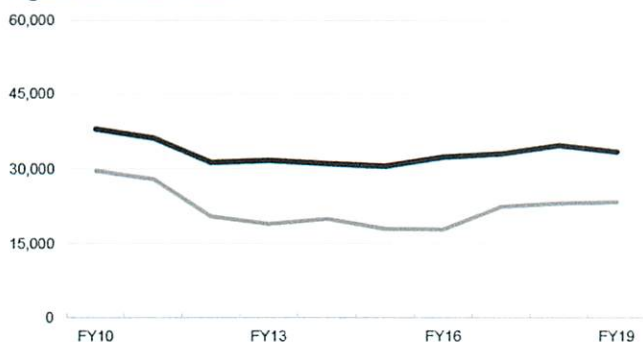


Figure 49: Mental Health

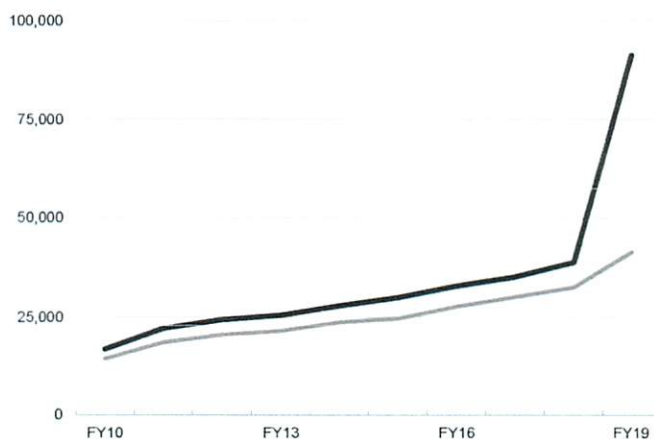


Figure 50: Appeals

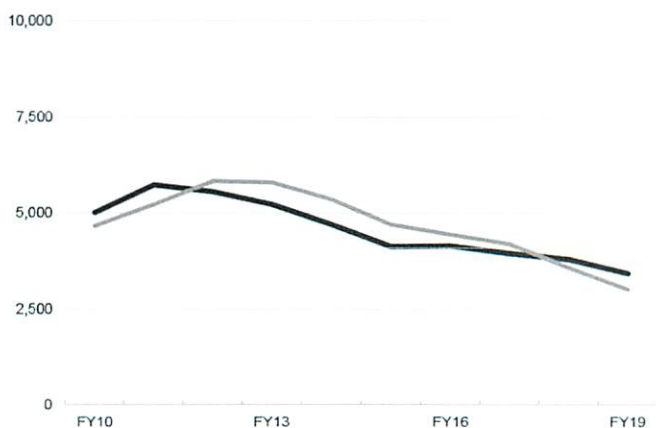
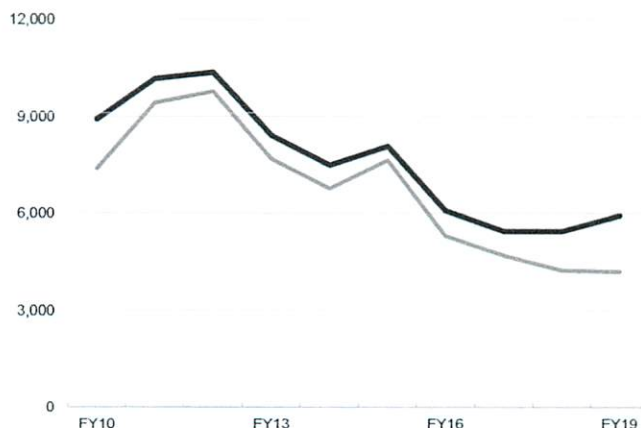


Figure 51: Criminal Habeas Corpus



CalCourTools: Caseload Clearance Rates
Probate, Mental Health, Appeals, Habeas Corpus
Fiscal Years 2009–10 through 2018–19

Superior Courts
Figures 52–56



Get this data

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 52: Conservatorship & Guardianship

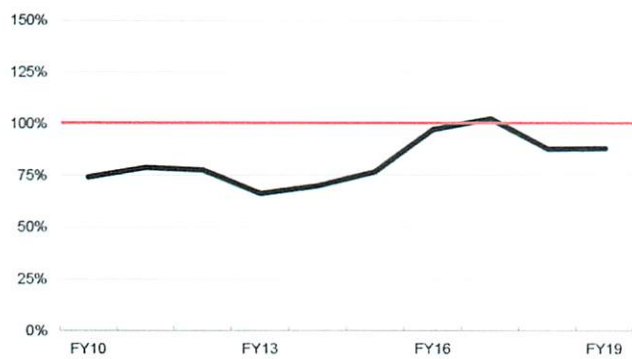


Figure 53: Other Probate

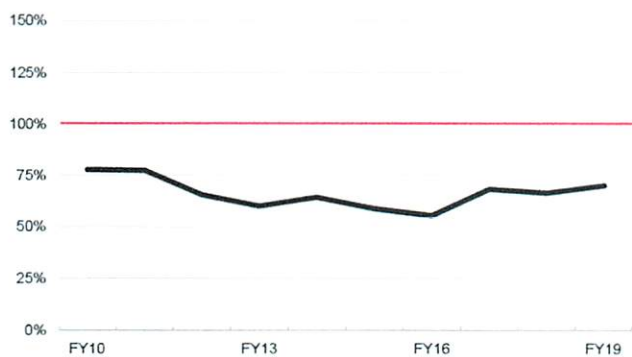


Figure 55: Appeals

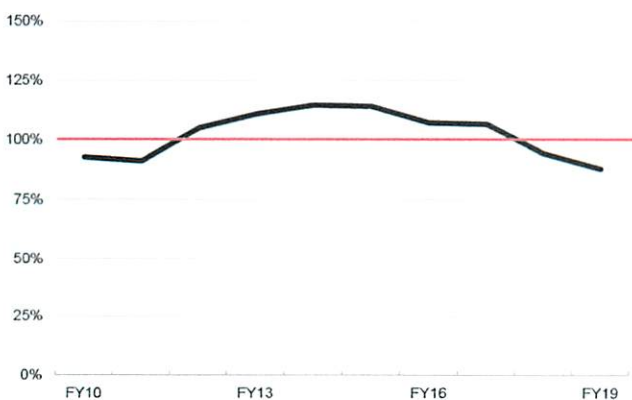


Figure 54: Mental Health

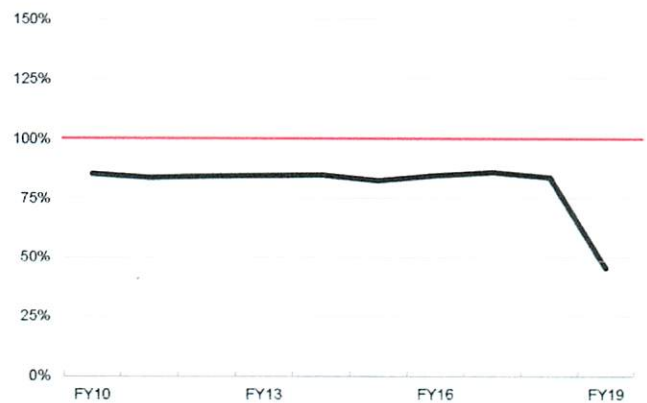
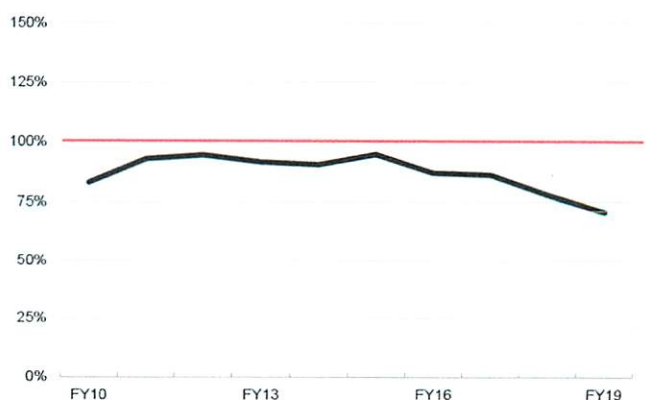


Figure 56: Criminal Habeas Corpus



judicial positions The number of judgeships authorized by law, plus positions of referees and commissioners.

juvenile delinquency proceedings Petitions filed under W&I 602, alleging violation of a criminal statute, and petitions filed under W&I 601, alleging that a minor is beyond the control of parents or guardians but has not violated any law. An *original petition* begins a delinquency proceeding, including miscellaneous juvenile petitions. A *subsequent petition* adds allegations against a minor child who is already subject to the court's jurisdiction, including non-minor dependents (AB 12) petitions and W&I 777 notices.

juvenile dependency proceedings Petitions filed under W&I 300, seeking to make a minor child a ward of the court because of abuse or neglect. An *original petition* begins a dependency proceeding. A *subsequent petition* adds allegations regarding a minor child who is already subject to the court's jurisdiction, including W&I 342, W&I 387, and non-minor dependents (AB 12) petitions.

limited civil All civil matters with a value of \$25,000 or less, except small claims matters.

mental health proceedings Includes most types of mental health cases, including but not limited to LPS Conservatorship (W&I 5350), mental competency (PC 1368; W&I 709), and civil commitments with or without an underlying criminal case.

motor vehicle personal injury, death, and property damage Actions for damages in excess of \$25,000 for physical injury to persons and property and actions for wrongful death related to motor vehicle accidents.

nontraffic infractions Nontraffic violations of state statutes or local ordinances specified as infractions.

nontraffic misdemeanors Misdemeanors including intoxication complaints and violations of the Penal Code, local city and county ordinances, and the Fish and Game Code.

other civil complaints and petitions Cases not covered in any other civil case category, including complaints for declaratory relief only, mechanics' liens, and petitions for partnership and corporate governance. If the requested relief is for money, it must be in excess of \$25,000 to be filed as a general-jurisdiction case.

other mental health proceedings Includes other mental health cases not included in the mental health category as well as noncriminal habeas corpus.

personal injury, death, and property damage All actions for damages in excess of \$25,000 for physical injury to persons and property and all actions for wrongful death.

probate All probate proceedings, will contests, guardianship and conservatorship proceedings (not including conservatorship proceedings under the Lanterman-Petris-Short Act), and petitions to compromise minors' claims (when not part of a pending action or proceeding).

reduced to misdemeanor Cases in which a charge originally filed as a felony is disposed of as a misdemeanor.

referee A subordinate judicial officer employed by a county to handle matters assigned by the court, such as traffic law violations.

small claims All matters filed in small claims court with a value of \$10,000 or less, with the exception of businesses and other entities (i.e. government entities) whom cannot ask for more than \$5,000.

time to disposition The amount of time it takes a court to dispose of cases within established time frames.

traffic infractions Traffic-related violations of state statutes or city or county ordinances specified as infractions, including parking violations.

