



Disability and Guardianship Project

Disability and Abuse Project

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October 20, 2015

Mr. Aaron Carruthers
Executive Director
California State Council on Developmental Disabilities

Re: Access to Justice for Respondents in Conservatorship and Guardianship Cases

Dear Mr. Carruthers:

As you know, there is a growing movement for guardianship and conservatorship reform throughout the United States. At the same time, momentum is building for the use of supported decision making as an alternative to guardianships and conservatorships.

Spectrum Institute has focused intensely on the limited conservatorship system in California – a form of adult guardianship that applies solely to adults with intellectual and developmental disabilities. We have thoroughly researched state laws governing limited conservatorship procedures. We have audited the performance of judges, attorneys, court investigators, and regional centers in Los Angeles County. Our findings show that the rights of people with developmental disabilities are being systematically violated. We believe that such violations are occurring everywhere. This is not a Los Angeles problem or a California problem. It is a national problem.

In addition to reports we have published calling for reform, we have also filed complaints with the United States Department of Justice. We are seeking federal intervention because state judges and attorneys are not providing these involuntary litigants with access to justice as required by the Americans with Disabilities Act. We have also asked the Judicial Council of California to adopt new court rules to address deficiencies in the training and performance of court-appointed attorneys.

I am enclosing a brochure about a White Paper we recently submitted to the Department of Justice. We believe that the best way to obtain guardianship and conservatorship reform – and the practical implementation of supported decision making – is through the implementation of ADA-compliant training and advocacy standards for court-appointed attorneys. If the attorneys adhere to such standards, they will pressure the legal system to use supported decision making as an alternative to guardianship when that is feasible. When guardianship or conservatorship proceedings are initiated, properly trained attorneys will make the legal system respects the rights of their clients.

We invite you to review the White Paper and reference materials that it cites. We also invite you to contact us to discuss how your organization can support our efforts with the Department of Justice and the Judicial Council. Working together, we can stimulate meaningful and lasting reform.

Respectfully submitted:

Thomas F. Coleman

Legal Director

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