

# Senate Oversight Hearing: Part Two Should Focus on Adults with Intellectual and Developmental Disabilities

by Thomas F. Coleman

On March 24, 2015, the Senate Judiciary Committee of the California Legislature held an oversight hearing on the “Role of the Courts in Protecting California’s Aging and Dependent Adult Population.”

California law includes a variety of people between 18 and 64 in the term “dependent adult” – those with physical disabilities that limit their ability to carry out normal activities; people with mental limitations that cause similar restrictions; people whose physical or mental abilities have diminished because of age; and people with developmental disabilities.

These populations have very little in common except for their increased vulnerability to abuse. Lumping them together under the same label – dependent adult – does not change the distinct and unique characteristics of these four types of people: people with developmental disabilities, people who have mental illnesses, people with physical disabilities, and people who are losing physical or mental abilities due to age.

Dependent adults includes four distinct populations, one of them being adults with developmental disabilities. This population was barely mentioned.

This hearing was supposed to be focused on the *role of the courts* in protecting seniors and this broad array of “dependent adults.” California courts have a major protective role in conservatorship proceedings. There are three types of conservatorships: LPS for adults with a mental illness, general conservatorships for seniors and adults with cognitive impairments, and limited conservatorships for adults with intellectual and developmental disabilities.

Some 16 witnesses were invited to testify at the hearing. Of the 16, none specifically addressed the role of the courts in limited conservatorship proceedings to protect adults with developmental disabilities. The term “limited conservatorship” was mentioned in passing on two occasions, but without any substantive discussion and without any specific recommendations.

Although one speaker from Disability Rights Califor-

nia did mention people with developmental disabilities in the context of abuse investigations, her testimony did not focus on the role of the courts in limited conservatorship proceedings. That omission may be due to the fact that Disability Rights California plays no part in the limited conservatorship system. As a result, it would have had no expertise or special insights to share with the Judiciary Committee about the role of the probate courts in protecting adults with developmental disabilities.

Six witnesses testified during a segment titled “California’s Elder and Dependent Adult Physical and Financial Abuse Protection System.” Public comment was allowed after those scheduled speakers finished. I was the first person to speak during this public segment of the hearing.

My first remark noted that no speaker had mentioned the word “disability.” I then spent my allotted three minutes of time to discuss abuse of people with developmental disabilities.

I took a moment to comment on the website and materials of the Los Angeles District Attorney about “elder and dependent adult abuse.” I noted that the Disability and Abuse Project had reviewed those materials and discovered that virtually everything focuses on seniors. The word “dependent adult” is mentioned once but without defining the term. The general public would not know that it is a “code word” for people with disabilities.

Throughout the rest of the hearing, I noticed that the terms “dependent adult” and “disability” were rarely used. The witnesses either spoke in generic terms or mostly focused on seniors and elder abuse.

A student from UCLA was later asked to watch the video of the hearing in order to independently determine whether my personal experience was accurate, namely, that disability was rarely mentioned and was not dealt with in any substantive manner.

His analysis coincided with my personal observation – people with disabilities were mostly overlooked. Of the seven times that the term disability was mentioned during the three hour hearing, “none really went into specific depth regarding the problems and issues relevant to dependent adults,” wrote Matthew Bertoni. “Only one minute was spent speaking with reference to disabled people and the dangers in California’s conservatorship system, specifically about abuse and how sometimes conservators can cause harm.”

Dr. Nora Baladerian is the Executive Director of the Disability and Abuse Project of Spectrum Institute. She is a clinical psychologist who, for over three decades, has been dealing professionally with issues involving abuse of people with intellectual and developmental disabilities.

Dr. Baladerian has worked with adult protective service agencies, both in Los Angeles and nationally. Over the years, she has done trainings for such agencies on abuse issues.

I mentioned to Dr. Baladerian that abuse of people with developmental disabilities was mentioned, in a general way, by the speaker from Disability Rights California but that no specific reference was made by this speaker to the role of the courts in protecting this population. I also mentioned that other than my brief presentation during public comment, no one else said anything substantive about this specific population of vulnerable adults. No particular problems were identified and no specific suggestions were made.

“I am not surprised,” was her immediate reply. “In my years of experience, whenever elders and dependent adults are dealt with together by an agency or organization – which is often the case – seniors get 90 percent of the attention and people with developmental disabilities barely get mentioned.”

The last time there was an oversight hearing into the role of protection courts was in 2005, after a conservatorship scandal appeared in the Los Angeles Times. Since the misdeeds involved conservatorships of seniors, that oversight hearing focused on general conservatorships, not limited conservatorships. Limited conservatorships are used solely for adults with intellectual and developmental disabilities.

Seniors deserve special attention, but so do adults with developmental disabilities. Seniors received an oversight hearing in 2005. They also were the focus of a

Probate Task Force convened by the Judicial Council of California in 2006.

Problems with the limited conservatorship system were brought to the attention of the Chair of the Senate Judiciary Committee last year. That was when a study of that system by Spectrum Institute was in its initial stages. Since then, many more problems have been identified in various reports published on our website.

I made reference to those reports in the two minutes I was given during the second public comment period at the end of the hearing. A copy of the most recent report was distributed to the committee members.

The issue of abuse of people with developmental disabilities was only briefly mentioned by one scheduled speaker at this oversight hearing. No specific proposals were made on this issue. The problems of the limited conservatorship system were not addressed by any of the scheduled speakers.

This was a hearing focusing on the “role of the courts” in protecting two specific populations – seniors and “dependent adults.” As mentioned above, dependent adults includes four distinct populations, one of them being adults with developmental disabilities. This population was barely mentioned.

To fill this void, the committee could schedule another hearing – Part Two – to focus on two issues: abuse of adults with developmental disabilities, and the manner in which California courts are operating the limited conservatorship system.

Since the last oversight hearing occurred in 2005, one may not occur again until 2025. People with developmental disabilities should not have to wait that long for an oversight hearing that focuses on them.

The rate of abuse against people with developmental disabilities is alarming, as is the extent of dysfunction of the limited conservatorship system. The need for an oversight hearing on these issues is now. ◇◇◇

---

*Attorney Thomas F. Coleman is the Executive Director of the Disability and Guardianship Project of Spectrum Institute. [www.spectruminstitute.org](http://www.spectruminstitute.org)*

