



Disability and Guardianship Project

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January 11, 2020

Hon. Jim Frazier
Chairperson, Assembly Select Committee on I/DD
P.O. Box 942849
Sacramento, CA 94249-0011

Re: Denial of Access to Justice in Probate Conservatorship Proceedings; Request for a Meeting

Dear Assemblyman Frazier:

I am writing to alert you that many adults with intellectual and developmental disabilities are being denied access to justice in probate conservatorship proceedings in California.

Thousands of people with cognitive disabilities are forced to participate in probate conservatorship proceedings each year. These proceedings threaten to take away their fundamental rights to make decisions regarding residence, medical care, finances, sex, marriage, social life, etc.

1. Many of them are not given an attorney and therefore are required to defend themselves – something which their disabilities prevent them from doing;
2. When an attorney is appointed, many of them are not qualified to handle these types of cases;
3. Some of the attorneys do not defend their clients but actually argue against their client's wishes and actively seek to surrender their rights;
4. There is no accountability for these attorneys because the clients are unable to appeal and they lack the ability to file complaints against the attorneys with the State Bar.
5. As a result, these individuals are denied access to justice and many are forced into conservatorships when they don't need one or they are harmed by overly broad orders which infringe on areas where they could make their own decisions with appropriate support.

This bill would ensure that all conservatorship respondents have competent attorneys who act as zealous advocates for their wishes and who defend their rights. It would also help seniors who are targeted by conservatorship petitions or forced into an endless conservatorship they don't want.

These seniors and people with disabilities need legislative champions to provide leadership to address and solve this problem. I would like to meet with you or your staff to discuss this matter on January 17 when I am in Sacramento. Please have someone contact me to schedule a meeting.

Respectfully,

Thomas F. Coleman
Legal Director
(818) 482-4485

For a draft of the bill and supporting materials, go to: <https://spectruminstitute.org/counsel.pdf>