**Probate, Mental Health, Appeals, Habeas Corpus
Filings, Dispositions, and Caseload Clearance Rate**
Fiscal Years 2009–10 through 2018–19

Superior Courts
Data for Figures 47–56



| Fiscal year | Probate | | | Mental Health | | | | Appeals | | | Habeas Corpus Criminal |
|---------------------------|---------|--------------------------------|---------------|---------------|---------------|--------------------------|--------|---------|-------|----------|------------------------|
| | Total | Conservatorship & Guardianship | Other Probate | Total | Mental Health | Certification (W&I 5250) | Other | Total | Civil | Criminal | |
| | (A) | (B) | (C) | (D) | (E) | (F) | (G) | (H) | (I) | (J) | (K) |
| Filings | | | | | | | | | | | |
| FY19 | 49,221 | 15,949 | 33,272 | 91,460 | 26,378 | 52,084 | 12,998 | 3,427 | 982 | 2,445 | 5,925 |
| FY18 | 51,478 | 16,821 | 34,657 | 38,874 | 30,289 | – | 8,585 | 3,788 | 1,121 | 2,667 | 5,428 |
| FY17 | 48,840 | 15,923 | 32,917 | 35,203 | 27,509 | – | 7,694 | 3,928 | 1,049 | 2,879 | 5,438 |
| FY16 | 47,807 | 15,529 | 32,278 | 32,886 | 25,957 | – | 6,929 | 4,141 | 1,080 | 3,061 | 6,087 |
| FY15 | 44,572 | 14,093 | 30,479 | 29,921 | 23,002 | – | 6,919 | 4,109 | 1,059 | 3,050 | 8,082 |
| FY14 | 44,297 | 13,247 | 31,050 | 28,007 | 21,763 | – | 6,244 | 4,685 | 1,381 | 3,304 | 7,483 |
| FY13 | 41,533 | 9,886 | 31,647 | 25,475 | 19,642 | – | 5,833 | 5,224 | 1,656 | 3,568 | 8,411 |
| FY12 | 40,921 | 9,624 | 31,297 | 24,364 | 18,638 | – | 5,726 | 5,559 | 1,759 | 3,800 | 10,376 |
| FY11 | 40,988 | 4,893 | 36,095 | 22,121 | 17,177 | – | 4,944 | 5,731 | 1,888 | 3,843 | 10,184 |
| FY10 | 42,214 | 4,302 | 37,912 | 16,866 | 12,623 | – | 4,243 | 5,013 | 1,296 | 3,717 | 8,915 |
| Dispositions | | | | | | | | | | | |
| FY19 | 35,136 | 11,820 | 23,316 | 41,457 | 25,705 | 5,746 | 10,006 | 3,017 | 949 | 2,068 | 4,190 |
| FY18 | 36,248 | 13,258 | 22,990 | 32,548 | 25,639 | – | 6,909 | 3,577 | 1,055 | 2,522 | 4,231 |
| FY17 | 34,757 | 12,321 | 22,436 | 30,238 | 24,207 | – | 6,031 | 4,190 | 1,146 | 3,044 | 4,687 |
| FY16 | 28,159 | 10,297 | 17,862 | 27,788 | 22,640 | – | 5,148 | 4,435 | 1,257 | 3,178 | 5,289 |
| FY15 | 27,761 | 9,829 | 17,932 | 24,698 | 19,130 | – | 5,568 | 4,687 | 1,299 | 3,388 | 7,643 |
| FY14 | 30,182 | 10,159 | 20,023 | 23,781 | 18,630 | – | 5,151 | 5,361 | 1,534 | 3,827 | 6,764 |
| FY13 | 28,573 | 9,590 | 18,983 | 21,503 | 16,785 | – | 4,718 | 5,795 | 1,904 | 3,891 | 7,695 |
| FY12 | 30,369 | 9,839 | 20,530 | 20,518 | 15,788 | – | 4,730 | 5,834 | 1,802 | 4,032 | 9,790 |
| FY11 | 32,292 | 4,284 | 28,008 | 18,530 | 14,653 | – | 3,877 | 5,224 | 1,571 | 3,653 | 9,442 |
| FY10 | 33,330 | 3,777 | 29,553 | 14,405 | 11,174 | – | 3,231 | 4,649 | 1,306 | 3,343 | 7,403 |
| Caseload clearance | | | | | | | | | | | |
| FY19 | 71% | 74% | 70% | 45% | 97% | 11% | 77% | 88% | 97% | 85% | 71% |
| FY18 | 70% | 79% | 66% | 84% | 85% | – | 80% | 94% | 94% | 95% | 78% |
| FY17 | 71% | 77% | 68% | 86% | 88% | – | 78% | 107% | 109% | 106% | 86% |
| FY16 | 59% | 66% | 55% | 84% | 87% | – | 74% | 107% | 116% | 104% | 87% |
| FY15 | 62% | 70% | 59% | 83% | 83% | – | 80% | 114% | 123% | 111% | 95% |
| FY14 | 68% | 77% | 64% | 85% | 86% | – | 82% | 114% | 111% | 116% | 90% |
| FY13 | 69% | 97% | 60% | 84% | 85% | – | 81% | 111% | 115% | 109% | 91% |
| FY12 | 74% | 102% | 66% | 84% | 85% | – | 83% | 105% | 102% | 106% | 94% |
| FY11 | 79% | 88% | 78% | 84% | 85% | – | 78% | 91% | 83% | 95% | 93% |
| FY10 | 79% | 88% | 78% | 85% | 89% | – | 76% | 93% | 101% | 90% | 83% |

Column Key:

- (B) Field not required to be reported prior to FY14–15.
- (E) Includes LPS conservatorship, mental competency, and civil commitments. Civil commitments is a new data field collected as of FY18–19.
- (F) New data field collected as of FY18–19.
- (G) Includes other mental health cases not included in E and F, and noncriminal habeas corpus.

**Probate and Mental Health Filings,
by County and Case Type**
Fiscal Year 2018–19

Superior Courts
Table 11a

| COUNTY | Probate | | | Mental Health | | | |
|------------------|---------------|-----------------------------------|---------------|---------------|------------------|-----------------------------|---------------|
| | Total | Conservatorship & Guardianship | Other Probate | Total | Mental Health | Certification (W&I 5250) | Other |
| | (A) | (B) | (C) | (D) | (E) | (F) | (G) |
| STATEWIDE | 49,221 | 15,949 | 33,272 | 91,460 | 26,378 | 52,084 | 12,998 |
| Alameda | 1,943 | 551 | 1,392 | 5,523 | 629 | 4,513 | 381 |
| Alpine | — | — | — | — | — | — | — |
| Amador | 72 | 30 | 42 | 20 | 20 | 0 | 0 |
| Butte | 543 | 182 | 361 | 197 | 156 | 0 | 41 |
| Calaveras | 116 | 30 | 86 | 30 | 28 | 0 | 2 |
| Colusa | 39 | 15 | 24 | 6 | 5 | 0 | 1 |
| Contra Costa | 1,772 | 573 | 1,199 | 234 | 211 | 0 | 23 |
| Del Norte | 81 | 42 | 39 | 11 | 10 | 1 | 0 |
| El Dorado | 288 | 96 | 192 | 26 | 2 | 0 | 24 |
| Fresno | 1,137 | 455 | 682 | 1,402 | 1,037 | 0 | 365 |
| Glenn | 82 | 15 | 67 | 4 | 4 | 0 | 0 |
| Humboldt | 294 | 82 | 212 | 310 | 218 | 11 | 81 |
| Imperial | 254 | 122 | 132 | 145 | 141 | 0 | 4 |
| Inyo | 40 | 15 | 25 | 0 | 0 | 0 | 0 |
| Kern | 1,245 | 511 | 734 | 1,469 | 1,430 | 0 | 39 |
| Kings | 163 | 46 | 117 | 219 | 218 | 0 | 1 |
| Lake | 206 | 76 | 130 | 87 | 74 | 0 | 13 |
| Lassen | 48 | 15 | 33 | 21 | 19 | 0 | 2 |
| Los Angeles | 13,392 | 4,069 | 9,323 | 51,392 | 9,049 | 40,789 | 1,554 |
| Madera | 186 | 88 | 98 | 62 | 55 | 0 | 7 |
| Marin | 489 | 135 | 354 | 279 | 121 | 1 | 157 |
| Mariposa | 42 | 16 | 26 | 4 | 4 | 0 | 0 |
| Mendocino | 152 | 33 | 119 | 117 | 117 | 0 | 0 |
| Merced | 342 | 137 | 205 | 24 | 18 | 0 | 6 |
| Modoc | 31 | 10 | 21 | 5 | 1 | 0 | 4 |
| Mono | 11 | 4 | 7 | 2 | 2 | 0 | 0 |
| Monterey | 492 | 187 | 305 | 537 | 400 | 0 | 137 |
| Napa | 252 | 48 | 204 | 199 | 90 | 0 | 109 |
| Nevada | 187 | 59 | 128 | 48 | 48 | 0 | 0 |
| Orange | 3,532 | 1,071 | 2,461 | 2,265 | 719 | 0 | 1,546 |
| Placer | 529 | 167 | 362 | 237 | 178 | 0 | 59 |
| Plumas | — | — | — | — | — | — | — |
| Riverside | 3,365 | 1,212 | 2,153 | 873 | 629 | 0 | 244 |
| Sacramento | 1,899 | 689 | 1,210 | 4,442 | 1,039 | 0 | 3,403 |
| San Benito | 87 | 32 | 55 | 35 | 35 | 0 | 0 |
| San Bernardino | 2,731 | 1,049 | 1,682 | 2,588 | 1,447 | 0 | 1,141 |
| San Diego | 3,071 | 1,012 | 2,059 | 5,976 | 1,607 | 3,696 | 673 |
| San Francisco | 947 | 225 | 722 | 4,139 | 319 | 2,273 | 1,547 |
| San Joaquin | 1,049 | 308 | 741 | 1,055 | 886 | 0 | 169 |
| San Luis Obispo | 378 | 85 | 293 | 1,036 | 944 | 64 | 28 |
| San Mateo | 1,413 | 303 | 1,110 | 537 | 288 | 0 | 249 |
| Santa Barbara | 592 | 148 | 444 | 643 | 401 | 199 | 43 |
| Santa Clara | — | — | — | — | — | — | — |
| Santa Cruz | 329 | 80 | 249 | 216 | 114 | 0 | 102 |
| Shasta | 484 | 217 | 267 | 429 | 353 | 0 | 76 |

**Probate and Mental Health Dispositions,
by County and Case Type**
Fiscal Year 2018–19

Superior Courts
Table 11b

| COUNTY | Probate | | | Mental Health | | | |
|------------------|---------------|-----------------------------------|---------------|---------------|------------------|-----------------------------|---------------|
| | Total | Conservatorship & Guardianship | Other Probate | Total | Mental Health | Certification (W&I 5250) | Other |
| | (A) | (B) | (C) | (D) | (E) | (F) | (G) |
| STATEWIDE | 35,136 | 11,820 | 23,316 | 41,457 | 25,705 | 5,746 | 10,006 |
| Alameda | 1,391 | 434 | 957 | (i) 840 | 537 | — | 303 |
| Alpine | — | — | — | — | — | — | — |
| Amador | 28 | 10 | 18 | 19 | 19 | 0 | 0 |
| Butte | 511 | 157 | 354 | 133 | 114 | 0 | 19 |
| Calaveras | 76 | 18 | 58 | 34 | 34 | 0 | 0 |
| Colusa | 27 | 8 | 19 | 4 | 4 | 0 | 0 |
| Contra Costa | 1,418 | 510 | 908 | 116 | 116 | 0 | 0 |
| Del Norte | 178 | 81 | 97 | 45 | 33 | 11 | 1 |
| El Dorado | 97 | 27 | 70 | 22 | 0 | 0 | 22 |
| Fresno | 1,126 | 436 | 690 | 1,104 | 804 | 0 | 300 |
| Glenn | — | — | — | — | — | — | — |
| Humboldt | 258 | 75 | 183 | 285 | 213 | 9 | 63 |
| Imperial | 218 | 110 | 108 | 147 | 144 | 0 | 3 |
| Inyo | 30 | 12 | 18 | 0 | 0 | 0 | 0 |
| Kern | 1,055 | 424 | 631 | 1,131 | 1,092 | 0 | 39 |
| Kings | 120 | 36 | 84 | 113 | 113 | 0 | 0 |
| Lake | 172 | 52 | 120 | 83 | 76 | 0 | 7 |
| Lassen | 42 | 13 | 29 | 15 | 15 | 0 | 0 |
| Los Angeles | 10,832 | 3,861 | 6,971 | 11,775 | 10,220 | 0 | 1,555 |
| Madera | 180 | 84 | 96 | 45 | 40 | 0 | 5 |
| Marin | 429 | 105 | 324 | 284 | 128 | 1 | 155 |
| Mariposa | 21 | 5 | 16 | 2 | 2 | 0 | 0 |
| Mendocino | 186 | 50 | 136 | 115 | 115 | 0 | 0 |
| Merced | 26 | 8 | 18 | — | — | — | — |
| Modoc | 18 | 5 | 13 | 4 | 4 | 0 | 0 |
| Mono | 5 | 1 | 4 | 4 | 4 | 0 | 0 |
| Monterey | 443 | 183 | 260 | 509 | 383 | 0 | 126 |
| Napa | 204 | 43 | 161 | — | — | — | — |
| Nevada | 164 | 49 | 115 | 5 | 5 | 0 | 0 |
| Orange | 3,017 | 946 | 2,071 | 1,412 | 704 | 0 | 708 |
| Placer | 366 | 96 | 270 | 35 | 12 | 0 | 23 |
| Plumas | — | — | — | — | — | — | — |
| Riverside | 1,335 | 595 | 740 | 1,058 | 948 | 0 | 110 |
| Sacramento | 763 | 204 | 559 | 4,600 | 1,265 | 0 | 3,335 |
| San Benito | 68 | 32 | 36 | 0 | 0 | 0 | 0 |
| San Bernardino | 2,251 | 781 | 1,470 | — | — | — | — |
| San Diego | — | — | — | 5,464 | 2,173 | 2,634 | 657 |
| San Francisco | 940 | 220 | 720 | 4,133 | 324 | 2,273 | 1,536 |
| San Joaquin | 685 | 170 | 515 | 1,298 | 1,068 | 0 | 230 |
| San Luis Obispo | 308 | 50 | 258 | 1,020 | 931 | 62 | 27 |
| San Mateo | 1,061 | 67 | 994 | 729 | 533 | 0 | 196 |
| Santa Barbara | 572 | 125 | 447 | 630 | 388 | 199 | 43 |
| Santa Clara | — | — | — | — | — | — | — |
| Santa Cruz | 297 | 63 | 234 | 203 | 104 | 0 | 99 |
| Shasta | 482 | 240 | 242 | 435 | 376 | 0 | 59 |

