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April 9, 2015

Hon. Daniel Murphy  
Los Angeles Superior Court – Department 29  
111 N. Hill Street  
Los Angeles, CA 90012

Re: Letter of Concern (Rule 7.10(c), California Rules of Court) / Case No. SP 006273

Dear Judge Murphy:

For quite some time, the Disability and Abuse Project has been concerned about the social servitude that the court has imposed on limited conservatee Gregory Demer.

Gregory is an adult and pursuant to the Lanterman Act should have all of his constitutional rights respected, including his right to freedom of association and his right not to attend church services. For many years, both of those rights have been violated by court orders that require him to visit with his father who, when he has Gregory under his control, takes him to church (knowing of his ongoing objections).

As the attached list of quotations confirms, Gregory has repeatedly expressed his objections to visiting with his father and to attending church. If Gregory did not have a developmental disability, his right to control his social life and his religious experiences would be unrestricted. It is only because of his disability that the court has jurisdiction over Gregory's life. The overly broad nature of the court's orders violates the Americans with Disabilities Act, which the court is obligated to follow pursuant to Title Two of the Act. It also violates federal civil rights laws which prohibit the infringement of the constitutional rights of an American under color of state law. (42 U.S.C. 1983). The court orders and the actions of the conservators (who derive their authority from the court) are both a form of state action.

One reason our Project is concerned is that forced social interaction and required church attendance are forms of psychological and emotional abuse. Such interactions should never be coerced. Since the actions in Gregory's case have statewide policy implications, this letter is being sent to the Judicial Council.

The Centers for Medicare and Medicaid Services have issued new rules for states. Gregory is a recipient of such services and so these new rules should apply to him. "Freedom from coercion" is highlighted, as is the rule that "The individual controls his or her own schedule." In view of these new rules, it would be appropriate for the court, on its own motion, to reconsider the coercive effect of its prior orders.

Sincerely,

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

Nora J. Baladerian, Ph.D.  
Executive Director

cc: Honorable Maria Stratton, Presiding Judge  
Honorable John Sugiyama, Chair, Probate and Mental Health Advisory Committee

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January 10, 2014

**Fact Sheet: Summary of Key Provisions of the Home and Community-Based Services (HCBS) Settings Final Rule  
(CMS 2249-F/2296-F)**

This final rule establishes requirements for the qualities of settings that are eligible for reimbursement for the Medicaid home and community-based services (HCBS) provided under sections 1915(c), 1915(i) and 1915(k) of the Medicaid statute. Over the past five years, CMS has engaged in ongoing discussions with stakeholders, states and federal partners about the qualities of community-based settings that distinguish them from institutional settings. As part of this stakeholder engagement, CMS issued an Advanced Notice of Proposed Rule Making (ANPRM) and various proposed rules relating to home and community-based services authorized by different sections of the Medicaid law, including 1915(c) HCBS waivers, 1915(i) State Plan HCBS and 1915(k) Community First Choice State Plans. CMS' definition of home and community-based settings has benefited from and evolved as a result of this stakeholder engagement.

In this final rule, CMS is moving away from defining home and community-based settings by “what they are not,” and toward defining them by the nature and quality of individuals' experiences. The home and community-based setting provisions in this final rule establish a more outcome-oriented definition of home and community-based settings, rather than one based solely on a setting's location, geography, or physical characteristics. The changes related to clarification of home and community-based settings will maximize the opportunities for participants in HCBS programs to have access to the benefits of community living and to receive services in the most integrated setting and will effectuate the law's intention for Medicaid HCBS to provide alternatives to services provided in institutions.

***Overview of the Settings Provision***

The final rule requires that all home and community-based settings meet certain qualifications. These include:

- The setting is integrated in and supports full access to the greater community;
- Is selected by the individual from among setting options;
- Ensures individual rights of privacy, dignity and respect, and **freedom from coercion** and restraint;
- Optimizes autonomy and independence in making life choices; and
- Facilitates choice regarding services and who provides them.

The final rule also includes additional requirements for provider-owned or controlled home and community-based residential settings. These requirements include:

- The individual has a lease or other legally enforceable agreement providing similar protections;

- The individual has privacy in their unit including lockable doors, choice of roommates and freedom to furnish or decorate the unit;
- The individual controls his/her own schedule including access to food at any time;
- The individual can have visitors at any time; and
- The setting is physically accessible.

