

## California Conservatorship Reform Bill Sent to Governor



**AB 1194 protects the right to a chosen attorney, mandates the appointment of defense attorneys for those without counsel, requires appointed attorneys to act as a “zealous advocate” for the client, and guarantees that conservatees receive an appointed attorney in appellate proceedings.**

Assembly Bill 1194 is being sent to the governor’s desk today after receiving overwhelming support in both houses of the California Legislature. The vote in the Senate two days ago was 38-0. The Assembly gave final approval to the bill yesterday by a 76-0 vote.

Some of the provisions of this conservatorship-reform bill strengthen the right to counsel for conservatees and proposed conservatees – adults with mental or developmental disabilities who are alleged to be unable to manage their personal lives or finances.

Senator Ben Allen (photo) eloquently presented Assembly Bill 1194 to the full Senate two days ago. He explained the right-to-counsel provisions of the bill to his colleagues as he urged its passage.

The bill is authored by Assemblyman Evan Low, with Senator Allen as the principal co-author. Senator John Laird co-sponsored the bill.

Passage of the measure is a major victory for Spectrum Institute which developed many of its right-to-counsel provisions. Once signed into law, it will benefit thousands of seniors and people with disabilities who are targeted by conservatorship proceedings annually and tens of thousands who currently are living under an order of conservatorship. With the help of a zealous advocate, they will have a fighting chance either to get the petitions dismissed in favor of a less restrictive alternatives or to be in a conservatorship with the least restrictions on their freedoms and to have a person of their choice appointed as conservator.

According to Thomas F. Coleman, legal director of Spectrum Institute, the right to counsel for each conservatee or proposed conservatee – an independent attorney who acts as a zealous advocate for the client -- is the key to conservatorship reform. “Such attorneys can challenge illegal actions by judges and conservators. They can demand jury trials. They can set the stage of appeals,” Coleman said. To encourage that such attorneys represent clients zealously as the law intends, Spectrum Institute will be conducting webinars for public defenders and appointed attorneys in the coming months.

Senator Allen sponsored the right-to-counsel provisions of AB 1194 which were originally part of his own SB 724. His staff member, Zak Castillo-Krings, worked hard to get these law revisions before both legislative chambers. When SB 724 stalled for procedural reasons, Assemblymember Low agreed to include the right-to-counsel items in his own bill – a measure which, in itself, creates other reforms to the conservatorship process.

The right-to-counsel provisions, including the right to an attorney of one’s choice, could have saved Britney Spears from her 13 year conservatorship nightmare had they been in effect when she was first targeted by a conservatorship petition. Spears asked for, but was denied, the attorney of her choice. Instead, she was given a court-appointed attorney who, according to Spears, failed to zealously advocate for her expressed wishes.

The #FreeBritney Movement has played a major role in bringing issues of conservatorship injustices to the attention of the public.

Spectrum Institute proposed right-to-counsel provisions such as those contained in AB 1194 in a [report](#) it released two years ago. Senator Allen incorporated most of them into SB 724 and they eventually found their way into AB 1194 which is now headed to the desk of Governor Gavin Newsom.

According to Rick Black, "AB 1194 is a great start. However, diligence to ensure its intent is implemented in all 58 California counties is now our challenge." Rick is the executive director of the Center for Estate Administration Reform, an organization which helped to successfully move AB 1194 through the legislative process.

The “zealous advocacy” provisions of AB 1194 are extensively explored and explained in a [policy report](#) released by Spectrum Institute on September 7, 2021. The report makes recommendations to state and local officials in California to strengthen and improve legal defense services provided to conservatees and proposed conservatees who rely on public defenders or appointed attorneys to defend and protect their rights.

For a copy of the right-to-counsel provisions of AB 1194, [click here](#).

