



Disability and Guardianship Project

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April 2, 2015

Judge John Sugiyama
Chair, Probate and Mental
Health Advisory Committee
Judicial Council of California

Dear Judge Sugiyama:

Several months have passed since we made a presentation about the limited conservatorship system at the meeting of the Probate and Mental Health Advisory Committee.

Justice Harry Hull wants us to direct specific proposals to that committee. He informed us that he has complete confidence in the ability of the committee to give us a fair hearing and to formulate recommendations which it will forward to the Rules and Projects Committee for consideration.

Therefore, we are asking the advisory committee to recommend that the Judicial Council support a proposal that we recently submitted to the Senate Judiciary Committee. We would like both houses of the Legislature to adopt a resolution creating a legislative Task Force on Access to Justice in Limited Conservatorships. I am attaching materials we submitted to the Judiciary Committee, including a report demonstrating the need for a task force and a description of how such a task force could operate.

The idea for a legislative task force was formulated after considering statements made by you at the conclusion of the committee meeting in November, fiscal concerns raised by Justice Hull in letters and emails to me, and additional statements made by Justice Hull in person when we met last month.

No one has suggested that a statewide review of the limited conservatorship system is unnecessary. The main concern about a task force was the lack of funding to staff and operate it. An additional consideration was the composition of a task force. We insisted that public members with experience in the field of developmental disabilities should participate and that members should not be limited to judges and attorneys associated with the Judicial Council. A task force convened by the Legislature would handle both of these issues. The task force would include judges and attorneys as well as self-advocates, parent-advocates, and people who provide advocacy for and services to people with intellectual and developmental disabilities. The Legislature would fund the operations of the task force and would provide the necessary staffing. Also, since the limited conservatorship system has been operated solely by the Judicial Branch, a review of it by the Legislative Branch would be more objective.

We are asking the advisory committee to support this proposal. We would like to attend any meeting at which this matter is considered.

Very truly yours,

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cc: Justice Harry Hull