Any modification to these additional requirements for provider-owned home and community-based residential settings must be supported by a specific assessed need and justified in the person-centered service plan.

The final rule excludes certain settings as permissible settings for the provision of Medicaid home and community-based services. These excluded settings include nursing facilities, institutions for mental disease, intermediate care facilities for individuals with intellectual disabilities, and hospitals. Other Medicaid funding authorities support services provided in these institutional settings.

The final rule identifies other settings that are presumed to have institutional qualities, and do not meet the threshold for Medicaid HCBS. These settings include those in a publicly or privately-owned facility that provides inpatient treatment; on the grounds of, or immediately adjacent to, a public institution; or that have the effect of isolating individuals receiving Medicaid-funded HCBS from the broader community of individuals not receiving Medicaid-funded HCBS. If states seek to include such settings in Medicaid HCBS programs, a determination will be made through heightened scrutiny, based on information presented by the state demonstrating that the setting is home and community-based and does not have the qualities of an institution. This process is intended to be transparent and includes input and information from the public. CMS will be issuing future guidance describing the process for the review of settings subject to heightened scrutiny through either the transition plan process (for settings already in states' HCBS programs) or the HCBS waiver review processes (for settings states seek to add to their HCBS programs).

The final rule includes a transitional process for states to ensure that their waivers and state plans meet the HCBS settings requirements. New 1915(c) waivers or 1915(i) state plans must meet the new requirements to be approved. For currently approved 1915(c) waivers and 1915(i) state plans, states must evaluate the settings currently in their 1915(c) waivers and 1915(i) state plan programs and, if there are settings that do not fully meet the final regulation's home and community-based settings requirements, work with CMS to develop a plan to bring their program into compliance. The public will have an opportunity to provide input on states' transition plans. CMS expects states to transition to the new settings requirements in as brief a period as possible and to demonstrate substantial progress during any transition period. CMS will afford states a maximum of a one year period to submit a transition plan for compliance with the home and community-based settings requirements of the final rule, and CMS may approve transition plans for a period of up to five years, as supported by individual states' circumstances, to effectuate full compliance.

States submitting a 1915(c) waiver renewal or waiver amendment within the first year of the effective date of the rule may need to develop a transition plan to ensure that specific waiver or state plan meets the settings requirements. Within 120 days of the submission of that 1915(c) waiver renewal or waiver amendment, the state needs to submit a plan that lays out timeframes and benchmarks for developing a transition plan for all the state's approved 1915(c) waiver and 1915(i) HCBS state plan programs. CMS will work closely with states as they consider how to best implement these provisions and will be issuing future guidance on requirements for transition plans.

## *Changes in the Final Rule*

The final rule clarifies several major areas of confusion and concern expressed by some commenters and stakeholders engaged throughout the processes of rulemaking regarding the requirements for home and community-based settings. While CMS' responses to the specific comments are contained in the preamble to the final rule, below is a summary of the areas of the rule that received the most feedback and the changes in the final rule that address those comments:

- **Disability specific complex.** The proposed rule included “disability specific complex” in the list of settings presumed not to be home and community-based settings. Comments on the proposed rules suggested that the phrase “disability specific complex” had multiple meanings, and the continued use of the phrase could have unintended adverse impacts on affordable housing options. To avoid those consequences, CMS eliminated the use of the phrase from the final rule. The final rule includes the following language on other settings: “any other setting that has the effect of discouraging integration of individuals from the broader community...”
- **Rebuttable presumption.** The proposed rule indicated that CMS would exercise a “rebuttable presumption” that certain settings are not home and community-based. CMS has removed this phrase from the final rule and clarified in the final rule that certain settings are presumed to have institutional characteristics and will be subjected to heightened scrutiny if states seek to include these settings in their HCBS programs. The rule allows the state to present evidence to CMS that the setting is actually home and community-based in nature and does not have the qualities of an institution. CMS will consider input from stakeholders, as well as its own reviews, in applying heightened scrutiny. This process will require the state to solicit public input.
- **Choice of provider in provider owned or controlled settings.** The final rule clarifies that when an individual chooses to receive home and community-based services in a provider owned or controlled setting where the provider is paid a single rate to provide a bundle of services, the individual is choosing that provider, and cannot choose an alternative provider, to deliver all services that are included in the bundled rate. For any services that are not included in the bundled rate, the individual may choose any qualified provider, including the provider who controls or owns the setting if the provider offers the service separate from the bundle. For example, if a residential program provides habilitation connected with daily living and on-site supervision under a bundled rate, an individual is choosing the residential provider for those two services when he or she chooses the residence. The individual has free choice of providers for any other services in his or her service plan, such as employment services and other community supports.
- **Private rooms and roommate choice.** The final rule clarifies that states, as opposed to individual providers, have the responsibility for ensuring that individuals have options available for both private and shared residential units within HCBS programs. The rule further clarifies that an individual's needs, preferences and resources are relevant to his/her options for shared versus private residential units. Provider owned or operated residential settings will be responsible to facilitate individuals having choice regarding roommate selection within a residential setting.