**Probate (Conservatorships and Guardianships)—
Method of Disposition, by County
Fiscal Year 2018–19**

**Superior Courts
Table 11c**

| COUNTY | Total Filings (A) | Total Dispositions (B) | Before Trial | | After Trial | |
|------------------|-------------------------|------------------------------|------------------------------------|------------------------------|----------------|-----------------|
| | | | Dismissals and Transfers (C) | Other Before Trial (D) | By Jury (E) | By Court (F) |
| STATEWIDE | 15,949 | 11,820 | 1,133 | 5,429 | 1 | 5,257 |
| Alameda | 551 | 434 | 44 | 390 | 0 | 0 |
| Alpine | — | — | — | — | — | — |
| Amador | 30 | 10 | 3 | 6 | 0 | 1 |
| Butte | 182 | 157 | 36 | 114 | 0 | 7 |
| Calaveras | 30 | 18 | 4 | 14 | 0 | 0 |
| Colusa | 15 | 8 | 1 | 7 | 0 | 0 |
| Contra Costa | 573 | 510 | 67 | 443 | 0 | 0 |
| Del Norte | 42 | 81 | 2 | 33 | 0 | 46 |
| El Dorado | 96 | 27 | 23 | 0 | 0 | 4 |
| Fresno | 455 | 436 | 98 | 336 | 0 | 2 |
| Glenn | 15 | — | — | — | — | — |
| Humboldt | 82 | 75 | 25 | 21 | 0 | 29 |
| Imperial | 122 | 110 | 15 | 26 | 0 | 69 |
| Inyo | 15 | 12 | 0 | 5 | 1 | 6 |
| Kern | 511 | 424 | 75 | 332 | 0 | 17 |
| Kings | 46 | 36 | 3 | 33 | 0 | 0 |
| Lake | 76 | 52 | 7 | 4 | 0 | 41 |
| Lassen | 15 | 13 | 2 | 11 | 0 | 0 |
| Los Angeles | 4,069 | 3,861 | 5 | 21 | 0 | 3,835 |
| Madera | 88 | 84 | 8 | 23 | 0 | 53 |
| Marin | 135 | 105 | 8 | 57 | 0 | 40 |
| Mariposa | 16 | 5 | 0 | 5 | 0 | 0 |
| Mendocino | 33 | 50 | 21 | 24 | 0 | 5 |
| Merced | 137 | 8 | 6 | 2 | 0 | 0 |
| Modoc | 10 | 5 | 1 | 1 | 0 | 3 |
| Mono | 4 | 1 | 1 | 0 | 0 | 0 |
| Monterey | 187 | 183 | 9 | 0 | 0 | 174 |
| Napa | 48 | 43 | 2 | 41 | 0 | 0 |
| Nevada | 59 | 49 | 8 | 13 | 0 | 28 |
| Orange | 1,071 | 946 | 0 | 931 | 0 | 15 |
| Placer | 167 | 96 | 20 | 16 | 0 | 60 |
| Plumas | — | — | — | — | — | — |
| Riverside | 1,212 | 595 | 154 | 422 | 0 | 19 |
| Sacramento | 689 | 204 | 165 | 33 | 0 | 6 |
| San Benito | 32 | 32 | 3 | 6 | 0 | 23 |
| San Bernardino | 1,049 | 781 | 8 | 770 | 0 | 3 |
| San Diego | 1,012 | — | — | — | — | — |
| San Francisco | 225 | 220 | 26 | 194 | 0 | 0 |
| San Joaquin | 308 | 170 | 26 | 5 | 0 | 139 |
| San Luis Obispo | 85 | 50 | 9 | 38 | 0 | 3 |
| San Mateo | 303 | 67 | 9 | 58 | 0 | 0 |
| Santa Barbara | 148 | 125 | 13 | 107 | 0 | 5 |
| Santa Clara | — | — | — | — | — | — |
| Santa Cruz | 80 | 63 | 10 | 52 | 0 | 1 |
| Shasta | 217 | 240 | 32 | 182 | 0 | 26 |



SHERRI R. CARTER
EXECUTIVE OFFICER / CLERK

111 NORTH HILL STREET
LOS ANGELES, CA 90012-3014

Superior Court of California
County of Los Angeles

April 30, 2014

Thomas F. Coleman
c/o Dr. Nora J. Baladerian
2100 Sawtelle, #204
Los Angeles, CA 90025

Re: Requests per Rule 10.500

Dear Mr. Coleman:

The following is written in response to your inquiry dated April 24, 2014 for per Rule 10.500.

On April 26, 2014, we had the following conservatorship cases in active inventory:

Conservatorship – Limited 7,643
Conservatorship – Dementia 2,093
Conservatorship – Other 3,341

The Probate Code mandates first annual, annual and biennial reviews, based on the type of conservatorship ordered by the court.

The information regarding guardianship cases "Subject to Annual Reviews" or "Biennial Reviews" is not available in any document or report.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Little".

Margaret Little, Ph.D.
Senior Administrator
Family Law & Probate Administration

ML:rma



SHERRI R. CARTER
EXECUTIVE OFFICER / CLERK

111 NORTH HILL STREET
LOS ANGELES, CA 90012-3014

Superior Court of California
County of Los Angeles

April 11, 2014

Thomas F. Coleman
c/o Dr. Nora J. Baladerian
2100 Sawtelle, #204
Los Angeles, CA 90025

Re: Requests per Rule 10.500

Dear Mr. Coleman:

The following is written in response to your inquiry dated March 27, 2014 for *per Rule 10.500*. Most of what you seek is information not documents covered by the Rule, and is not included in any regularly prepared report or from extractable fields in a single data base. I am providing the information that I do have available and I hope it is helpful.

Request #1: Information about PVP Attorneys

Applications are submitted on an annual basis, reviewed for completeness and added to the list.

As to the request for training materials, I refer you to the response you received from Judge Michael I. Levanas on January 23, 2014:

The private attorney who coordinates that process is Jonathan Rosenbloom. You might contact him with any questions about continuing education and the PVP panel that you may have. Our Local Rule 4.123 sets forth the requirements and application information for the panel. You might also want to look at California Rules of Court, Rule 7.1101 concerning qualifications and continuing education requirements.

Judge Levanas provided you with additional information regarding the training and application process in his e-mail dated January 30, 2014.

Request #2: Judicial Caseload in Conservatorship and Limited Conservatorship Cases

The following is the total number of filings for conservatorship (including limited conservatorships) received in each of the following years.

- 2011 – 2,020
- 2012 – 2,046
- 2013 – 2,068

As you are probably aware, the court centralized its probate operations in 2013. Prior to centralization, probate matters were heard in nine courthouses. Post centralization, probate is heard in only two courthouses: The Stanley Mosk Courthouse and the Michael D. Antonovich Courthouse. In the Stanley Mosk Courthouse, probate matters are calendared in four courtrooms; there are two judicial officers assigned to each of the four courtrooms.

Request #3: Investigators' Case Load in Conservatorship and Limited Conservatorship Cases

The number of positions assigned to perform Probate Investigations is 18. The Probate Investigators perform investigations in both conservatorship and guardianship matters.

Request #4: Policy and Procedures for Abuse Investigations

Allegations of abuse of a conservatee are reported to Adult Protective Services, as mandated by law. The job description for a Probate Investigator is available on the court's website (www.LASuperiorCourt.org) under *Employment*, see *Job Descriptions*.

Sincerely,

A handwritten signature in blue ink, appearing to read "Margaret Little".

Margaret Little, Ph.D.
Senior Administrator
Family Law & Probate Administration

ML:rma



SHERRI R. CARTER
EXECUTIVE OFFICER / CLERK OF COURT

PUBLIC ACCESS TO JUDICIAL ADMINISTRATIVE RECORDS

Superior Court of California County of Los Angeles

April 12, 2021

Via Electronic Mail

Emmi Deckard
for Thomas F. Coleman
Legal Director
Spectrum Institute
tomcoleman@spectruminstitute.org

Dear Emmi Deckard:

The Court received your request for administrative records on April 6, 2021. In it, you requested the following:

Re: California Rules of Court, rule 10.500

We are requesting a copy of administrative records showing the following information: Request

- 1. Number of new filings for probate conservatorships (new petitions) in 2019 and 2020.*
- 2. Number of open or active probate conservatorship cases in 2019 and 2020 as of December 31 of each year.*

*We made similar requests of the Los Angeles County Superior Court in 2014 and the Alameda County Superior Court in 2021 and received information responsive to our requests. You can view the documents we received in response to our request at the following link:
<https://disabilityandguardianship.org/examples-of-responses.pdf>.*

The information we are seeking from your court pertains to all types of probate conservatorship cases (limited, general, and dementia). If you have records or data that can give us information in each of those three categories, that would be helpful.

Thank you for processing these requests.

*Emmi Deckard
for Thomas F. Coleman
Legal Director*

Please respond to the following address or email address:

*Spectrum Institute
1717 E. Vista Chino A7-384
Palm Springs, CA 92262*

*tomcoleman@spectruminstitute.org
1-818-482-4485*

P.S. The following courts promptly supplied the data in response to our request: Alameda, Marin, Placer, Sutter, Tulare, Santa Cruz, Calaveras, and Nevada when requested in March 2021. Others are in the process of compiling the information. We appreciate the cooperation of the superior courts since this data

Emmi Deckard
April 12, 2021
Page 2

will be included in a report which will be sent later this year to the Chief Justice, Legislature, and Governor.

The official statistics of the Court are maintained by the Judicial Council of California and are available at <https://www.courts.ca.gov/12941.htm>. The Court does not fulfill individual requests for statistical information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sylvia White-Irby', with a long horizontal flourish extending to the right.

Sylvia White-Irby
Judicial and Executive Support Director

Spectrum Institute

From: Spectrum Institute <tomcoleman@spectruminstitute.org>
Sent: Monday, April 12, 2021 2:22 PM
To: 'swirby@lacourt.org'
Subject: FW: Request for Judicial Administrative Records – RJAR 2021-19

Ms. White-Irby:

We are asking for records.

About 20 courts have so far supplied the data. No court has declined, other than Los Angeles. Furthermore, your court supplied the data in the past.

The information is NOT available, as requested, at the webpage you directed us to. Probate data there is mixed together with mental health data or guardianship data.

We assume that in planning year to year (for budget requests or for interaction with the county for planning for money for the CAC panel, etc) the court has a record of the number of open conservatorship cases and the number of new conservatorship petitions filed the previous year. It obviously had the records of such data several years ago when it was supplied to us by the court.

The court's cooperation or lack thereof will be duly noted in the report will be filing with the Governor, Legislature, and Judicial Council. The blanked refusal to provide the data certainly is not in keeping with the spirit of the court rule on access of administrative data.

Also, surely the court investigator's office has administrative records showing how many open cases it was responsible for supervising during the years in question. When three courts said they did not have records on the number of open cases, we suggested they ask their court investigator. They did . . . and then they responded with records containing the data.

We look forward to receiving the records of this data as requested. Just like we did in the past when the court choose to cooperate.

Thomas F. Coleman
Spectrum Institute

From: Administrative_Record_Request <Administrative_Record_Request@lacourt.org>
Sent: Monday, April 12, 2021 1:59 PM
To: tomcoleman@spectruminstitute.org
Subject: Request for Judicial Administrative Records – RJAR 2021-19

Please review the enclosed response to your request for judicial administrative records. Please direct any additional questions in writing, to: Administrative Records Request, Room 105E, Stanley Mosk Courthouse, 111 N. Hill St., Los Angeles, CA 90012.

Please do not email a reply to this message. This email address is not monitored. Instead, please use the mailing address provided above. Thank you.

