

Disturbing Details Revealed at Legislative Hearing on the Ability of California Courts to Protect Vulnerable Adults

by Thomas F. Coleman

As each of the 16 witnesses testified before the Senate Judiciary Committee this week, a common theme emerged. Bulging caseloads and shrinking budgets were interfering with the duty of state and local agencies to protect seniors and adults with disabilities from abuse and neglect.

The occasion was an oversight hearing into the role of the courts in protecting a growing population of seniors and dependent adults. Presiding over the hearing was state Senator Hannah-Beth Jackson (D-Santa Barbara).

Senator Jackson started the hearing by reminding everyone that the last such oversight hearing on conservatorships was in 2005. That hearing was prompted by articles published by the Los Angeles Times revealing mismanagement of conservatorships for seniors by the judges, attorneys, and conservators in such cases.

While the scheduled speakers mostly read from prepared scripts, and senators came and left the room from time to time, no one acknowledged the “elephant in the room” – a report issued that morning by Spectrum Institute criticizing the Judicial Branch for operational deficiencies in processing limited conservatorship cases.

Limited conservatorships are proceedings used exclusively for adults with intellectual and developmental disabilities. There are 40,000 such adults under conservatorship in California, with 5,000 new cases being opened each year.

The Legislature has never conducted an oversight hearing about the condition of the limited conservatorship system in California. Limited conservatorships and people with disabilities were barely mentioned by scheduled speakers.

That changed when I spoke at the end of the hearing. I presented the committee with a new report – *Limited Conservatorships: Systematic Denial of Access to Justice* – detailing how judges, attorneys, court investigators, and regional centers are failing to protect the rights of people with developmental disabilities.

The report calls on the Legislature to convene a Task Force on Access to Justice in Limited Conservatorships to investigate the findings of the study by Spec-

trum Institute. It also asks for the Bureau of State Audits to survey the courts in each county to document their policies and practices in handling these cases, and to conduct an audit of the system in Los Angeles.

Testimony by Judge Maria Stratton, Presiding Judge of the Probate Court in Los Angeles, underscored the need for such an audit. She told legislators that there are 10,000 open conservatorship cases in Los Angeles. This contradicts data released by the Department of Developmental Services which shows there are more than 12,000 open cases involving adults with developmental disabilities. In addition, there are thousands of other cases for seniors. There is a major discrepancy that needs to be reconciled.

Judge Stratton disclosed that many vulnerable adults under the court’s protection cannot be found. Thousands of them? For a protection court to lose track of that many people is very unsettling news.

She said the 20 court investigators have only one day a week to conduct field investigations. That means there are only 52 days a year to conduct field investigations on 2,100 new conservatorships, 2,100 annual reviews, and 5,000 biennial reviews, not to mention guardianships for minors. Do the math. Each investigator would have to do nine home visits on the only day each

week assigned for field work. Really?

The proposals offered by Spectrum Institute were endorsed by the testimony of Greg deGiere who represented the Arc of California. The Arc is a statewide organization advocating for the rights of people with intellectual and developmental disabilities.

Legislators listened intently during my testimony. They were given the new report as well as a guide on how such a task force could function.

A task force was convened in 2006 to address the needs of seniors. The question now is whether people with disabilities will get the oversight they truly need – and deserve. The answer lies with the members of the Senate Judiciary Committee. ♦♦♦

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