- **Application of home and community-based settings requirements to non-residential settings.** CMS has clarified that the rule applies to all settings where HCBS are delivered, not just to residential settings. CMS will be providing additional information about how states should apply the standards to non-residential settings, such as day program and pre-vocational training settings.

## Quotable Quotes

*Despite this evidence, Gregory's court-appointed attorney did not try to protect his First Amendment rights.*

### **Gregory:**

At the hearing on October 4, 2013, Gregory told the judge in open court: "I don't want my rights violated. . . I have the right to say no to Dad . . . No I don't want to see you Dad . . . and I need Ms. Maillian to protect me." [Maillian is his court-appointed attorney].

At the hearing on April 28, 2014, Gregory told the judge in open court: "I have the right to speak up for myself and say no to my Dad. . . . I don't want to spend time with my Dad because he is scary. . . I want to be away from him because he frightens me a lot. . . I don't like going to church. . . I want to be away from Dad."

### **Mother of Gregory:**

"I wholeheartedly support Mr. [Gregory] Demer having a good relationship with his father. I believe the right way – and only effective way – to achieve this is to empower Mr. Demer with control over: how visitation occurs, whether he can bring support staff, and when he can go back to his apartment. The conservators have seen, first-hand, how effective empowerment is in Mr. Demer's ability to overcome fear and resistance. In visitation with me, I have always empowered Mr. Demer to decide whether or not to visit."

### **UCLA Psychiatrist:**

"Certainly, Gregory should never be forced to participate in optional activities he chooses to avoid. . . . [I]t is not in his best interest to be forced to visit with his father at this time or in the immediate future."

### **Court-Appointed Psychologist:**

"[T]he decision for the visit should be left entirely up to Greg's choosing."

### **Regional Center Report:**

"During the IPP, Greg stated without prompting that things he dislikes are going to church and going with his dad on Sundays."

### **Previous Court-Appointed Attorney:**

"Gregory Demer does not wish to see his father at this time. He should not be forced to do so." This attorney also stated: "If I am to advocate for what my client tells me, then he should only see his parents when he is agreeable."

### **Regional Center Declaration:**

"In accordance with Probate Code section 1827.5, [Westside Regional Center] strongly recommends against granting the Limited Conservators power over Gregory Demer's social and sexual contacts and relationships. . . . Mr. Demer should be permitted to make his own choices about whom he spends time with and what he does with his time. Based upon his voluminous records at [the Regional Center], he has never demonstrated behavioral issues which would justify termination of his right to make his own choices."

### **Probate Investigator Report:**

Referring to Gregory, the court investigator stated: "[He] asked not to go to church every Sunday," adding "Several times during the interview, Gregory said, 'I want to be free from it [church].'"

### **Former Conservator:**

Each week when I would visit Greg to make his next week's schedule, he would emphatically state, "I don't want to see my Dad. I don't want to go to church with Dad and Melissa."

