

April 8, 2019

Dear Workgroup Members,

The second installment of reading materials focuses on the United National Treaty titled *Convention on the Rights of Persons with Disabilities* (CRPD). It has been ratified by 177 nations. The United States Senate debated it in 2012, but fell a few votes short of approving it.

The treaty rejects the idea that the disabilities of some people are so significant that they lack the capacity to make decisions. Taken to its logical extreme, the treaty challenges the very notion of substituted decision-making which is used in guardianship proceedings.

This set of materials includes several documents that will give you an understanding of Article 12 of the CRPD – the provision that forms the foundation for the supported decision-making movement. At a very minimum, read “the basics.” Then, if you have time or want to delve deeper into these issues, there are several commentaries that will enlighten you on the pros and cons of the use of guardianships and conservatorships for people with disabilities who may lack the ability to effectively understand, remember, weigh or balance options, or communicate their wishes with others.

The work that we do, and the recommendations that we make, to improve conservatorship proceedings in California will provoke discussions regarding legal capacity and substituted versus supported decision-making. Therefore, it will be important for workgroup members to have a basic understanding of what is happening around the world on these issues.

Tom Coleman

**Highly Recommended Readings:**

[United Nations CRPD – The Basics](#)

[United States Senate – No Ratification](#)

**Suggested Readings:**

[Commentary – Abolish Guardianship](#)

[Commentary – Criticism of Abolition](#)

[Commentary – An Alternative to Abolition](#)