Spectrum Institute

From: Spectrum Institute <tomcoleman@spectruminstitute.org>
Sent: Monday, April 12, 2021 2:11 PM
To: 'Administrative_Record_Request'
Subject: RE: Request for Judicial Administrative Records – RJAR 2021-19

We are asking for records.

About 20 courts have so far supplied the data. No court has declined, other than Los Angeles. Your court supplied the data in the past.

The information is NOT available, as requested, at the webpage you supplied. Probate data there is mixed together with mental health data or guardianship data.

We assume that in planning year to year (for budget requests or for interaction with the county for planning for money for the CAC panel, etc) the court has a record of the number of open conservatorship cases and the number of new conservatorship petitions filed. It obviously had the records of such data several years ago when it was supplied to us by the court.

Your cooperation or lack thereof will be duly noted in the report will be filing with the Governor, Legislature, and Judicial Council. Your blanked refusal to provide the data is not in keeping with the spirit of the court rule on access of administrative data.

Also, surely the court investigator's office has administrative records showing how many open cases is was responsible for supervising during the years in question. When three courts said they did not have records on the number of open cases, we suggested they ask the court investigator. They did and then they responded with the data.

We look forward to receiving the records as requested. Just like we did in the past when the court choose to cooperate.

From: Administrative_Record_Request <Administrative_Record_Request@lacourt.org>
Sent: Monday, April 12, 2021 1:59 PM
To: tomcoleman@spectruminstitute.org
Subject: Request for Judicial Administrative Records – RJAR 2021-19

Please review the enclosed response to your request for judicial administrative records. Please direct any additional questions in writing, to: Administrative Records Request, Room 105E, Stanley Mosk Courthouse, 111 N. Hill St., Los Angeles, CA 90012.

Please do not email a reply to this message. This email address is not monitored. Instead, please use the mailing address provided above. Thank you.



SHERRI R. CARTER
EXECUTIVE OFFICER / CLERK OF COURT

PUBLIC ACCESS TO JUDICIAL ADMINISTRATIVE RECORDS

Superior Court of California County of Los Angeles

April 20, 2021

Via Electronic Mail

Thomas F. Coleman
(per Emmi Deckard)
Legal Director
Spectrum Institute
tomcoleman@spectruminstitute.org

Dear Thomas F. Coleman:

The Court received your follow-up request for administrative records on April 12, 2021. In it, you requested the following:

We are asking for records.

About 20 courts have so far supplied the data. No court has declined, other than Los Angeles. Furthermore, your court supplied the data in the past.

The information is NOT available, as requested, at the webpage you directed us to. Probate data there is mixed together with mental health data or guardianship data.

We assume that in planning year to year (for budget requests or for interaction with the county for planning for money for the CAC panel, etc) the court has a record of the number of open conservatorship cases and the number of new conservatorship petitions filed the previous year. It obviously had the records of such data several years ago when it was supplied to us by the court.

The court's cooperation or lack thereof will be duly noted in the report will be filing with the Governor, Legislature, and Judicial Council. The blanked refusal to provide the data certainly is not in keeping with the spirit of the court rule on access of administrative data.

Also, surely the court investigator's office has administrative records showing how many open cases it was responsible for supervising during the years in question. When three courts said they did not have records on the number of open cases, we suggested they ask their court investigator. They did . . . and then they responded with records containing the data.

We look forward to receiving the records of this data as requested. Just like we did in the past when the court choose to cooperate.

The number of new filings for probate conservatorships (new petitions) in 2019 and 2020 are as follows:

- Probate Conservatorship and Guardianship: 4,063
- Mental Health: 7,773 (includes LPS conservatorship, mental competency, and civil commitments)

Emmi Deckard/ Thomas F .Coleman
April 20, 2021
Page 2

Filings for 2018 and 2019 are available at the Judicial Council website:
<https://www.courts.ca.gov/12941.htm>

Regarding the remainder of your request, the Court is not required to run special reports per 10.500 (e) (1) (B): *“Nothing in this rule requires a judicial branch entity to create any record or to compile or assemble data in response to a request for judicial administrative records if the judicial branch entity does not compile or assemble the data in the requested form for its own use or for provision to other agencies. For purposes of this rule, selecting data from extractable fields in a single database using software already owned or licensed by the judicial branch entity does not constitute creating a record or compiling or assembling data.”*

Sincerely,



Sylvia White-Irby
Judicial and Executive Support Director

tomcoleman@spectruminstitute.org

Subject: Public Records Act (PRA) Request
Attachments: PRA - Legal Status of DDS Population 1.2019 to 12.2019.xlsx

From: Sanders, Alexandra@DDS <Alexandra.Sanders@dds.ca.gov>
Sent: Wednesday, December 9, 2020 7:43 AM
To: tomcoleman@spectruminstitute.org
Cc: Blythe, Tom@DDS <Tom.Blythe@dds.ca.gov>
Subject: Public Records Act (PRA) Request

Hi Mr. Coleman. Per your request, please see the attached data regarding conservatorships between January 2019 and December 2019.

Thank you in advance. I hope that you have a great day.

Alexandra Sanders
Department of Developmental Services
Appeals, Complaints, and Projects Section
1600 9th Street, Room 340
Sacramento, California 95814
Desk: (916) 654-1164
Fax: (916) 654-3641

**Conservatee Status of California DDS RC Population
Age 18 and Over on 01/01/2019 and 12/31/2019**

| Regional Center | Legal Status | | | | | | | | |
|-----------------|-------------------|-----------------------|-------------------|---------------------------|---------------|---------|-----------|------------------------|----------------------|
| | 2-Public Guardian | 3-Has Cons. - not DDS | 4-Director of DDS | 5-Court (Dependent Child) | 7-RC Director | 8-Other | 9-Unknown | N-No Guardian/C onserv | R-Parent or Relative |
| ACRC | 86 | 1,898 | 58 | 23 | * | 82 | 35 | 9,737 | 1,183 |
| CVRC | 57 | 982 | 12 | 15 | * | 37 | * | 8,310 | 913 |
| ELARC | 25 | 686 | * | * | 21 | 32 | 12 | 3,099 | 1,868 |
| FDLRC | * | 853 | 14 | * | 55 | 54 | * | 3,074 | 539 |
| FNRC | 37 | 736 | * | * | * | 23 | 0 | 3,019 | 677 |
| GGRC | 58 | 800 | * | * | 0 | 25 | * | 4,052 | 733 |
| HRC | 39 | 1,392 | 35 | * | 0 | 28 | 19 | 4,725 | 553 |
| IRC | 70 | 834 | 24 | 64 | 38 | 45 | 16 | 13,131 | 4,590 |
| KRC | 10 | 429 | 21 | 15 | 0 | 28 | * | 3,864 | 492 |
| NBRC | 21 | 945 | 14 | * | * | * | 16 | 4,197 | 127 |
| NLARC | 14 | 1,230 | 21 | 42 | * | 31 | * | 7,797 | 2,368 |
| RCEB | 30 | 1,043 | 21 | 23 | 0 | 73 | * | 7,431 | 2,506 |
| RCOC | * | 2,271 | 31 | 13 | 0 | * | * | 9,214 | 115 |
| RCRC | 67 | 190 | 0 | * | * | 20 | 15 | 1,578 | 384 |
| SARC | 34 | 1,421 | 18 | 15 | * | 16 | 45 | 5,260 | 2,445 |
| SCLARC | 43 | 1,346 | 35 | 48 | * | 64 | 34 | 5,905 | 99 |
| SDRC | 26 | 2,686 | 62 | 34 | | 26 | 25 | 9,362 | 1,828 |
| SGPRC | 19 | 1,173 | 37 | 30 | * | 30 | 0 | 4,797 | 1,042 |
| TCRC | 24 | 876 | 20 | * | * | 16 | * | 5,843 | 257 |
| VMRC | 21 | 310 | * | 14 | 0 | 131 | * | 5,368 | 851 |
| WRC | 28 | 404 | 12 | * | 17 | 14 | * | 2,473 | 1,512 |

Tabulation by Spectrum Institute:

The chart that appears above was provided to Spectrum Institute by the Department of Developmental Services pursuant to a Public Records Act request. The tabulations that appear below were done by Spectrum Institute of the data provided by DDS in this record.

2019 data:

| | |
|--|--------------|
| Total adults who were regional center clients: | 171,873 |
| Clients in conservatorships: | 49,637 (29%) |
| parent/relative as conservator: | 25,082 |
| DDS as conservator: | 435 |
| Not DDS as conservator: | 22,505 |
| Public guardian as conservator: | 709 |
| Regional center as conservator: | 131 |
| Other as conservator: | 775 |
| Clients not in conservatorships: | 122,236 |

2016 data:

| | |
|---|--------------|
| Comparison to 2016 data provided by DDS pursuant to Public Records Act request: | |
| Total adults who were regional center clients: | 155,780 |
| Clients in conservatorships: | 43,341 (28%) |

Response of DDS to Public Records Request by Spectrum Institute

Total adults served by DDS 145,414
 Those who are not adult conservatees (Status 5 and Status N) . . . 104,404
 Total adults with I/DD who are conservatees 41,010

Los Angeles County DDS clients who are conservatees 12,688 (30.9%)
 (ELARC + FDLRC + HRC + NLACRC + SCLARC + SGPRC + WRC)

Adult Regional Center Consumers (Age 18 and Up) Client Master File Data as of December 1, 2014

Request 1: The number of adult clients served by each regional center.

Request 2: The number of adult clients served by each regional center who are conservatees.

See table below and corresponding key on the following page.

| Regional Center | Legal Status 2 | Legal Status 3 | Legal Status 4 | Legal Status 5 | Legal Status 7 | Legal Status 9 | Legal Status N | Legal Status R | Other | Grand Total |
|--------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------|----------------|
| ACRC | 125 | 769 | 54 | 43 | 3 | 42 | 7,392 | 2,295 | 67 | 10,790 |
| CVRC | 59 | 739 | 18 | 24 | 2 | 8 | 7,216 | 837 | 40 | 8,943 |
| ELARC | 39 | 425 | 8 | 15 | 21 | 15 | 2,752 | 1,506 | 24 | 4,805 |
| FDLRC | 3 | 246 | 15 | 14 | 49 | 4 | 2,309 | 1,163 | 8 | 3,811 |
| FNRC | 39 | 733 | 6 | 8 | 1 | 1 | 2,959 | 460 | 29 | 4,236 |
| GGRC | 40 | 602 | 10 | 15 | - | 7 | 3,846 | 535 | 35 | 5,090 |
| HRC | 24 | 473 | 42 | 25 | 1 | 19 | 3,788 | 1,322 | 16 | 5,710 |
| IRC | 59 | 224 | 21 | 53 | 49 | 15 | 11,445 | 3,272 | 44 | 15,182 |
| KRC | 4 | 329 | 27 | 9 | 9 | 4 | 3,447 | 251 | 37 | 4,117 |
| NBRC | 21 | 590 | 13 | 22 | 1 | 19 | 3,789 | 306 | 17 | 4,778 |
| NLACRC | 11 | 837 | 23 | 33 | 2 | 8 | 7,090 | 1,262 | 35 | 9,301 |
| RCEB | 53 | 452 | 27 | 45 | 7 | 19 | 6,127 | 2,899 | 74 | 9,703 |
| RCOC | 8 | 1,359 | 34 | 21 | - | - | 8,056 | 6 | 2 | 9,486 |
| RCRC | 62 | 195 | - | 3 | 2 | 15 | 1,479 | 245 | 15 | 2,016 |
| SARC | 51 | 974 | 25 | 15 | 4 | 79 | 4,575 | 1,898 | 25 | 7,646 |
| SCLARC | 81 | 414 | 45 | 60 | 2 | 28 | 4,599 | 910 | 40 | 6,179 |
| SDRC | 18 | 1,639 | 62 | 29 | - | 36 | 7,893 | 1,787 | 10 | 11,474 |
| SGPRC | 27 | 701 | 37 | 43 | 5 | - | 4,699 | 986 | 22 | 6,520 |
| TCRC | 47 | 449 | 25 | 6 | 1 | 8 | 4,150 | 1,312 | 37 | 6,035 |
| VMRC | 33 | 249 | 13 | 18 | - | 9 | 4,292 | 1,012 | 177 | 5,803 |
| WRC | 54 | 182 | 15 | 26 | 17 | 17 | 1,974 | 1,487 | 17 | 3,789 |
| Grand Total | 858 | 12,581 | 520 | 527 | 176 | 353 | 103,877 | 25,751 | 771 | 145,414 |

Legal Status Key

"Legal Status" answers the question: "Does the consumer have a judicially appointed guardian or conservator?"

| Legal Status | Description | Definition |
|--------------|-------------------------------|---|
| 2 | Public Guardian | The public guardian for the county of residence of the consumer is the consumer's conservator. (Probate Code sections 2920, 2921) |
| 3 | Has Conservator -- Not DDS | The consumer has a conservator who is not the director of the Department of Developmental Services (DDS). |
| 4 | Director of DDS | The director of DDS is appointed as either guardian or conservator of the consumer and/or estate of a consumer. (Health and Safety Code sections 416, 416.5, 416.9) |
| 5 | Court (dependent child) | A minor consumer who is adjudged by the court to be a dependent of the court because of parental issues or the child's criminal conduct. (Welfare and Institutions Code section 300 or 601) |
| 7 | Regional Center Director | The director of a regional center that is the actual probate conservator or guardian of a consumer, as contrasted with being delegated the responsibility of performing conservatorship duties by DDS when DDS is the actual conservator. (Health and Safety Code section 416.19, Probate Code sections 1500, 1514, 1801, 2351.5) |
| 9 | Unknown | |
| N | No Guardian/Conservator | The consumer does not have a judicially appointed guardian or conservator. |
| R | Consumer's Parent or Relative | A family member of the consumer has been appointed probate conservator (for an adult) or guardian (for a minor). (Probate Code sections 1500, 1514, 1801, 2351.5) |
| Other | | The consumer has a guardian or conservator other than the possibilities above, such as a private conservator. |

Adult Regional Center Consumers (Age 18 and Up)
Client Master File Data as of December 1, 2015

Request 1: The number of adult clients served by each regional center.

