



A Path for Conservatorship Reform

Moving Beyond Awareness

Movies like *Edith + Eddie*, *The Guardian*, and *Pursuit of Justice* capture attention, but what next? Here are some concrete steps that conservatorship reform advocates should insist be taken.

Complaints about the probate conservatorship system in California have been mounting for years. Systemic deficiencies and a lack of accountability have created a pattern and practice of civil rights violations and financial abuse by many participants in probate conservatorship proceedings. Such practices harm seniors and people with disabilities.

Individual complaints have been ineffective. So far, organized efforts to create reform have yielded few results. One of the main reasons for such intransigence is that no single official is in charge of the conservatorship system.

Conservatorship proceedings are presided over by judges in each of the 58 counties. There is no statewide judicial administration, management, or oversight. Local probate courts act like fiefdoms. Legislative oversight is absent. The executive branch plays no role in the conservatorship system.

These systemic deficiencies and individual injustices will continue unabated until public pressure causes elected officials to take notice and work together for *comprehensive* reforms. In the interim, each of these officials can play a part in promoting measures to fix some of the most obvious deficiencies in the system.

The column on the right identifies state and federal officials who can help reform the conservatorship system in California. The key elements of such reform would involve: statewide judicial management; monitoring by an executive branch agency; accountability by the 58 county courts; performance standards for attorneys assigned to represent clients; and responsive and thorough investigations by federal and state law enforcement agencies.

Chief Justice of California – implement [proposals](#) submitted by Spectrum Institute to improve access to justice in probate conservatorship proceedings.

Governor – request the Fair Employment and Housing Council to open an inquiry and hold [hearings](#) into civil rights violations in conservatorship proceedings.

Legislature – [enact a law](#) to: (1) require an attorney for respondents in all conservatorship proceedings; (2) specify that attorneys must act as zealous advocates; (3) direct the State Bar to adopt attorney performance standards.

Attorney General – convene a [civil rights summit](#) on probate conservatorships, with participation by conservatees, family members, advocates, and judges.

Health and Human Services Agency – direct the Department of Developmental Services to [oversee regional centers](#) in connection with their role in probate conservatorship proceedings.

State of California – the Legislature, Governor, and Chief Justice should convene a commission to review guardianship reforms in [other nations](#), with recommendations for comprehensive reform in California.

Congress – fund a unit in the DOJ to investigate alleged [violations](#) of federal law, including the ADA, committed by courts and court-appointed personnel in guardianship and conservatorship proceedings.

County Supervisors – authorize a pilot project for a nonprofit organization to [represent](#) conservatees and proposed conservatees similar to the [program](#) operated by the Legal Aid Center of Southern Nevada.

District Attorneys – amend [Gov. Code § 11135](#) to authorize district attorneys to investigate and civilly prosecute alleged ADA violations by public entities.

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