



Disability and Guardianship Project
Disability and Abuse Project

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January 20, 2017

Lt. Governor Gavin Newsom
State Capitol - Suite 1114
Sacramento, CA 95814

Re: Protecting the Civil Rights of People with Intellectual and Developmental Disabilities

Dear Lt. Governor Newsom:

I am writing to request a meeting with you to discuss the civil rights of an important, but underserved group of Californians – people with intellectual and developmental disabilities. More than 43,000 of these residents are under an order of limited conservatorship. As many as 5,000 more of them are drawn into such proceedings each year when new petitions are filed that seek to remove their authority to make major life decisions and transfer such power to another person.

Sometimes the transfer of decision-making authority is necessary to protect adults with cognitive disabilities from abuse or exploitation. In other cases it is not warranted. The courts must strike a delicate balance between protecting individual freedom and independence with society's duty to protect the vulnerable. Whether justice is done depends on the integrity of the legal process.

I have been studying this system in California for several years and my research has found that the process in these proceedings often lacks integrity. Many people with developmental disabilities are not receiving due process as required by the constitution, nor are they receiving access to justice as required by the Americans with Disabilities Act. I have written extensively on this subject, publishing more than 200 articles, letters, and reports. (<http://spectruminstitute.org/library/>) A review of our “what’s new” page will give you an idea of our advocacy activities to promote justice for people with developmental disabilities. (<http://disabilityandabuse.org/whats-new.htm>)

The office of Lieutenant Governor has often lent its prestige and its visibility to champion worthy causes. This is such a cause. The Judicial Branch needs a nudge from someone in the Executive branch who cares about civil rights. I and a few supporters will be in Sacramento on March 27. We would like to meet with you to discuss what you might do, as Lt. Governor, to help this special population. Perhaps we can interest you in convening a jointly-sponsored *Summit on Access to Justice* – a gathering where stakeholders can focus on forging solutions to this problem. Please have a staff member contact me to arrange for a meeting with you on that date if possible.

Respectfully submitted:

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