

MAY 17 2019

J. Castillo

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

TITLE: CONSERVATORSHIP OF RYAN MORRIS	DATE & DEPT. May 17, 2019 Department 06	CASE NUMBER MCP1100783
APPEARING MONICA MUKAI SEAN SPICER Mark Flory, BROWN, WHITE & OSBORN PANEL Charles Krowlikowski, NEWMAYER & DILLON	COURTROOM ASSISTANT J. CASTILLO REPORTER Y. SOTO	
COURT'S RULING ON PETITION TO REMOVE SEAN SPICER AS CONSERVATOR OVER RYAN MORRIS		

Life is fluid and ever changing. It is not stagnant. Although the Court previously appointed Sean Spicer as Ryan's conservator, evidence has been presented that warrants the Court to reassess that determination pursuant to Probate Code Section 2650.

It is important to remember that the appointment of Sean Spicer as Ryan's conservator was uncontested. At the time the adoptive family and the biological family determined that Sean Spicer would be the best person in Ryan's life to fulfill the duties of being Ryan's conservator. Perhaps it made the most logical sense as Sean was Ryan's husband. However, I do not truly know the extent of the family's reasoning. Equally, Ryan agreed to Sean's appointment.

At the time the issue of what powers Ryan would retain and the powers Sean would be granted was also uncontested. Sean was appointed as a limited conservator over Ryan, with Ryan retaining his right to marry and the right to control his own social and sexual contacts and relationships. Sean was granted the right to fix the residence of Ryan, right to access confidential records of Ryan, the right to contract, and the right to make educational decisions. There was no trial, no expert testimony, but an uncontested

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appointment that was made in accordance with the wishes of the family and Ryan. That was in 2015.

Fast forward to 2018. The Court conducted a 9 day trial on the Petition to remove Sean as Ryan's conservator in late February and March of 2018. At the conclusion of trial the Court determined that based upon the lack of evidence as to Ryan's mental capacity, it wanted expert testimony to be provided through a 730 evaluation. Obtaining the 730 evaluation took several months and delayed the continuance of trial until this week, the week of May 13. The Court does not render its decision lightly. It has spent many of a moment since trial in 2018 until the present thinking and contemplating this case. In reaching my decision, I have considered the trial testimony from 2018 and present, the written closing arguments from 2018, the trial testimony from 2019, and all exhibits admitted into evidence, the court file, and all reports ordered by the court.

There is no doubt that Ryan loves his spouse, Sean, and Sean loves his spouse Ryan. Also there is no doubt that Ryan's biological family and adoptive family love Ryan. If this case was solely about love it would be an easy call. But this case goes beyond love and looks towards what is in the best interest of Ryan. Sometimes choices made based upon love are not always choices made based upon best interest. Love can cloud what may be the best choice for the person one loves. Love can mean sacrificing one's own wants and desires for the betterment of another person. That choice in everyday loving relationships can be a hard choice. However, that choice having to be made in a relationship by a spouse that is not only relating to their spouse as a loving partner but as a conservator can be difficult. And even further difficult can be when one spouse in the

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relationship has developmental disabilities including mental and verbal limitations, such as Ryan.

As a conservator, Sean has an affirmative duty to care, protect, and provide support to Ryan. The same responsibilities that one might say a spouse should have, albeit not a legal duty. As I stated before I have no doubt that Sean loves Ryan and wants to fulfill his duties as his conservator and his spouse, however the evidence presented provides proof that Sean is incapable of performing his duties as a conservator suitably and that removal of Sean as Ryan's conservator is in the best interest of Ryan.

It is clear that Sean has difficulty distinguishing his role as a spouse from his role as a conservator. A difficulty that arises as testified to by both Dr. De Leon and Dr. Freedman-Harvey, when a spouse is acting as a conservator. However, although it may be difficult for any spouse in that position, that difficulty should not interfere with the role of a conservator to the extent the spouse is no longer properly caring for and protecting their conservatee.

The evidence presented shows that Sean is unable to suitably perform the duties of Ryan's conservator. The lines between spouse and conservator have been blurred to such an extent that it is no longer in Ryan's best interest to have Sean in the role of conservator. This is evidenced by numerous instances of abusive behavior such as: Sean threatening (threats to send Ryan back to Michelle Morris, threats to take his ring off and end the marriage, threats to send to Ryan ETS); Sean punishing (restricting visits to biological family if he did not behave, taking his phone away to prevent contact with bio family if didn't behave); Sean exerting undue influence (telling Ryan to scream at depo, telling Ryan to win the battle, influencing Ryan to dislike his biological family); Sean

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isolating (preventing Ryan from visiting his biological family); and Sean continuing to fix the residence of Ryan in a volatile home (violent episodes between Ryan and Teresa Spicer and Sean himself, the suicide attempt of Teresa in front of Ryan).