# REPORT ON GREGORY DEMER'S VIEWS ON CHURCH AND MANDATORY VISITATION

## EXCERPTS FROM DOCUMENTS AND TRANSCRIPTS

### Background

Gregory Demer, a 28 year-old man with autism, attended church with his parents when he was a young child. In about 1998, when he was about 11 years old, his parents divorced and started alternate week custody, and both continued taking him to their respective churches. According to his mother, Gregory and his younger brother both started objecting to church in about 2000, so she took them to gymnastics classes and volunteer work instead. She understood that their father continued to take them to his church despite their objections. In about 2008, when Greg was 21, he moved to his own apartment, and he did not attend church. In about 2009, his father obtained a Court order requiring Greg to go with him every Sunday morning, and that continued until about September 2009, when a professional conservator was appointed. On some Sundays, she allowed him "personal days" with the option to do volunteer work at an aviation museum in lieu of church, and Greg opted for the volunteer work. When new conservators were appointed in 2011, the Court ordered Greg to spend every third weekend with his father, and granted the father the power to decide how that time was spent. By 2015, Greg's father started taking him on the Sundays that had been allocated for Greg's free choice. Gregory's brother reportedly suggested that his objections to church were probably because of difficulty with boredom and having to sit still and not speak for long periods. Greg's statements about church that were transcribed from Court hearings or reported by independent agencies (Regional Center reports, Probate Investigator reports, Probate Court official transcripts) consistently indicate strong objections. These contrast with a report from his father's Reunification Therapist. Excerpts from transcripts and official reports are as follows (words related to church and visitation are **bolded** for purposes of this report):

### OFFICIAL STATEMENT OF THE WESTSIDE REGIONAL CENTER TO THE PROBATE COURT

Assistant Director for Client Services, William A. Feeman  
Gregory Demer's Program Coordinator, Gavin Linderman

• August 1, 2011 (Age 24; #11-84A)

Page 1-2

"Gregory does not wish to change anything about his present program and services, except that he does not want to have to go to **church** with his father on **Sunday** mornings."

### REPORT OF FATHER'S REUNIFICATION THERAPIST

Dr. Bruce Gale

January 7, 2010 (Age 23; #10-8)

"When I questioned Gregory about this [change in weekend schedule] he said that he preferred to return to **church** on Sundays. Gregory has frequently talked to me about his time in **church**; of course he especially looked forward to the refreshments afterwards and we used this as an opportunity to discuss appropriate social behavior..."

## **REPORT FROM GREGORY'S COURT-APPOINTED ATTORNEY, PAUL GAULKE, TO THE PROBATE COURT**

•August 4, 2011 (Age 24; #11-81)

“When I asked him if he sees his father on **Sundays** his response was, ‘I do not. I will never see him again. Father is annoying.’ If I am to advocate for what my client tells me, then he should only see his parents when he is agreeable.”

## **PRE-TRIAL REPORT FROM GREGORY'S COURT-APPOINTED ATTORNEY, PAUL GAULKE, TO THE PROBATE COURT**

•September 16, 2011 (Age 24; #11-97H)

“Petitioner (Joseph Demer, Greg’s father) has been adamant at all times about attending **church** with the Conservatee on **Sundays**, however the Conservatee’s activities conflict with the **Church** service.”

## **EXAMPLES OF EMAILS FROM GREGORY TO HIS CONSERVATOR, PARENTS AND SLS PROVIDER**

From: Greg Demer <gregdp40@gmail.com>

Date: Sat, May 14, 2011 at 9:30 AM

Subject: My Schedule

To: Joseph Demer <JLD@ucla.edu>, Linda Demer <lindademmer@gmail.com>, Linda Cotterman <lindacotterman@gmail.com>, timdehaven@yahoo.com

Hi dad on **Sunday** I would like to have my **Personal day** I made Plans to spend it with my friends and my girlfriend instead I will go to breakfast with friends and hang out with them I will go to the 99 cents store and volunteer at the hangar and have lunch afterwards on June 5 I will see you on father's day love Greg

From: Greg Demer <gregdp40@gmail.com>

Date: Sat, Oct 15, 2011 at 8:51 AM

Subject: My Schedule

To: [same]

Dad I don't Want to go flying with you I would like my **Personal day this Sunday** and next Sunday

From: Greg Demer <gregdp40@gmail.com>

Date: Sat, Oct 29, 2011 at 8:14 AM

Subject: My schedule

To: [same]

Dear dad I would like my Own **Personal day** tomorrow on October 30 I will have a free day Love Greg

From: Greg Demer <gregdp40@gmail.com>

Date: Sat, Nov 12, 2011 at 3:56 PM

Subject: My Schedule

To: [same]

Dear Dad I Would like a **free Personal day** tomorrow love Greg



From: Greg Demer <gregdp40@gmail.com>

Date: Sat, Nov 19, 2011 at 8:37 AM

Subject: My Schedule

To: [same]

Hello Dad I would like my **Personal day On Sunday** November 20 and the following weekend November 27 I don't want to see you I rather spend time with friends love Greg

From: Greg Demer <gregdp40@gmail.com>

Date: Sat, Nov 26, 2011 at 7:52 PM

Subject: My Scedule

To: [same]

