



## Disability and Guardianship Project

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March 14, 2021

Honorable Mark Stone  
Chair, Assembly Judiciary Committee  
California Legislature  
Sacramento, California

Re: Oversight Hearings of the Probate Conservatorship System

Dear Chairman Stone:

We are writing to you, as chair of the Assembly Judiciary Committee, to hold hearings into the failings of the probate conservatorship system in general and the limited conservatorship system in particular. Such hearings are not only needed, they are long overdue.

To our knowledge, the committee last held oversight hearings of *general* conservatorships in 2006, after a series of stories in the Los Angeles Times disclosed scandalous practices that were routinely occurring in these judicial proceedings. To our knowledge, the committee has never held hearings to inquire into practices in *limited* conservatorship proceedings which are used exclusively for adults with developmental disabilities. That system was created by the Legislature 40 years ago.

Spectrum Institute has been studying the general and limited conservatorship system for several years. What our research has discovered are two systems running on “auto pilot” with little accountability or oversight. We have also found a pattern and practice of violations of the constitutional and civil rights of seniors and people with disabilities.

There is growing public attention to these abuses which, unfortunately, are occurring due to willful neglect by the judges and attorneys who operate these probate conservatorship systems. The executive branch has been silent. The judicial branch has been complicit through its inaction. Therefore, we turn to the legislative branch for help.

Spectrum Institute and several other organizations recently wrote to Congressman Jerry Nadler, chair of the House Judiciary Committee, to request congressional hearings into the abuses that are occurring in California. It would certainly be more appropriate for such hearings to occur in Sacramento rather than Washington, D.C. The letter to Congressman Nadler is online at: <https://disabilityandguardianship.org/request-for-hearing.pdf>

With the conservatorship of entertainer Britney Spears catching the attention of the media throughout the United States – indeed, internationally – the public is wondering what is

wrong with the conservatorship system in California. A summary of a recent British podcast that exposes victimization of several individuals by the California conservatorship system is found online at: <https://disabilityandguardianship.org/defiance-podcast.pdf> Problems with this system were in the spotlight on a world stage in 2018 with delegates from dozens of nations listening. <https://disabilityandguardianship.org/spectrum/steps/>

We know what is wrong. Our research has identified at least 10 major flaws with the conservatorship process in California. We have also identified practical and reasonable solutions to each of them.

On March 17, 2021, I will be conducting a webinar for the Long Beach Bar Association. My presentation is titled: “B is for Broken: How the Conservatorship Process Fails Adults with Cognitive Disabilities.” As is my customary approach, I present solutions for each of the major problems that I have identified. The webinar’s PowerPoint is available online at: <https://disabilityandguardianship.org/flaws-and-fixes.pdf>

On April 12, 2021, I will share these problems and solutions, in even greater detail, to a national audience at a Guardianship Symposium. My presentation provides a blueprint for reform, showing what elected officials in each branch and each level of government in California can do to respect and protect the rights of the some 70,000 adults currently living under an order of conservatorship and the 7,000 or more who are targeted by new conservatorship petitions each year. The PowerPoint for my presentation at the symposium is online at: <https://disabilityandguardianship.org/symposium.pdf>

These problems are not new to you. They were brought to your attention by us more than four years ago. <https://disabilityandguardianship.org/stone-letter.pdf> The problems are not going away. Neither are the calls for reform.

We urge you to talk to your colleagues on the Judiciary Committee and to address these issues as soon as possible. Hearings would be an appropriate action to take. We also note that you are a member of the Human Services Committee which focuses some of its attention on eldercare and developmental disability services. Perhaps a joint hearing with that committee should be considered.

We are asking you to provide leadership to address these problems. We remain ready to help in any way we can.

Respectfully yours,



Thomas F. Coleman  
Legal Director  
Spectrum Institute

cc: Hon. Lisa Calderon, Chair, Human Services Committee