Request 2: The number of adult clients served by each regional center who are conservatees.

See table below and corresponding key on the following page.

| Regional Center | Legal Status 2 | Legal Status 3 | Legal Status 4 | Legal Status 5 | Legal Status 7 | Legal Status 9 | Legal Status N | Legal Status R | Other | Grand Total |
|--------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------|----------------|
| ACRC | 112 | 1,006 | 61 | 34 | 4 | 37 | 7,939 | 1,947 | 64 | 11,204 |
| CVRC | 55 | 773 | 17 | 19 | 1 | 6 | 7,553 | 691 | 34 | 9,149 |
| ELARC | 37 | 502 | 8 | 15 | 21 | 13 | 2,839 | 1,575 | 27 | 5,037 |
| FDLRC | 6 | 347 | 14 | 11 | 57 | 7 | 2,486 | 1,044 | 25 | 3,997 |
| FNRC | 43 | 735 | 4 | 4 | 3 | 0 | 3,010 | 499 | 25 | 4,323 |
| GGRC | 42 | 634 | 9 | 12 | 0 | 10 | 3,900 | 554 | 37 | 5,198 |
| HRC | 20 | 736 | 39 | 19 | 0 | 17 | 4,052 | 1,009 | 17 | 5,909 |
| IRC | 56 | 257 | 22 | 64 | 39 | 12 | 11,955 | 3,468 | 46 | 15,919 |
| KRC | 3 | 347 | 28 | 8 | 8 | 1 | 3,479 | 295 | 38 | 4,207 |
| NBRC | 23 | 651 | 13 | 19 | 1 | 12 | 3,938 | 222 | 13 | 4,892 |
| NLACRC | 12 | 913 | 24 | 43 | 1 | 14 | 7,219 | 1,475 | 35 | 9,736 |
| RCEB | 49 | 527 | 26 | 37 | 6 | 12 | 6,419 | 2,862 | 69 | 10,007 |
| RCOC | 6 | 1,478 | 35 | 22 | 0 | 0 | 8,363 | 3 | 1 | 9,908 |
| RCRC | 56 | 196 | 0 | 3 | 1 | 14 | 1,521 | 263 | 14 | 2,068 |
| SARC | 49 | 999 | 22 | 16 | 4 | 86 | 4,697 | 2,058 | 26 | 7,957 |
| SCLARC | 64 | 667 | 43 | 58 | 2 | 24 | 5,151 | 393 | 56 | 6,458 |
| SDRC | 15 | 1,794 | 61 | 26 | 0 | 34 | 8,245 | 1,732 | 13 | 11,920 |
| SGPRC | 24 | 763 | 41 | 39 | 7 | 0 | 4,716 | 999 | 23 | 6,612 |
| TCRC | 48 | 463 | 22 | 7 | 1 | 8 | 4,211 | 1,374 | 38 | 6,172 |
| VMRC | 30 | 259 | 13 | 15 | 0 | 5 | 4,563 | 957 | 149 | 5,991 |
| WRC | 48 | 190 | 15 | 24 | 17 | 19 | 2,036 | 1,563 | 21 | 3,933 |
| Grand Total | 798 | 14,237 | 517 | 495 | 173 | 331 | 108,292 | 24,983 | 771 | 150,597 |

| Legal Status Key | | |
|--|-------------------------------|---|
| <i>'Legal Status' answers the question: "Does the consumer have a judicially appointed guardian or conservator?"</i> | | |
| Legal Status | Description | Definition |
| 2 | Public Guardian | The public guardian for the county of residence of the consumer is the consumer's conservator. (Probate Code sections 2920, 2921) |
| 3 | Has Conservator -- Not DDS | The consumer has a conservator who is not the director of the Department of Developmental Services (DDS). |
| 4 | Director of DDS | The director of DDS is appointed as either guardian or conservator of the consumer and/or estate of a consumer. (Health and Safety Code sections 416, 416.5, 416.9) |
| 5 | Court (dependent child) | A minor consumer who is adjudged by the court to be a dependent of the court because of parental issues or the child's criminal conduct. (Welfare and Institutions Code section 300 or 601) |
| 7 | Regional Center Director | The director of a regional center that is the actual probate conservator or guardian of a consumer, as contrasted with being delegated the responsibility of performing conservatorship duties by DDS when DDS is the actual conservator. (Health and Safety Code section 416.19, Probate Code sections 1500, 1514, 1801, 2351.5) |
| 9 | Unknown | |
| N | No Guardian/Conservator | The consumer does not have a judicially appointed guardian or conservator. |
| R | Consumer's Parent or Relative | A family member of the consumer has been appointed probate conservator (for an adult) or guardian (for a minor). (Probate Code sections 1500, 1514, 1801, 2351.5) |
| Other | | The consumer has a guardian or conservator other than the possibilities above, such as a private conservator. |

Adult Regional Center Consumers (Age 18 and Up)
Client Master File Data as of December 1, 2016

Request 1: The number of adult clients served by each regional center.

Request 2: The number of adult clients served by each regional center who are conservatees.

See table below and corresponding key on the following page.

| Regional Center | Legal Status 2 | Legal Status 3 | Legal Status 4 | Legal Status 5 | Legal Status 7 | Legal Status 9 | Legal Status N | Legal Status R | Other | Grand Total |
|--------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------|----------------|
| ACRC | 101 | 1,209 | 59 | 31 | 3 | 26 | 8,347 | 1,756 | 71 | 11,603 |
| CVRC | 52 | 824 | 15 | 22 | 1 | 8 | 7,767 | 661 | 39 | 9,389 |
| ELARC | 31 | 570 | 8 | 8 | 20 | 14 | 2,907 | 1,641 | 29 | 5,228 |
| FDLRC | 6 | 472 | 13 | 9 | 55 | 6 | 2,699 | 817 | 47 | 4,124 |
| FNRC | 42 | 731 | 5 | 6 | 3 | 1 | 3,035 | 552 | 23 | 4,398 |
| GGRC | 41 | 659 | 6 | 8 | 0 | 5 | 4,014 | 536 | 29 | 5,298 |
| HRC | 29 | 846 | 39 | 18 | 0 | 15 | 4,134 | 972 | 18 | 6,071 |
| IRC | 63 | 304 | 25 | 65 | 42 | 13 | 12,322 | 3,671 | 47 | 16,552 |
| KRC | 5 | 359 | 26 | 9 | 4 | 0 | 3,532 | 387 | 31 | 4,353 |
| NBRC | 22 | 735 | 14 | 12 | 1 | 10 | 3,990 | 217 | 11 | 5,012 |
| NLACRC | 10 | 1,005 | 23 | 38 | 1 | 13 | 7,524 | 1,632 | 32 | 10,278 |
| RCEB | 46 | 590 | 25 | 29 | 6 | 11 | 6,554 | 2,944 | 69 | 10,274 |
| RCOC | 4 | 1,658 | 33 | 19 | 0 | 0 | 8,625 | 5 | 2 | 10,346 |
| RCRC | 56 | 196 | 0 | 4 | 1 | 14 | 1,568 | 268 | 14 | 2,121 |
| SARC | 45 | 1,085 | 19 | 11 | 3 | 78 | 4,812 | 2,244 | 25 | 8,322 |
| SCLARC | 55 | 836 | 41 | 52 | 3 | 24 | 5,413 | 147 | 77 | 6,648 |
| SDRC | 19 | 2,014 | 59 | 25 | 0 | 26 | 8,602 | 1,626 | 13 | 12,384 |
| SGPRC | 22 | 853 | 39 | 37 | 9 | 0 | 4,799 | 996 | 26 | 6,781 |
| TCRC | 46 | 471 | 21 | 9 | 1 | 10 | 4,311 | 1,477 | 40 | 6,386 |
| VMRC | 27 | 264 | 15 | 12 | 0 | 4 | 4,939 | 738 | 124 | 6,123 |
| WRC | 45 | 217 | 15 | 15 | 16 | 13 | 2,106 | 1,645 | 17 | 4,089 |
| Grand Total | 767 | 15,898 | 500 | 439 | 169 | 291 | 112,000 | 24,932 | 784 | 155,780 |

| Legal Status Key | | |
|--|-------------------------------|---|
| <i>'Legal Status' answers the question: "Does the consumer have a judicially appointed guardian or conservator?"</i> | | |
| Legal Status | Description | Definition |
| 2 | Public Guardian | The public guardian for the county of residence of the consumer is the consumer's conservator. (Probate Code sections 2920, 2921) |
| 3 | Has Conservator -- Not DDS | The consumer has a conservator who is not the director of the Department of Developmental Services (DDS). |
| 4 | Director of DDS | The director of DDS is appointed as either guardian or conservator of the consumer and/or estate of a consumer. (Health and Safety Code sections 416, 416.5, 416.9) |
| 5 | Court (dependent child) | A minor consumer who is adjudged by the court to be a dependent of the court because of parental issues or the child's criminal conduct. (Welfare and Institutions Code section 300 or 601) |
| 7 | Regional Center Director | The director of a regional center that is the actual probate conservator or guardian of a consumer, as contrasted with being delegated the responsibility of performing conservatorship duties by DDS when DDS is the actual conservator. (Health and Safety Code section 416.19, Probate Code sections 1500, 1514, 1801, 2351.5) |
| 9 | Unknown | |
| N | No Guardian/Conservator | The consumer does not have a judicially appointed guardian or conservator. |
| R | Consumer's Parent or Relative | A family member of the consumer has been appointed probate conservator (for an adult) or guardian (for a minor). (Probate Code sections 1500, 1514, 1801, 2351.5) |
| Other | | The consumer has a guardian or conservator other than the possibilities above, such as a private conservator. |

For Release

Conservatee Status of California DDS RC Population
Age 18 and Over on 12/1/2017 and 12/1/2018