Dear Dad I would like a **free day** I knew my own rights I will have a free personal day love Greg

From: Greg Demer <gregdp40@gmail.com>

Date: Sat, Dec 3, 2011 at 9:14 PM

Subject: My Schedule

To: [same]

I would like a **personal day** tomorrow **Sunday** December 4. 2011. Love, Greg

## **TRANSCRIPT OF INDIVIDUAL PROGRAM PLAN (IPP) MEETING**

WESTSIDE REGIONAL CENTER

Chaired by Debra Ray, Assistant Director of Client Services, and  
Gavin Linderman and Charlene Williams, Program Coordinators

• February 7, 2012 (Age 25; #12-58)

Page 1

Greg Demer: I have the right to leave, so I have the right to have my **free personal** day.

...

Page 11

Greg Demer: I don't like **church**.

Page 12

Greg Demer: I don't like going to **church**.

...

Greg Demer: ...I don't like going to **church**, and I like having a free day every **Sunday**.

...

Greg Demer: But I don't like **church**.

Page 13

Greg Demer: I don't like **church**, and I say Phooey on **church**.

...

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Debra Ray: ...OK, that's it, there is the one thing that we do have to talk to the Conservators about, in terms of, that Greg has stated that he doesn't like going to **church**. He should not be forced to go to **church**.

LeeAnn Hitchman (Limited Conservator): Is that appropriate...

Greg Demer (Limited Conservatee): I don't want to be forced to go **church**, Dad.

LeeAnn Hitchman (Limited Conservator): ...is that appropriate in this IPP meeting?

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Debra Ray (WRC): And at that point, that feedback can be shared with the team.

Joe Demer (Father): Why does it have to be shared, I mean, why are Gregory's **religious practices** of interest or of relevance to this team?

...

Debra Ray (WRC): Just a moment, just a moment. Yes, because he clearly said, in the meeting today, that **this** is what he doesn't want to do, this was without any prompting from anyone. This is, he was very adamant and clear about what he doesn't want to do...

Joe Demer (Father): And what, what is the Regional Center going to do about it?

Debra Ray (WRC): So, he shouldn't have to be forced, so he shouldn't have to be forced, ...well, that will be the Conservators, that's why the Conservators will have to be involved with that whole process...

...

Debra Ray (WRC): And, again, it has to be set out because he mentioned that he doesn't want to do that [church]. He also mentioned that, about the visitation, that he..., and I am not even bringing that up.

Joe Demer (Father): You're not? {chuckle}

...

Debra Ray (Regional Center Representative): I think we have addressed the, about the, having to go to **church**, we just addressed that. Are we in agreement with that?

LeeAnn Hitchman (Greg's Professional Co-Conservator): Wait, what is it, what is it that we said?

Debra Ray: That he doesn't want, that Greg doesn't want to attend **church**.

Bruce Hitchman (Greg's other Professional Co-Conservator): We heard him say that. That doesn't mean that he doesn't want to attend **church**.

Greg Demer: Dad, will you listen to me, I don't want to attend **church**, I just want to have my free personal day, and I don't want to go with you.

## **INDIVIDUAL PROGRAM PLAN (IPP) REPORT**

from Westside Regional Center

Service Coordinator, Gavin Lindeman

• February 7, 2012 (Age 25; #12-52)

“During the IPP, Greg stated without prompting that things he dislikes are going to **church** and going with his dad on Sundays.”

### **PROBATE INVESTIGATOR REPORT**

Senior Investigator Genita Braggs

•November 30, 2012 (Age 25; #12-152)

“When asked about visits, Gregory said he has visits with his father every **Sunday** 8:00 AM – 8:00 PM and he does not like going to **church**.”

“Several times during the interview, Gregory said, ‘I want to be free from it [**church**].’”

“...he asked not to go to **church** every Sunday...”

### **TRANSCRIPT OF HEARING BEFORE JUDGE ROY PAUL IN PROBATE COURT**

STANLEY MOSK COURTHOUSE

• October 4, 2013 (Age 26; #Transcr File)

Page 2

GREGORY DEMER: I DON'T WANT MY RIGHTS VIOLATED.

Pages 6-7

GREGORY DEMER: BUT I JUST DON'T WANT MY FRIENDS –

THE COURT: MR. DEMER, LET ME JUST DO THE FOLLOWING: LET ME HEAR FROM THE ATTORNEY.

...

