



## **New Study Reveals Rights of Texans Being Violated in Court Guardianships**

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A study by the Spectrum Institute has determined that the Supreme Court of Texas is allowing the adult guardianship system throughout Texas to operate in violation of the mandates of federal civil rights laws. To remedy the situation, the [Spectrum Institute](#) filed a class action administrative complaint today with the Supreme Court of Texas.

“Our complaint calls the attention of the judiciary to documented deficiencies in the guardianship system -- deficiencies that place respondents at risk of abuse and neglect,” said Thomas F. Coleman, a civil rights attorney who founded the Spectrum Institute, a nonprofit organization promoting equal rights and justice for people with disabilities. The group is advocating for guardianship reform nationwide.

The complaint gives a voice to individuals whose rights are being violated by this system and who are unable to file such a complaint with the Supreme Court of Texas due to the nature of their cognitive and communication disabilities. This include adults who have been adjudicated wards and whose cases are active as well as adults whose cases are pending but have not yet been adjudicated as wards.

“We reviewed the Texas Constitution, state statutes, rules of court, and reports that have been published by government agencies documenting deficiencies in the adult guardianship system in Texas,” said Coleman who produced [Pursuit of Justice](#), a film that exposes the nationwide abuses of seniors and people with disabilities under court ordered guardianships. “We also searched the websites of the Texas Judicial Branch and the Texas State Bar for clues of noncompliance with federal legal protections.”

Because the Supreme Court of Texas is a public entity within the meaning of Title II of the Americans with Disabilities Act and a recipient of federal funds under Section 504 of the federal Rehabilitation Act, the complaint asks the Supreme Court to make the necessary modifications in policies and practices to bring the state's adult guardianship system into compliance with the requirements of these federal laws.

A copy of the complaint has been sent to various state and federal agencies and organizations, including the Civil Rights Division of the United States Department of Justice.

Court statistics reveal that more than 54,000 adults are under an order of guardianship in Texas and more than 4,500 new cases are filed annually. Most cases involve men and women with intellectual and developmental disabilities, while many are seniors experiencing cognitive decline, and others are adults of various ages whose mental functioning has been impaired by an injury or medical illness.

“Court appointed attorneys may be under the control of probate judges who order the payment of their fees, so the attorneys are incentivized to please the judges rather than their clients with disabilities,” Coleman noted. “This creates a conflict of interest and increases the risk of abuse and neglect.”

The population of seniors in Texas has increased by more than 19% since 2012 to nearly 3.4 million. The number of vulnerable adults with disabilities – people between the ages of 18 and 64 -- has risen more than 6% since 2012 to 1.7 million. Both populations are predicted to increase significantly in the coming decades. These trends suggest that guardianship caseloads also will grow significantly.

“Since the Texas judiciary cannot handle the current caseloads in a manner that complies with federal mandates, just imagine the severity of the civil rights problem that vulnerable adults in the state will face in the coming years,” Coleman said. “So we need to get the attention of the Supreme Court now.” ###