12/1/2017 Legal_Status

| RC | 2-Public Guardian | 3-Has Cons. - not DDS | 4-Director of DDS | 5-Court (Dependent Child) | 7-RC Director | 9-Unknown | N-No Guardian/ Conserv | R-Parent or Relative | 8-Other | Total |
|--------------|----------------------|--------------------------|----------------------|---------------------------------|---------------|------------|------------------------------|-------------------------|------------|----------------|
| ACRC | 92 | 1,446 | 61 | 27 | 1-10 | 32 | 8,702 | 1,624 | 68 | 12,055 |
| CVRC | 53 | 866 | 15 | 20 | 1-10 | 1-10 | 7,977 | 699 | 39 | 9,676 |
| ELARC | 31 | 621 | 1-10 | 1-10 | 20 | 1-10 | 2,943 | 1,723 | 33 | 5,396 |
| FDLRC | 1-10 | 651 | 13 | 1-10 | 55 | 1-10 | 2,884 | 590 | 50 | 4,260 |
| FNRC | 41 | 727 | 1-10 | 1-10 | 1-10 | 1-10 | 3,072 | 617 | 22 | 4,491 |
| GGRC | 47 | 725 | 1-10 | 1-10 | 0 | 1-10 | 4,034 | 571 | 27 | 5,422 |
| HRC | 32 | 969 | 37 | 12 | 0 | 13 | 4,244 | 974 | 24 | 6,305 |
| IRC | 65 | 446 | 25 | 69 | 39 | 20 | 12,612 | 3,969 | 48 | 17,293 |
| KRC | 1-10 | 388 | 25 | 12 | 1-10 | 1-10 | 3,645 | 368 | 24 | 4,472 |
| NBRC | 19 | 780 | 17 | 1-10 | 0 | 13 | 4,035 | 249 | 1-10 | 5,129 |
| NLACRC | 1-10 | 1,116 | 21 | 39 | 1-10 | 1-10 | 7,720 | 1,702 | 31 | 10,646 |
| RCEB | 41 | 698 | 25 | 19 | 1-10 | 1-10 | 6,748 | 2,858 | 73 | 10,475 |
| RCOC | 1-10 | 1,815 | 34 | 23 | 0 | 0 | 8,849 | 23 | 1-10 | 10,749 |
| RCRC | 54 | 194 | 0 | 1-10 | 1-10 | 14 | 1,562 | 326 | 18 | 2,177 |
| SARC | 39 | 1,189 | 18 | 1-10 | 1-10 | 73 | 4,994 | 2,299 | 23 | 8,646 |
| SCLARC | 52 | 978 | 40 | 54 | 1-10 | 16 | 5,586 | 118 | 73 | 6,918 |
| SDRC | 20 | 2,225 | 58 | 25 | 0 | 26 | 8,804 | 1,674 | 13 | 12,845 |
| SGPRC | 19 | 958 | 39 | 27 | 1-10 | 0 | 4,796 | 1,031 | 29 | 6,908 |
| TCRC | 47 | 481 | 19 | 1-10 | 1-10 | 12 | 4,405 | 1,573 | 42 | 6,588 |
| VMRC | 23 | 269 | 11 | 12 | 0 | 1-10 | 5,190 | 728 | 120 | 6,359 |
| WRC | 41 | 246 | 14 | 14 | 18 | 1-10 | 2,199 | 1,688 | 16 | 4,246 |
| Total | 743 | 17,788 | 490 | 410 | 162 | 274 | 115,001 | 25,404 | 784 | 161,056 |



REQUEST FOR JUDICIAL ADMINISTRATIVE RECORDS
Under California Rules of Court, rule 10.500

Request Information

Date of Request April 2, 2021

Requester Name Thomas F. Coleman

Organization Spectrum Institute

Street Address 1717 E. Vista Chino A7-384

City, State, Zip Code Palm Springs, CA 92262

Telephone Number 818 482-4485

Email Address tomcoleman@spectruminstitute.org

Description of Information Requested

Please be as specific as possible. Attach additional sheets of paper as necessary.

Each year the Judicial Council publishes a court statistics report. To do this, the council gathers data from each of the superior courts. We are requesting documents or information showing the specific questions or specific data line items the council asks the superior courts to submit regarding probate conservatorship cases.

We notice that in the report many items pertaining to probate conservatorships are merged with other types of proceedings. For example, data on guardianships and probate conservatorships are combined in some areas, while data on probate conservatorships and mental health conservatorships are merged in other areas. We are not sure whether this is the way the superior courts report the data to the council (because that is what is asked for) or whether after receiving discrete data for probate conservatorships it is the judicial council that merges the data for reporting purposes. That is why we want to determine exactly how the council is asking the courts to report data on probate conservatorship cases.

Will the requested records be used to further your or someone else's commercial, trade, or profit interest?

If so, fees may be reasonably calculated to cover direct costs of duplication or production of records.

YES ☐

NO ☒

Have you recently requested these materials from someone at the Judicial Council of California or a court? This information will help us more quickly answer your request.

YES ☐ Judicial Council ☐ Courts ☐

Name of person & Date of request:

NO ☒

SUBMIT THIS FORM

1) *By Mail:*

Public Access to Judicial Administrative Records
Legal Services
455 Golden Gate Avenue
San Francisco, California 94102

2) *By E-mail:* PAJAR@jud.ca.gov

Spectrum Institute

From: PAJAR <PAJAR@jud.ca.gov>
Sent: Thursday, April 22, 2021 2:16 PM
To: Spectrum Institute
Cc: PAJAR
Subject: RE: request for administrative records
Attachments: 10-500-request.pdf; Disclosure.pdf

Good afternoon,

In the attachment, you request records showing the guidance courts receive regarding data reporting for the Judicial Council's Court Statistics Report (CSR), which is published annually on the California Courts website. (See <https://www.courts.ca.gov/13421.htm>.) Specifically, you request copies of records showing guidance for courts regarding data reporting on probate conservatorship cases.

By way of explanation, you note that the CSR in some places merges probate conservatorship case data (see Prob. Code, § 1800 et seq.) with data regarding other types of proceedings, such as guardianship proceedings (see Prob. Code, § 1500 et seq.), or mental health conservatorship proceedings (see Welf. & Inst. Code, § 5350, et seq.). To better understand the data, therefore, you request records showing the manner in which probate conservatorship data is reported.

We have determined that we have a disclosable responsive record, and it is attached. We must note, however, that one premise of your request is incorrect. The CSR does not merge or combine court data regarding probate conservatorship cases and mental health conservatorship cases. Please see records included in our attached disclosure related to data reporting for mental health case types.

Sincerely,

Public Access to Judicial Administrative Records

Legal Services | Leadership Services Division
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
415-865-7796 | PAJAR@jud.ca.gov
www.courts.ca.gov/publicrecords.htm

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From: PAJAR <PAJAR@jud.ca.gov>
Sent: Monday, April 12, 2021 1:26 PM
To: Spectrum Institute <tomcoleman@spectruminstitute.org>
Cc: PAJAR <PAJAR@jud.ca.gov>
Subject: RE: request for administrative records

Good afternoon,

You have reached the "Public Access to Judicial Administrative Records" (PAJAR) team at the Judicial Council of California. The PAJAR team responds to requests to inspect "judicial administrative records" pursuant to rule 10.500 of the California Rules of Court. You can find information about rule 10.500, the process for requesting records, and the types of records available through this process at www.courts.ca.gov/publicrecords.htm.

Properly processing your request will require additional time. (See Cal. Rules of Court, rule 10.500(e)(8).) To respond to your request, we must consult with another component of the Judicial Council that has a substantial subject matter interest in the determination of the request.

We estimate that we will be able to notify you of our determination about whether we have responsive records that are disclosable by or before April 26, 2021. If our estimate changes, we will let you know as quickly as practicable.

Sincerely,

Public Access to Judicial Administrative Records

Legal Services | Leadership Services Division

Judicial Council of California

455 Golden Gate Avenue

San Francisco, California 94102-3688

415-865-7796 | PAJAR@jud.ca.gov

www.courts.ca.gov/publicrecords.htm

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From: Spectrum Institute <tomcoleman@spectruminstitute.org>

Sent: Friday, April 2, 2021 5:54 AM

To: PAJAR <PAJAR@jud.ca.gov>

Subject: request for administrative records

Please see the attached request.

Spectrum Institute

From: Spectrum Institute <tomcoleman@spectruminstitute.org>
Sent: Thursday, April 22, 2021 2:49 PM
To: 'PAJAR'
Subject: RE: request for administrative records
Attachments: statistics.pdf

Dear Public Access Team:

Thank you. I am studying the materials now.

I have found some areas where the probate and mental health data are combined in the reporting. This occurs in the reporting of trials. See attached.

I am wondering if there is someone in the statistics division who I can speak to about how the courts are reporting probate conservatorship data each year.

I can find nothing about the number of new probate conservatorship petitions filed annually per superior court.

I can also find nothing about the number of open cases per court to show how many adults are living under an order of conservatorship and are thus under the protection of the court.

I can't figure out if this is because the questions are not asked or if it is because the data is just not reported by the JC in the annual report in that manner.

A conversation with someone in the statistics division would be most enlightening and helpful.

Tom Coleman

From: PAJAR <PAJAR@jud.ca.gov>
Sent: Thursday, April 22, 2021 2:16 PM
To: Spectrum Institute <tomcoleman@spectruminstitute.org>
Cc: PAJAR <PAJAR@jud.ca.gov>
Subject: RE: request for administrative records

Good afternoon,

In the attachment, you request records showing the guidance courts receive regarding data reporting for the Judicial Council's Court Statistics Report (CSR), which is published annually on the California Courts website. (See <https://www.courts.ca.gov/13421.htm>.) Specifically, you request copies of records showing guidance for courts regarding data reporting on probate conservatorship cases.

By way of explanation, you note that the CSR in some places merges probate conservatorship case data (see Prob. Code, § 1800 et seq.) with data regarding other types of proceedings, such as guardianship proceedings (see Prob. Code, § 1500 et seq.), or mental health conservatorship proceedings (see Welf. & Inst. Code,

Problem 1:
Annual Court Statistics
Report **Hides** Probate
Conservatorship Data

Solution 1:
Create Category **Solely** for
Probate Conservatorships

- New filings
- Open cases
- Court trials * # of late reviews
- Jury trials * # of unknown whereabouts
- Appeals * # of cases with no attorney

Filings, Dispositions, and Caseload Clearance Rate

| Fiscal year | Probate | |
|-------------|---------|--------------------------------|
| | Total | Conservatorship & Guardianship |
| | (A) | (B) |
| Filings | | |
| FY19 | 49,221 | 15,949 |
| FY18 | 51,478 | 16,821 |

Trials By Type of Proceeding

| Court Trials Probate and Mental Health | Jury Trials FY19 | Probate and Mental Health |
|--|---------------------|------------------------------|
| (G) | | (G) |
| 37,585 | | 109 |

Probate and Mental Health Dispositions

| Probate Conservatorship & Guardianship |
|--|
| (B) |
| 11,820 |

Probate – Report 12a

Overview

Probate case types represent a broad classification category for trial court caseload that includes cases in which a court is asked to make a legal determination as to the disposition or transfer of decedents' assets, the appointment of conservators and guardians, the internal affairs or existence of a trust, and other miscellaneous probate matters. Probate cases consist of decedents' estates, trusts, adult conservatorships, guardianships of minors, and miscellaneous probate proceedings. A case is the unit of count for probate and consists of the filing of an initial petition.

Probate case types are reported according to one of two data collection and reporting standards:

- 1) Judicial Branch Statistical Information System (JBSIS): The JBSIS standards include a more detailed breakdown of cases by case type and disposition than the Portal, and include workload measures, such as the number of hearings.
- 2) Portal: The Portal standards include fewer case types, dispositions and workload measures than JBSIS. The Portal data elements can be mapped to the JBSIS data matrix, defined on the next page.

Case Type Mapping

The JBSIS standards include a more detailed breakdown of Probate case types than the Portal but the rules for counting Probate filings in JBSIS and the Portal are the same. The association of the Portal case type definitions with those definitions for JBSIS case types is shown below.

| Portal | | JBSIS | |
|--------|---------------------------------|-------|---------------------------------|
| 25 | Estate/Trust | 10 | Decedent's Estate |
| | | 20 | Trust |
| 45 | Conservatorship/Guardianship | 30 | Conservatorship |
| | | 40 | Guardianship |
| 55 | Other Probate with Hearing | 50 | Other Probate with Hearing |
| 65 | Other Probate without a Hearing | 60 | Other Probate without a Hearing |

Case Type Definitions

| Pre-JBSIS Probate | Portal | JBSIS |
|-------------------|--------|-------|
| | --- | 00 |

A probate case filed prior to JBSIS implementation in which a JBSIS-specific case type cannot be determined by case management system (CMS).

Note: Case type 00, pre-JBSIS, is included to permit a court to report pending probate cases entered in their management system prior to JBSIS implementation where the case type category is unknown. Usually, when the case is scheduled for an event, the case type is determined, and the count is subtracted from the pre-JBSIS column and added to the new case type column.

| Decedent's Estate | Portal | JBSIS |
|-------------------|--------|-------|
| | 25 * | 10 |

* *Decedent's Estate* is one of the several case types reported in this category in the Portal

A probate case initiated by the filing of a Petition for Probate (form DE-111). The petition, which is to dispose of or transfer a decedent's assets, is for one of the following:

- Probate of will and for letters testamentary
- Probate of will and for letters of administration with will annexed
- Letters of administration
- Letters of special administration

What/how not to report:

- A will contest is considered a subsequent filing and should not be reported as a new filing.
- Safekeeping wills should not be reported as a filing.

| Trust | Portal | JBSIS |
|-------|--------|-------|
| | 25 * | 20 |

* *Trust* is one of the several case types reported in this category in the Portal

A probate trust case initiated in one of the following ways:

- The filing of a petition concerning the internal affairs of a trust or to determine the existence of a trust (Prob. Code, § 17200)
- The filing of a petition by a trustee or beneficiary of the filing of the notice to creditors by the trustee (Prob. Code, § 19000 et seq.)
- Special needs trust (Prob. Code, § 3602 et seq.)

