



Disability and Guardianship Project
Disability and Abuse Project

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January 20, 2017

Honorable Mark Stone
Chair, Judiciary Committee
California State Assembly
1020 N. Street, Room 104
Sacramento, CA 95814

Re: Legislative Oversight of Probate Courts and Limited Conservatorships

Dear Assemblyman Stone:

According to data from the Department of Developmental Services, more than 43,000 adults with intellectual and developmental disabilities currently have active conservatorship cases in California. My own research indicates that as many as 5,000 new petitions for limited conservatorships are filed each year.

As you know, a limited conservatorship system was created by the Legislature in 1980. These proceedings are only available to adults with developmental disabilities. Seniors and adults with other cognitive disabilities are evaluated in general conservatorships.

The Senate Judiciary Committee and the Assembly Judiciary Committee each has oversight authority and responsibility with respect to probate courts and conservatorship proceedings. The Senate Judiciary Committee conducted an oversight hearing of conservatorship issues in March 2015. Unfortunately, it did not address issues affecting people with developmental disabilities in limited conservatorships. It would be appropriate for the Assembly Judiciary Committee to conduct a hearing in 2017 to investigate the myriad problems with the limited conservatorship system.

I will be making a presentation at the Public Policy Conference of The Arc of California on March 26, 2017 and will be available to meet with public officials on March 27. Five of my colleagues at Spectrum Institute will join me in these meetings.

We would very much like to meet with you and staff of the Assembly Judiciary Committee if you are available sometime on March 27. I would appreciate hearing from your scheduling person to arrange a mutually agreeable time to meet to initiate a conversation on this topic.

Respectfully submitted:

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April 7, 2015

Senator Hannah-Beth Jackson
Capitol Office State Capitol, Room 2032
Sacramento, CA 95814

Re: Oversight Hearing on March 24, 2015

Dear Senator Jackson:

I wish that I had been able to attend the hearing you convened on March 24, 2015 to hear about problems faced by elders and dependent adults. I could not attend, as I was working, providing clinical psychotherapy to dependent adults and other victims of crime.

As Executive Director of the Disability and Abuse Project, I worked with my colleague, attorney Thomas F. Coleman, to produce several documents that detail multiple, ongoing and egregious violations of the rights of individuals with intellectual and developmental disabilities in the context of limited conservatorship proceedings. These were made available to the Judiciary Committee both prior to and during the hearings.

I wish that we had been invited to speak to the Committee. We have been working daily on the problems of limited conservatees and proposed limited conservatees for over a year.

From Tom's description of the hearing, as confirmed by a student intern who watched the video of it, I understand that virtually nothing was said about the role of the court in protecting people with developmental disabilities.

I am requesting that you hold another hearing, not focused on elders, but focused on people with developmental disabilities. Such a hearing could focus on two topics: (1) abuse, both in terms of better planning for risk reduction and better response when abuse does occur; and (2) the operations of the courts in processing limited conservatorship cases.

Prior to such a hearing, we would be happy to work with your staff to identify witnesses who can provide testimony about specific problems and about patterns that have been observed as well as make proposals on risk reduction, agency response to abuse, and limited conservatorship reform.

Thank you for your attention to this letter. I look forward to receiving your reply.

Sincerely,

A handwritten signature in red ink that reads "N. J. Baladerian, Ph.D." in a cursive script.

Nora J. Baladerian, Ph.D.