THE COURT: MR. DEMER, HOLD ON FOR A SECOND.

GREGORY DEMER; OKAY. I'M WAITING.

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GREGORY DEMER: NEVER MIND, YOUR HONOR, I WANT TO HAVE MY FRIENDS PROTECTED SO I HAVE THE RIGHT TO SAY NO TO DAD, AND I'LL DO IT BY MYSELF, YOUR HONOR. NO, I DON'T WANT TO SEE YOU, DAD. I DON'T WANT TO GO FLYING WITH YOU ANYMORE...YOUR HONOR, I DON'T WANT TO SEE MY DAD AND GO FLYING WITH HIM ANYMORE...

THE COURT: OKAY. THANK YOU.

- *RECESS* -

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GREGORY DEMER: YOUR HONOR, I WOULD LIKE MY FRIENDS PROTECTED.

THE COURT: WE HAVE CERTAIN RULES AND PROCEDURES, AND SO...

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GREGORY DEMER: IF YOU PLEASE, YOUR HONOR –

THE COURT: HOLD ON FOR ONE MORE SECOND...

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THE COURT: MAY WE NOW HEAR FROM MR. DEMER?

GREGORY DEMER: OKAY. YOUR HONOR, I HAVE MY RIGHT TO SAY NO TO DAD, AND I WANT TO HAVE MY FRIENDS PROTECTED, AND I NEED MS MAILLIAN TO PROTECT ME, SO I WOULD LIKE TO HAVE MY FRIENDS PROTECTED AND LEAD THEM TO SAFETY....

**TRANSCRIPT FROM HEARING BEFORE JUDGE DANIEL MURPHY, PROBATE COURT  
STANLEY MOSK COURTHOUSE**

• April 28, 2014 (Age 27; #TRANSCR FILE)

Page 2 (Ms. Maillian is Greg's most recent Court-appointed attorney)

MR. GREGORY DEMER: YOUR HONOR, I HAVE TO -- MY NAME IS GREG. I HAVE THE RIGHT TO SPEAK UP FOR MYSELF AND SAY NO TO MY DAD.

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WHAT I PLAN ON HAVING -- WHAT I PLAN ON DOING IS SPEAKING WITH MS. MAILLIAN AND GREGORY IN MY CHAMBERS AND WITH JUST MS. MAILLIAN AND GREGORY.

...

MS. LINDA DEMER: YOUR HONOR, MAY I ASK THAT THE REGIONAL CENTER REPRESENTATIVE BE PRESENT AS WELL IN ORDER TO HELP TRANSLATE SO GREGORY --

MS. MAILLIAN: YOUR HONOR, TRANSLATION IS NOT NECESSARY.

THE COURT: NO. AT THIS TIME, I'M ONLY GOING TO HAVE GREGORY -- I THINK THE LESS, THE BETTER. I'M ONLY GOING TO HAVE GREGORY AND HIS PVP ATTORNEY.

MS. LINDA DEMER: IF I MAY. I THINK THAT THE DISABILITIES RIGHTS REQUIRE ACCOMMODATION, AND HE HAS A LANGUAGE DISORDER. AND --

THE COURT: MA'AM, IF THERE'S ANY ISSUES WHERE I'M HAVING DIFFICULTY HEARING HIM OR UNDERSTANDING HIM OR --

MS. LINDA DEMER: I MEAN, HIM TO UNDERSTAND WHAT HE'S BEING ASKED.

MR. ADLER: HIS LAWYER WILL BE PRESENT, YOUR HONOR, SO --

THE COURT: MS. MAILLIAN HERE WILL BE PROTECTING HIS RIGHTS, IF THAT'S NECESSARY.

MR. GREGORY DEMER: I NEED MY RIGHTS PROTECTED, SIR.

THE COURT: DON'T WORRY, SIR. THAT'S WHAT I PLAN ON DOING.

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(IN CHAMBERS:)

...

MS. MAILLIAN: AND DO YOU WANT TO SPEND TIME WITH YOUR DAD?

MR. GREGORY DEMER: NO.

MS. MAILLIAN: WHY DON'T YOU WANT TO SPEND TIME WITH YOUR DAD?

MR. GREGORY DEMER: I DON'T WANT TO SPEND TIME WITH MY DAD BECAUSE HE IS SCARY.

MS. MAILLIAN: HOW IS YOUR DAD SCARY?

MR. GREGORY DEMER: MY DAD IS SCARY BECAUSE-

...