What/how not to report:

- Do not report temporary petitions if they are filed as subsequent petitions.
- Disclaimers of Interest are not counted even if the court assigns a case number and opens a file.

| Conservatorship | Portal | JBSIS |
|-----------------|--------|-------|
| | 45 * | 30 |

*** *Conservatorship*** is one of the several case types reported in this category in the Portal

A probate case (Prob. Code, § 1800) initiated by the filing of a Petition for Appointment of Conservator (form GC-310) for one of the following:

- Person
- Estate
- Person and estate
- Limited conservatorship

What/how to report:

- Only the initial petition for appointment of a Conservatory (form GC-310) or Guardian (form GC-210) are counted as filings. A petition for a temporary conservatorship or guardianship is not reported as a filing.
- A successor conservatorship should be reported as a new filing since the existing conservatorship is terminated by the court, which can happen because of death or resignation by the conservator.
- If multiple petitions are filed by different parties for conservatorship of the same person(s), report only a single filing. Any additional petitions for conservatorship of the same person(s) are reported as subsequent petitions.

What/how not to report:

- A case transferred after final disposition or after it is placed under court supervision (e.g., court judgment on appointment of conservator) would not be counted as a new filing for the receiving court, but all hearings and events should be captured in the postdisposition section on the JBSIS report.
- Subsequent petitions, objections, and competing petitions should not be counted as a new or separate filing for conservatorship cases.
- A petition for temporary conservatorship is not reported as a filing.
- LPS conservatorships are not reported on the Probate report, but on the 10a-Mental Health report.

| | | |
|---------------------|---------------|--------------|
| Guardianship | Portal | JBSIS |
| | 45 * | 40 |

* **Guardianship** is one of the several case types reported in this category in the Portal

A probate case (Prob. Code, § 1500) initiated by the filing of a Petition for Appointment of Guardianship of Minor (form GC-210) for one of the following:

- Person
- Estate
- Person and estate

What/how to report:

- A petition for guardianship should be reported as a single filing regardless of the number of minors listed in the petition.
- A successor guardianship should be reported as a new filing since the existing guardianship is terminated by the court, which can happen because of death or resignation by the guardian.
- If multiple petitions are filed by different parties for guardianship of the same person(s), report only a single filing. Any additional petitions for guardianship of the same person(s) are reported as subsequent petitions.
- One disposition is required for each initial guardianship petition filed.

What/how not to report:

- A case transferred after final disposition or after it is placed under court supervision (e.g., court judgment on appointment of guardian) would not be counted as a new filing for the receiving court, but all hearings and events should be captured in the postdisposition section on the JBSIS report.
- Subsequent petitions, objections, and competing petitions should not be counted as a new or separate filing for guardianship cases.
- A petition for temporary guardianship is not reported as a filing.

| | | |
|-----------------------------------|---------------|--------------|
| Other Probate with hearing | Portal | JBSIS |
| | 55 | 50 |

A probate case other than decedent's estate, trust, conservatorship, or guardianship.

Examples:

- Petition regarding protective proceedings involving a minor (Prob. Code, § 3300 et seq.) (form MC-350)
- Petition regarding spousal property (Prob. Code, § 13650)
- Petition to determine succession to real property

- Petition regarding management or disposition of property where spouse lacks legal capacity (Prob. Code, § 3000 et seq.)
- Petition regarding authorization of medical treatment for adult without conservator (Prob. Code, § 3200 et seq.)
- Petition to establish fact of birth
- Petition to establish fact of death
- Petition to establish fact of marriage

What/how to report:

- A petition/complaint in the Other Probate case type category should only be reported as a filing if they are filed as an independent action and not a subsequent petition/complaint within an existing Probate case

What/how not to report:

- If a petition/complain listed under Other Probate is filed within an existing Probate case, do not count it as a new filing but capture related hearings and events in workload.
- Approval of a minor's contract (Fam. Code, § 6751) is not reported on the Probate report, but on the 06a – Family Law report.

| Other Probate with no hearing (administrative) | Portal | JBSIS |
|--|--------|-------|
| | 65 | 60 |

A probate case other than decedent's estate, trust, conservatorship, or guardianship that is filed and handled administratively, with the case being disposed at the same time that it is filed.

Examples:

- Affidavit re Real Property of Small Value (\$50,000 or less) (form DE-305, Prob. Code, § 13200)
- Summary petition filed by public administrator (Prob. Code, § 7660)

What/how to report:

- A petition/complaint in the Other Probate case type category should only be reported as a filing if they are filed as an independent action and not a subsequent petition/complaint within an existing Probate case.

What/how not to report:

- If a petition/complain listed under Other Probate is filed within an existing Probate case, do not count it as a new filing but capture related hearings and events in workload.

Mental Health – Report 10a

Overview

Mental Health case types represent a broad classification of cases in which a trial court is asked to legally determine probable cause or lack of capacity of an individual due to mental illness, developmental or intellectual disability, addiction to narcotics, or, in the case of an individual who has committed a crime, his or her competency to stand trial and whether the individual should be placed or should remain under care, custody, and treatment. A case is the unit of count for mental health and consists of the filing of an initial petition.

Mental Health case types are reported according to one of two data collection and reporting standards:

- 1) Judicial Branch Statistical Information System (JBSIS): The JBSIS standards include a more detailed breakdown of cases by case type and disposition than the Portal, and include workload measures, such as the number of hearings.
- 2) Portal: The Portal standards include fewer case types, dispositions and workload measures than JBSIS. The Portal data elements can be mapped to the JBSIS data matrix, on the next page.

Case Type Mapping

The case type reporting categories on the Mental Health report 10a have been significantly restructured from the previous JBSIS version 2.3. The 13 reporting categories for JBSIS courts have been consolidated into six new Mental Health case type categories. Portal courts that had previously reported two Mental Health case type categories will also report data for these six new case types. These six new Mental Health case type categories are listed below, and the following page shows the mapping of the six new categories with the previous 13 JBSIS case types and two Portal case types from version 2.3. The association of the Portal case type definitions with those definitions for JBSIS case types is shown in the table below:

| Portal | | JBSIS | |
|--------|---|-------|---|
| 205 | Certification (W&I 5250) | 210 | Certification (W&I 5250) |
| 215 | LPS Conservatorship (W&I 5350) | 220 | LPS Conservatorship (W&I 5350) |
| 225 | Mental Competency (PC 1368; W&I 709) | 230 | Mental Competency (PC 1368; W&I 709) |
| 235 | Civil Commitment with an underlying Criminal Case | 240 | Civil Commitment with an underlying Criminal Case |
| 245 | Civil Commitment without a Criminal Case | 250 | Civil Commitment without a Criminal Case |
| 255 | Other Mental Health | 260 | Other Mental Health |

Case Type Definitions

The case type reporting categories on the Mental Health report 10a have been significantly restructured from the previous JBSIS version 2.3. The 13 reporting categories for JBSIS courts have been consolidated into six new Mental Health case type categories. Portal courts that had previously reported two Mental Health case type categories will also report data for these six new case types.

Not all case types within the Mental Health case categories are handled by every court. Some courts process Mental Health cases differently from others. For example, Lanterman-Petris-Short (LPS) conservatorships might be handled in the probate division in some courts and the mental health division in others. Regardless of where the cases are processed, please report under the case columns defined.

| Pre-JBSIS Mental Health | Portal | JBSIS |
|-------------------------|--------|-------|
| | --- | 00 |

A mental health case filed prior to JBSIS implementation in which a specific JBSIS case type cannot be determined by the case management system (CMS).

Note: Case type 00, pre-JBSIS is included to permit a court to report pending mental health cases entered into their case management system prior to JBSIS implementation where case type category is unknown. Usually, when the case is scheduled for an event, the case type is determined, and the count subtracted from the pre-JBSIS column and added to the new case type column.

| Certification (W&I 5250) | Portal | JBSIS |
|--------------------------|--------|-------|
| | 205 | 210 |

A certification to detain and treat a person under the following:

- Welf. & Inst. Code, § 5250—A 14-day certification to detain and treat a person who, owing to a mental disorder or chronic alcoholism, is alleged to be a danger to self and/or others and/or is gravely disabled.

What/how to report:

- A certification filing should only be counted if the certification hearing is handled by a judge, subordinate judicial officer (SJO), mental health hearing officer of the court, or other court-employed personnel. A certification filing should not be counted if the certification hearing is handled by county personnel not employed by the court.
- Only the initial certification hearing should be reported as a filing. Subsequent certification hearings (i.e., W&I §§ 5260, 5270.10) should be reported as subsequent petitions and not as new filings.

What/how not to report:

- A certification filing should not be counted if the certification hearing is handled by county personnel not employed by the court.
- Subsequent certification hearings (i.e., W&I §§ 5260, 5270.10) should be reported as subsequent petitions and not as new filings.
- Do not report a filing for a petition seeking a court ordered evaluation when a person is detained 72 hours or less.

| LPS Conservatorship (W&I 5350) | Portal | JBSIS |
|--------------------------------|--------|-------|
| | 215 | 220 |

A petition seeking a conservatorship for the person or person and estate of someone who is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism.

What/how to report:

- Only conservatorships filed under the Lanterman-Petris-Short (LPS) Act should be reported on the Mental Health report in case type LPS Conservatorship (W&I §§ 5350, 5008(h)(1)(A), and 5008(h)(1)(A) & (B)).

What/how not to report:

- Conservatorships filed under Prob. Code, § 1800 are reported on the Probate report 12a and not on Mental Health.
- Do not count a renewal or reappointment of an LPS Conservatorship as a new filing.

| Mental Competency (PC 1368; W&I 709) | Portal | JBSIS |
|--------------------------------------|--------|-------|
| | 225 | 230 |

A mental health case in which the competency of the defendant (PC § 1368) in a trial or other criminal matter such as probation violation, mandatory supervised release, postrelease community supervision, and parole (under SB 1412), or a minor involved in a juvenile delinquency matter is being questioned (W&I § 709).

What/how to report:

- A mental competency filing should be counted when/if the competency of the defendant or juvenile is being questioned. The court finding of competent or not competent would be considered the disposition of the case.
- A mental competency filing should be counted each time doubt is declared for each underlying criminal or juvenile case. For example:
 - If a competency petition is filed for a defendant with multiple criminal cases, it would get a competency filing count for each of the underlying criminal cases, each time doubt is declared in one of those cases.

- If a defendant or juvenile has multiple competency petitions that are filed and evaluated separately throughout a single criminal or juvenile case, then a separate competency filing would be counted for each time doubt is declared and criminal or juvenile proceedings are suspended.

| Civil Commitment with underlying Criminal case | Portal | JBSIS |
|--|--------|-------|
| | 235 | 240 |

A petition filed seeking commitment or extended commitment of a defendant convicted of a crime or an individual with an underlying criminal case:

- A petition filed by a prisoner under PC § 2966 who disagrees with the decision of the Board of Prison Terms that he or she met the criteria of Pen. Code, § 2962 as of the date of the board's hearing. Also include a petition filed under PC § 2970 by a hospital director or by the District Attorney for an extended commitment
- A mental health case in which a defendant was found not guilty of a crime by reason of insanity (PC § 1026).
- A petition filed by the District Attorney for the extended commitment of a defendant who was found not guilty of a crime by reason of mental insanity (PC § 1026.5(b))
- A petition filed by the district attorney for extended commitment of a person found to be a mentally disordered sex offender (W&I § 6300). There should be no new filings because W&I § 6300 was repealed, but existing cases should still be reported in the supervision and workload sections of the report.
- A petition filed by the district attorney or county counsel seeking to commit a person to the State Department of State Hospitals as a sexually violent predator (W&I § 6600).
- A petition filed by the district attorney seeking an order directing that an individual remain under the control of the Department of Juvenile Justice beyond the time of discharge because the person would be physically dangerous to the public (W&I § 1800).

| Civil Commitment without a Criminal case | Portal | JBSIS |
|--|--------|-------|
| | 245 | 250 |

A petition filed seeking commitment or extended commitment of an individual because the person may pose a danger to self or others where there is no underlying criminal case:

- A petition filed by the district attorney or county counsel for an order requiring a person confined for 14-day intensive treatment to undergo an additional treatment period of 180 days because he or she poses a demonstrable danger to others (W&I 5300).
- A petition requested by a parent, a guardian, a conservator, or another person charged with support of the developmentally disabled person; the probation officer; the Department of Juvenile Justice; any person designated by the judge of the court; the

director of corrections, or the regional center director, asking the district attorney to file a petition to commit a developmentally disabled person who has been found to be a danger to self or others by the state Department of Developmental Services (W&I 6500).

