

Key Findings

1. There is no agency or official in charge of the limited conservatorship system in California.
2. The Department of Developmental Services, Disability Rights California, and the State Council on Developmental Disabilities do not monitor this system or advocate for reform in general or intervene in individual cases where violations of rights are occurring.
3. There are never any appeals in limited conservatorship cases, so errors and abuses by judges and attorneys are not corrected by the normal appellate process.
4. Court-appointed attorneys are routinely violating their ethical obligations of loyalty and confidentiality to their clients, are surrendering rather than defending the rights of their clients, and are not providing effective assistance of counsel as required by due process of law.
5. Although the core function of a conservatorship proceeding is to assess whether an adult has capacity to make decisions in seven areas of functioning, and despite a legislative mandate for regional centers to make these assessments and report the findings to the court, regional center workers have no guidelines or training on how to make accurate capacity assessments.
6. Judges, attorneys, and court investigators are not trained on their duties under the Americans with Disabilities Act and it appears they are not providing equal access to justice to adults with intellectual and developmental disabilities in limited conservatorship proceedings.
7. The trainings of court-appointed attorneys and court investigators about their core functions are seriously inadequate. Whether judges who process limited conservatorship cases receive any training on issues critical to the administration of justice involving people with intellectual and developmental disabilities is not known.
8. Letters requesting intervention by the State Bar of California, the Attorney General of California, and the Department of Developmental Services have not been answered.
9. Despite having convened a statewide Task Force in 2006 in response to complaints of mistreatment of seniors in conservatorship proceedings, the Judicial Council has declined to convene a similar Task Force on Limited Conservatorships to investigate the manner in which cases involving people with intellectual and developmental disabilities are being processed.
10. Despite having constitutional authority to conduct surveys of the courts throughout the state, and despite having been asked to conduct a survey of the practices of courts in limited conservatorship proceedings in all 58 counties, the Judicial Council has no plans to do so.
11. The Legislature has authority, by joint resolution, to convene a Task Force on Access to Justice in Limited Conservatorships to assess the condition of the limited conservatorship system and to direct the Bureau of State Audits to assist the Task Force by conducting a survey of the county courts and by performing an audit of the practices of the Los Angeles Superior Court.

Limited Conservatorships: Systematic Denial of Access to Justice

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