



Mental Health Project Disability and Guardianship Project

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Report Asks Governor Gavin Newsom to Protect the Civil Rights of Conservatees with Developmental Disabilities

Spectrum Institute, a nonprofit advocacy organization, today sent a report to Governor Gavin Newsom documenting the lack of civil rights protections for adults with developmental disabilities who become ensnared in probate conservatorship proceedings.

The problem is not the law. There are plenty of statutes and regulations to protect this vulnerable class of individuals from acts of discrimination and injustice. The problem is with the agencies who are supposed to enforce these civil rights laws. They aren't doing the job entrusted to them by the legislature.

The Attorney General's office has been repeatedly approached to investigate civil rights violations of conservatees and proposed conservatees. That office will not get involved.

That puts the responsibility on the Department of Developmental Services which enforces rights guaranteed by the Lanterman Act and the Department of Fair Employment and Housing which enforces state disability nondiscrimination laws. Both agencies have been approached about this problem but have been "missing in action" in terms of investigations involving this class of victims. The agency secretaries to which these departments report have also been asked to intervene but without success.

Also missing in action is Disability Rights California – a nonprofit organization which receives millions of dollars from the state to advocate for the rights of people with disabilities. DRC also has been approached but so far has chosen not to take up the cause of conservatorship reform to remedy systemic injustices or to defend the rights of conservatees and proposed conservatees when they are victims of civil rights violations.

The report – ***Civil Rights Agencies MIA for Conservatees with Developmental Disabilities*** – calls on the governor to investigate this void in civil rights advocacy and defense. With his leadership, DFEH and DDS would likely devote resources to correct the systemic deficiencies that contribute to these civil rights violations and also would be likely to help individual victims. Involvement by DRC also could make a big difference.

The report has been sent to DRC, DDS, DFEH, the Attorney General and other officials. The report is online at: <https://disabilityandguardianship.org/mia-report.pdf>