- A petition filed by the regional center seeking commitment of a developmentally disabled person to a state Developmental Center (case law, *In re Hop*, 29 Cal.3d 82).
- A petition for Assisted Outpatient Treatment filed under W&I § 5346

What/how not to report:

- Orders of commitment for Welf. & Inst. Code, § 6500 expire after one year and subsequent petitions for additional periods of commitment are not reported as a new filing. JBSIS courts report these subsequent petitions in row 3300.

| Other Mental Health | Portal | JBSIS |
|---------------------|--------|-------|
| | 255 | 260 |

Other mental health petitions not specified in the other Mental Health case types, including but not limited to:

- Welf. & Inst. Code, § 5332 (*Riese* hearing)—A petition for a hearing to determine a patient’s capacity to refuse medication.
- Welf. & Inst. Code, § 5326.7 (convulsive treatment)—A petition to determine an involuntary or a voluntary patient’s capacity to give written informed consent to convulsive treatment.
 - Report a filing for “Other Mental Health” for a *Riese* hearing or hearing for convulsive treatment when the individual is the subject of a Welf. & Inst. Code, § 5150 hold or does not already have an active mental health case or one currently under the court’s supervision.
 - Alternatively, do not report a filing but include a *Reise* hearing or a hearing for convulsive treatment on JBSIS row 3000 (subsequent petition) if the individual is:
 - on an existing hold order under a Welf. & Inst. Code, § 5250, 5260, or 5270.10 certification;
 - the subject of postcertification treatment (Welf. & Inst. Code, § 5300);
 - an LPS conservatee; or
 - has an active mental health case or one currently under the court’s supervision.
- Welf. & Inst. Code, § 8102 (weapons)—A petition filed by a law enforcement agency for a hearing to determine whether the return of a firearm or other deadly weapon to a person detained for examination of his or her mental condition would result in endangerment to self or others.

- Welf. & Inst. Code, § 8103 (weapons)—A petition filed by an individual requesting the lifting of the restriction placed on his or her ownership, possession, control, receipt, or purchase of a firearm or deadly weapon.
- Writ of habeas corpus (civil commitment)—Petitions that challenge an involuntary hold or civil commitment.

Note: These petitions in the Other Mental Health case type category should only be reported as a filing if they are filed as an independent action and not a subsequent petition/complaint within an active mental health case or one currently under the court's supervision.

What/how to report:

- A mental health petition for a writ of habeas corpus is one that challenges an involuntary hold or a civil commitment. A filing should be reported in Other Mental Health only if the petition is the initial filing and there is no existing mental health court case, which may occur when the respondent resides in a county that is not the county where the original court case was filed.
- Report a filing for "Other Mental Health" for a *Riese* hearing or hearing for convulsive treatment when the individual is the subject of a Welf. & Inst. Code, § 5150 hold or does not already have an active mental health case or one currently under the court's supervision.

What/how not to report:

- Do not report a filing (it would be a subsequent petition) for a *Riese* hearing or hearing for convulsive treatment if the individual is:
 - on an existing hold order under a Welf. & Inst. Code, § 5250, 5260, or 5270.10 certification;
 - the subject of postcertification treatment;
 - an LPS conservatee; or
 - has an active mental health case or one currently under the court's supervision.



REQUEST FOR JUDICIAL ADMINISTRATIVE RECORDS
Under California Rules of Court, rule 10.500

Request Information

Date of Request April 27, 2021

Requester Name Thomas F. Coleman

Organization Spectrum Institute

Street Address 1717 E. Vista Chino A7-384

City, State, Zip Code Palm Springs, CA 92262

Telephone Number 818 482-4485

Email Address tomcoleman@spectruminstitute.org

Description of Information Requested

Please be as specific as possible. Attach additional sheets of paper as necessary.

We would like any reports or documents showing data for JBSIS category 30 (conservatorship) for:

- (1) initial filings during 2019 for each superior court reporting to the Judicial Council
- (2) initial filings during 2020 for each superior court reporting to the Judicial Council
- (3) active cases for persons under an order of conservatorship for 2019
- (4) active cases for persons under an order of conservatorship for 2020

We submitted records requests directly to each superior court and most have supplied data. But some, such as Contra Costa, appear not to be correct. The summary of their responses is attached for your review. Some said they were reporting Category 30 data. We would like to get the data from the receiving end (Judicial Council) as a comparison.

Will the requested records be used to further your or someone else's commercial, trade, or profit interest?

If so, fees may be reasonably calculated to cover direct costs of duplication or production of records.

YES ☐

NO ☒

Have you recently requested these materials from someone at the Judicial Council of California or a court? This information will help us more quickly answer your request.

YES ☐ Judicial Council ☐ Courts ☐

Name of person & Date of request: _____

NO ☒

SUBMIT THIS FORM

1) *By Mail:*

Public Access to Judicial Administrative Records
Legal Services
455 Golden Gate Avenue
San Francisco, California 94102

2) *By E-mail:* PAJAR@jud.ca.gov

ATTN: Court Executive Officer
Superior Court of California, County of Colusa
532 Oak Street
Colusa, CA 95932

Re: California Rules of Court, rule 10.500

We are requesting a copy of administrative records showing the following information:

Request:

1. Number of new filings for probate conservatorships (new petitions) in 2019 and 2020.
2. Number of open or active probate conservatorship cases in 2019 and 2020 as of December 31 of each year.

We made similar requests of the Los Angeles County Superior Court in 2014 and the Alameda County Superior Court in 2021 and received information responsive to our requests. You can view the documents we received in response to our request at the following link: <https://disabilityandguardianship.org/examples-of-responses.pdf>

The information we are seeking from your court pertains to all types of probate conservatorship cases (limited, general, and dementia). If you have records or data that can give us information in each of those three categories, that would be helpful.

Thank you for processing these requests.

Emmi Deckard
for Thomas F. Coleman
Legal Director

Please respond to the following address or email address:

Spectrum Institute
1717 E. Vista Chino A7-384
Palm Springs, CA 92262

tomcoleman@spectruminstitute.org
1-818-482-4485

P.S. The following courts promptly supplied the data in response to our request: Alameda, Marin, Placer, Sutter, Tulare, Santa Cruz, Calaveras, and Nevada. Others are in the process of compiling the information. We appreciate the cooperation of the superior courts since this data will be included in a report which will be sent later this year to the Chief Justice, Legislature, and Governor.

| Court | 2019 New Filings | 2020 New Filings | 2019 Active Cases | 2020 Active Cases | Comments |
|--------------|-----------------------------|-----------------------------|------------------------------|------------------------------|---------------------------------------|
| Alameda | 610 | 420 | 1786 | 1848 | |
| Alpine | 0 | 0 | | | no records for active cases |
| Amador | 13 | 7 | | | |
| Butte | | | | | gave lps and probate combined |
| Calaveras | 10 | 10 | | | |
| Colusa | 2 | 2 | | | |
| Contra Costa | 1300 | 1027 | | | the new filings data can't be correct |
| Del Norte | 14 | 7 | | 52 | active cases as of 4-5-21 |
| El Dorado | | | | | |
| Fresno | 180 | 136 | 1026 | 1130 | |
| Glenn | 6 | 7 | | | |
| Humboldt | 88 | 87 | 442 | 468 | |
| Imperial | | | | | |
| Inyo | 7 | 2 | 33 | 22 | |
| Kern | 141 | 126 | 1306 | 1458 | |
| Kings | 10 | 19 | | | |
| Lake | 20 | 18 | 89 | 97 | |
| Lassen | 1 | 3 | 23 | 31 | |

| Court | 2019 New Filings | 2020 New Filings | 2019 Active Cases | 2020 Active Cases | Comments |
|----------------|-----------------------------|-----------------------------|------------------------------|------------------------------|--|
| Los Angeles | | 2068 | | 13077 | new filings (20130 active cases (2014) |
| Madera | 26 | 14 | 783 | 576 | 2020 active only through september |
| Marin | | | | | |
| Mariposa | | | | | |
| Mendocino | 10 | 13 | 23 | 31 | |
| Merced | 52 | 51 | 210 | 260 | |
| Modoc | 5 | 5 | 4 | 6 | |
| Mono | 14 | 18 | 19 | 32 | |
| Monterey | | | | | |
| Napa | | | | | |
| Nevada | 23 | 24 | | 192 | active cases per vendor as of 2021 |
| Orange | 639 | 510 | | | 58% limited (2019) 70% limited (2020) |
| Placer | 90 | 95 | 145 | 219 | |
| Plumas | 2 | 2 | 5 | 7 | |
| Riverside | 551 | 446 | 2356 | 2669 | |
| Sacramento | 316 | 247 | 923 | 955 | |
| San Benito | 5 | 2 | 10 | 12 | |
| San Bernardino | 442 | | | | |

| Court | 2019 New Filings | 2020 New Filings | 2019 Active Cases | 2020 Active Cases | Comments |
|-----------------|-----------------------------|-----------------------------|------------------------------|------------------------------|--------------------------|
| San Diego | 574 | 499 | 4479 | 4560 | |
| San Francisco | 139 | 71 | 1026 | 933 | |
| Santa Cruz | 59 | 37 | 291 | 154 | 2020 active as of August |
| San Joaquin | 107 | 73 | 731 | 438 | |
| San Luis Obispo | 38 | 61 | 205 | 233 | |
| San Mateo | 148 | 126 | 797 | 709 | |
| Santa Barbara | | | | | |
| Santa Clara | 498 | 431 | | | |
| Santa Cruz | 59 | 37 | 291 | 154 | 2020 active as of August |
| Shasta | 38 | 35 | 511 | 521 | |
| Sierra | | 8 | | | |
| Siskiyou | 10 | 9 | 70 | 74 | |
| Solano | 82 | 80 | | 715 | |
| Sonoma | | | | | |
| Stanislaus | 56 | 67 | 744 | 802 | |
| Sutter | 25 | 40 | 195 | 149 | |
| Tehama | 14 | 13 | 306 | 310 | |
| Trinity | | | | | |

| Court | 2019 New Filings | 2020 New Filings | 2019 Active Cases | 2020 Active Cases | Comments |
|----------|---------------------|---------------------|----------------------|----------------------|-----------------------------|
| Tulare | 73 | 55 | 110 | 31 | |
| Tuolumne | | | | | |
| Ventura | 67 | 61 | 468 | 513 | |
| Yolo | 49 | 44 | 48 | 49 | ??active cases may be wrong |
| Yuba | | | | | |
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Spectrum Institute

From: PAJAR <PAJAR@jud.ca.gov>
Sent: Thursday, May 6, 2021 4:13 PM
To: Spectrum Institute
Cc: PAJAR
Subject: RE: Administrative records request
Attachments: 10-500-request.pdf; table-court-responses.pdf

Good afternoon,

You have reached the "Public Access to Judicial Administrative Records" (PAJAR) team at the Judicial Council of California. The PAJAR team responds to requests to inspect "judicial administrative records" pursuant to rule 10.500 of the California Rules of Court. You can find information about rule 10.500, the process for requesting records, and the types of records available through this process at www.courts.ca.gov/publicrecords.htm.

Properly processing your request, attached, will require additional time. (See Cal. Rules of Court, rule 10.500(e)(8).) To respond to your request, we must consult with another component of the Judicial Council that has a substantial subject matter interest in determination of the request.

We estimate that we will be able to notify you of our determination about whether we have responsive records that are disclosable by or before May 21, 2021. If our estimate changes, we will let you know as quickly as practicable.

Sincerely,

Public Access to Judicial Administrative Records

Legal Services | Leadership Services Division
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
415-865-7796 | PAJAR@jud.ca.gov
www.courts.ca.gov/publicrecords.htm

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From: Spectrum Institute <tomcoleman@spectruminstitute.org>
Sent: Tuesday, April 27, 2021 1:24 PM
To: PAJAR <PAJAR@jud.ca.gov>
Subject: Administrative records request

Please see the attached records request.