



**To:** Senate Judiciary Committee  
**Re:** Support for SB 724  
**Date:** April 6, 2021

On behalf of The National Coalition for a Civil Right to Counsel (NCCRC), I write to express our support for SB 724, which would strengthen the right to counsel in probate conservatorship proceedings.

The NCCRC, organized and funded in part by the Public Justice Center, is an association of individuals and organizations committed to ensuring meaningful access to the courts for all. Founded in 2003, our mission is to encourage, support, and coordinate advocacy to expand recognition and implementation of a right to counsel for low-income people in civil cases that involve basic human needs such as mental and physical health. At present, the NCCRC has over 500 participants and partners in 41 states, many of whom are in California.

At present, automatic appointment of counsel only occurs in limited conservatorship proceedings; for full conservatorships, the protected person is appointed counsel only upon request or via a discretionary decision by the judge that “appointment would be helpful to the resolution of the matter or is necessary to protect the [person’s] interests.” The amended SB 724 rectifies this by specifying the court is to appoint counsel for any protected person who has not retained counsel.

This is the appropriate approach: to treat all types of guardianships and conservatorships the same, regardless of whether the protected person has a developmental disability or whether the conservatorship is temporary or permanent in nature. In all scenarios, the protected persons are equally vulnerable and often incapable of understanding the need for appointed counsel. In fact, counsel is automatically appointed in other similar types of California proceedings. See e.g. Cal. Health & Safety Code § 416.95 (requiring appointment of counsel where State petitions for guardianship or conservatorship of adult developmentally disabled person); Cal. Welf. & Inst. Code § 5465 (requiring appointment of public defender or other attorney in proceeding authorized in certain counties to establish conservatorship due to “serious mental illness or substance abuse disorders”); Cal. Welf. & Inst. Code § 5365 (requiring appointment of public defender or other attorney for conservatorships of “gravely disabled persons”). Moreover, more than half the states currently require the automatic appointment of counsel for all protected persons for all types of guardianship/conservatorship proceedings without requiring a request, demonstrating that this is the accepted best practice.

The proposed bill would implement best practices in California while safeguarding the fundamental rights of protected persons, and we urge you to support it.

Sincerely,

John Pollock  
Coordinator, NCCRC