HE TRIES TO HURT ME AND HE TRIES TO TELL LIES TO ME.

...

MR. GREGORY DEMER: ... I KNOW HE'S SCARY, BECAUSE I JUST WANT TO BE AWAY FROM HIM.

MS. MAILLIAN: WHY DO YOU WANT TO BE AWAY FROM HIM?

MR. GREGORY DEMER: BECAUSE --

MS. MAILLIAN: TELL ME WHY.

MR. GREGORY DEMER: -- HE FRIGHTENS ME A LOT.

...

MS. MAILLIAN: TELL US HOW -- WHAT -- TELL US WHAT YOUR DAD HAS DONE THAT MAKES YOU WANT TO LOCK HIM UP?

MR. GREGORY DEMER: MY DAD TRIES TO HURT MY BRAIN, AND HE TRIES TO HURT MY HEAD.

...

MS. MAILLIAN: WHEN DO YOU TELL YOUR DAD TO STOP?

MR. GREGORY DEMER: WHEN HE TRIES NOT TO OPEN THE DOOR.

MS. MAILLIAN: COULD YOU EXPLAIN WHAT YOU MEAN BY THAT; TRIES NOT TO OPEN THE DOOR.

MR. GREGORY DEMER: HE TRIES NOT TO OPEN THE DOOR. HE KEEPS THE DOOR LOCKED.

...

MR. GREGORY DEMER: IT WAS A SCARY THOUGHT.

MS. MAILLIAN: WHAT WAS SCARY ABOUT IT?

MR. GREGORY DEMER: IT WAS REALLY ANNOYING.

MS. MAILLIAN: CAN YOU TELL ME WHAT WAS ANNOYING?

MR. GREGORY DEMER: IT WAS THE FRIGHTENING OF THE EASTER BUNNY AND GOING TO **CHURCH**, AND I DON'T LIKE GOING TO **CHURCH**, LEANNE.

MS. MAILLIAN: OKAY. DID YOU SEE THE EASTER BUNNY?

MR. GREGORY DEMER: I DID SEE THE EASTER BUNNY.

MS. MAILLIAN: DID YOU HAVE FUN WITH THE EASTER BUNNY?

...

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(Back in Court)

MR. GREGORY DEMER: IF YOU PLEASE, SIR, I HAVE THE RIGHT TO SAY NO TO DAD. AND YOUR HONOR, I WANT TO BE AWAY FROM DAD.

Page 29

MR. GREGORY DEMER: IF YOU PLEASE, SIR, I MAKE THE --  
IF YOU PLEASE, I WILL MAKE THE RULES NOW. THE RULES ARE, I'M  
NOT GOING TO SEE MY DAD...

Page 31

THE COURT: HE'S VERY BRIGHT AND ARTICULATE INDIVIDUAL, BUT  
I THINK IN REGARDS TO THE SOCIAL CONTACT, I DON'T THINK HE  
SHOULD BE INVOLVED IN THE DECISION-MAKING. I THINK THE  
ENTIRE -- THAT I WOULD CONFER THE DECISION ON SOCIAL CONTACTS  
TO THE CONSERVATORS,...

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MS. OCHELTREE: -- OUR POSITION. THE REGIONAL  
CENTER'S OPINION IS THAT PEOPLE SHOULDN'T HAVE THEIR RIGHTS  
TAKEN AWAY UNLESS -- EVEN THOUGH THE CONSERVATEE'S OPINION  
MIGHT NOT MAKE SENSE OR WISHES MIGHT NOT MAKE SENSE TO OTHER  
PEOPLE -- WE BELIEVE IN PRESERVING RIGHTS TO THE MAXIMUM EXTENT  
POSSIBLE.

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MY CONCERN IS, THOUGH, THIS HAS BEEN AN EXTREMELY HEAVILY LITIGATED  
MATTER, AND MY HOPE WOULD BE THAT  
WITH THIS DECISION, THAT THERE WILL BE -- KIND OF -- WE CAN STOP  
THE LITIGATION FOR A WHILE...

#### **LETTER FROM GREG'S FIRST PROFESSIONAL CONSERVATOR**

Linda Cotterman, Professional Fiduciary

April 20, 2014

Each week when I would visit Greg to make his next week's schedule, he would emphatically state, "I don't want to see my Dad. I don't want to go to **church** with Dad and Melissa. I want to go to the airport and work on the planes."