



Disability and Guardianship Project
Disability and Abuse Project

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April 26, 2018

Hon. Xavier Becerra
Candidate for Attorney General
777 S. Figueroa Street, Suite 4050
Los Angeles, CA 90017

Re: Protecting the civil rights of seniors and people with disabilities in probate conservatorships

Dear Candidate Becerra:

We are writing to both major contenders for the office of California Attorney General. We have the same message and the same request for each candidate.

The message: Tens of thousands of seniors and people with disabilities who find themselves entangled in probate conservatorship proceedings are victims of civil rights violations. Judges often ignore the Americans with Disabilities Act in these cases, sometimes not even appointing an attorney to defend the rights of a respondent. Court-appointed attorneys are often surrendering, rather than defending, the rights of their clients. Court investigators all too often are not monitoring these cases adequately or they are not effectively responding to reports of abuse. Capacity assessments are often not performed at all with respect to many areas of decision-making, and when they are done, they are conducted by individuals who lack the necessary qualifications or training for such an evaluation.

The request: We sent out a request to the Attorney General in 2014, asking for an investigation or some involvement to deal with these civil rights violations. There was no response and no action. We sent out a request to the nominee for Attorney General in 2017 with a similar request. We have never been invited to have a face-to-face meeting with anyone at the Department of Justice. We have been told there is nothing the Attorney General can do because the loyalty of the office is aligned with the state agencies and officials who are allowing these civil rights violations to occur. We are asking each candidate if he will: (1) convene a civil rights summit on probate conservatorships to address these issues on a statewide basis; and (2) following the summit to convene a Civil Rights Task Force on Probate Conservatorships to identify the prevalence of civil rights violations in such proceedings, to determine the extent to which these violations stem from systemic deficiencies in policies and practices; and to identify ways to better protect the civil rights of persons involved in such proceedings.

Will you meet with us to discuss our request?

Respectfully submitted:

Thomas F. Coleman
Spectrum Institute

Attachments: 2014 Letter to Kamala Harris / 2017 Letter to Xavier Becerra