However, most telling was the deposition clip from yesterday in which Ryan says that Sean told him to win the battle and to scream at his deposition. After Ryan screams, you can visibly see the extreme distress of Ryan's face when he says "I'm worried. I'm worried" and then asks if "are you going to call the police? Am I in trouble?" It is clear that Ryan is extremely vulnerable and can be easily manipulated and influenced by those around him.

It is undisputed that Ryan has developmental disabilities including mental and verbal limitations. Inconsistencies in his desires and wishes at trial, at deposition, during the 730 evaluations, and in multiple reports abounded. Dr. De Leon appeared to base an enormous weight in rendering her opinion to the wishes of Ryan. Although understanding Ryan's desires were inconsistent, Dr. De Leon determined Ryan's desires expressed during her evaluation, with Sean sitting next to Ryan, held the most weight. The Court does not give much weight, if any, to the testimony of Dr. De Leon.

Ryan's developmental disabilities render Ryan incapable of caring for himself solely by himself. Dr. Freeman-Harvey testified that Ryan has the cognitive capacity of a 5-7 year old. And although I agree to some extent with Dr. De Leon that an individual with mental disabilities should not be pigeon-holed into such a category, the designation can be beneficial to understanding Ryan's cognitive capabilities in his understanding of certain things, such as his marriage and his role as a spouse.

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Based upon all of the evidence, including the wedding video, it appears that Ryan does not have the mental capacity to understand what a marriage is and therefore does not have the capacity to understand consent to be and remain married. That in and of itself places him in a vulnerable position as Sean is not only his spouse, but his conservator. Ryan expressed at deposition that he no longer wanted to be married to Sean, but wanted to be friends. Ryan retains the right under the conservatorship to make that decision, but practically speaking would have to rely upon Sean in the role as his conservator to make that happen. Hence one of the multiple conflicts.

Equally, it is clear that continuing to live in the Spicer home is detrimental to Ryan, however, the home is with Sean's parents. With the conservator hat on it would be in the best interest of Ryan for Sean to move Ryan from the residence, but with the spouse hat on it may be difficult to do. Hence another conflict. A conflict that at present causes grave concern for the well-being of Ryan.

Ryan is fortunate to have so many people in his life that love and care for him. It is evident that no one purposely intends to harm Ryan or cause him distress. However, it is clear that "this battle" as Ryan calls it does need to end to bring stability and peace back into Ryan's life. And I see only one way at achieving that which falls in line with Dr. Freedman-Harvey's recommendation.

Based upon all the evidence presented I am removing Sean Spicer as the conservator of Ryan Morris. I am appointing the public guardian as the temporary guardian over Ryan Morris having determined that there is no other suitable conservator to be appointed at present. Further, I am ordering the temporary guardian to remove Ryan Morris from the home of Sean Spicer and to place him in the least restrictive suitable

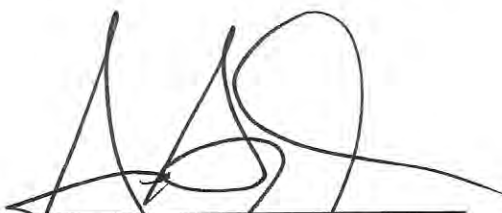
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environment in consultation with the Inland Regional Center. Lastly, I am ordering that Ryan be provided with family visitation to include adoptive and biological family, and visitation with his spouse, with all visitation to be conducted in a therapeutic setting.

The Court sets an OSC hearing to determine whether to make the temporary conservatorship into a permanent conservatorship on July 19, 2019 at 9am in Department 6 as well as sets on the same date an OSC hearing to determine whether a general conservatorship would be more appropriate and directing the Inland Regional Center to prepare a report which specifically addresses the issue of the two powers granted to the conservatee, and whether those powers should remain with the conservatee.

I hope you all keep in my mind, how I began today, life is fluid and ever changing, what may be in Ryan's best interest today may change over time. I do know that this change will be hard not only for Ryan but for those that love him, but this change is temporary, we do not know what the future holds for Ryan but we all want that future to be filled with love, happiness, and peace.

Date: May 17, 2019



Sunshine S. Sykes
Judge of the Superior Court
County of Riverside

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