



A Message from the Tina Baldwin
Director of the Mental Health Project

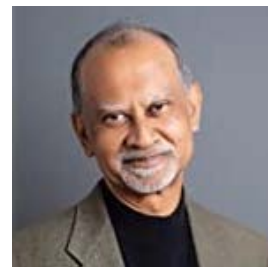
Progress on Mental Health Project

February was a very busy month. We added five project advisors to the team. We launched a campaign inviting organizations to endorse the Mental Health Project's statement of legal principles underlying the right of adults with intellectual and developmental disabilities to have prompt and equal access to the full range of mental health therapies available to people without disabilities. We also started work on a series of articles on the Consequence of Violating the Right to Therapy.

New Advisors to the Mental Health Project

The number of projects advisors doubled in February. We welcome:

Nirbhay N. Singh, PhD, psychologist, professor at the Medical College of Georgia at Augusta University, prolific author, and CEO of MacTavish Behavioral Health LLC.



Daniel B. LeGoff, PhD, LS, licensed and board-certified pediatric neuropsychologist, author, and the pioneer of LEGO® Therapy.



The co-authors of *Psychological First Aid for People with Intellectual and Developmental Disabilities Who Have Experienced Sexual Abuse* also joined our team. They live in the Netherlands.



- Aafke Scharoo (left), MSc, clinical psychologist, consultant, and lectures internationally on issues concerning people with an intellectual disability, sexual abuse, maltreatment and trauma.
- Martie Spijker (middle), MSc, healthcare psychologist and psychotherapist.
- Simone Ebbers (right), MSc psychologist and a sexologist, in private practice.

Endorsements

In 2020, Tom Coleman, Legal Director of Spectrum Institute, researched and then wrote a statement of [Legal Principles](#) underlying the civil right of adults with intellectual and developmental disabilities to have prompt and equal access to the full range of mental health therapies available to people without disabilities. It was endorsed by nine state and national organizations. In mid-February, we initiated a campaign to bring awareness to the Legal Principles and for additional endorsements. On February 23, the [National Disability Rights Network](#) did so immediately and we are thrilled!

Series on Consequences of Violating the Right to Therapy

Our intern, Tanner Coe, began the investigative work on the first of a series of articles focusing on the consequences to adults with developmental disabilities when they are deprived of prompt and equal access to a full range of mental health therapies that are available to everyone else. We are not looking to assign blame for the denial of access to therapy. Rather, in this article we are looking to identify the consequences to the individual, for example, employment, medical, psychological, or relationships. The need for therapy may arise from abuse victimization or from psychiatric or psychological conditions caused by other factors – conditions such as PTSD, depression, anxiety, or any variety of mental illnesses. The consequences of being deprived of timely and appropriate mental health therapies may be emotional, psychological, medical, social, legal, or

economic. Our goal is to publish the first article at the beginning of April.

The work of the [Mental Health Project](#) is ground-breaking, game changing, paradigm changing, and cutting edge. The support for our work is very exciting and, I believe, with growing awareness that we will begin to see improvements in the access to mental health services for adults with intellectual and developmental disabilities in the very near future. That's our goal, that's our plan.

Sincerely,



Tina Baldwin
Director of Mental Health Project
Spectrum Institute

California Supreme Court Censors Harmful Appellate Ruling

01/05/2021	Request for depublication (petition for review pending)	Pub/Depublication Requestor: Spectrum Institute Attorney: Thomas F. Coleman
02/24/2021	Petition for review denied; CA opinion decertified	The petition for review is denied. The requests for an order directing depublication of the opinion are granted. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed December 2, 2020, which appears at 58 Cal.App.5th 87. (Cal. Const., art. VI, § 14.)

On February 24, 2021, the California Supreme Court issued an order “depublishing” an opinion of the California Court of Appeal in a conservatorship case (Case. No. S266033). The high court’s order was issued in response to a request from Tom Coleman, Legal Director of Spectrum Institute. California law requires that a conservatorship may only be ordered if less restrictive alternatives have been considered and are not feasible. Because language in the Court of Appeal opinion trivialized that requirement, we urged the Supreme Court to remove the opinion from the law books so that it could not be cited in future cases. Such depublication orders are rare. The order to depublish the

opinion sends a signal to appellate justices, trial court judges, and attorneys, that the less restrictive alternative requirement should be taken seriously.

"The order of the Supreme Court is very encouraging. It shows that the justices are becoming more aware of problems in the conservatorship system," Coleman said. "It also demonstrates a willingness to use their authority to emphasize the importance of judges and attorneys considering less restrictive alternatives," he continued. The action of the Supreme Court to issue such an order here sends a signal to appellate justices and trial court judges not to treat the matter of less restrictive alternatives so lightly.

For a copy of our request to the Supreme Court spelling out the arguments for depublication, [click here](#). For a video blog commentary about the significance of this court order, [click here](#).

Spectrum Institute Weighs In On Conservatorship Attorney Bills



CA Senator Ben Allen
Democrat - 26th District



CA Assemblywoman Janet Nguyen
Republican - 72nd District

Two bills - SB 724 and AB 596 - were introduced this month that significantly impact conservatorships. Tom Coleman, legal director of Spectrum Institute, offers his observations about the bills below.

[SB 724](#), introduced by California State Senator Ben Allen, is a bill that would require judges to allow conservatives and proposed conservatives to be represented by the attorney of their choice. "SB 724 is a good step in the right

direction. Judges should allow seniors and people with disabilities to have the attorney of their choice,” Coleman said. Spectrum Institute has reached out to Senator Allen's office to discuss the bill, which only begins to address problems concerning the right to counsel for seniors and people with disabilities particularly in probate conservatorships.

On the other hand, AB 596 is a bill with wording that creates the potential for seniors and other adults with cognitive disabilities to be deprived of counsel without due process of law. Coleman reached out to Assemblywoman Janet Nguyen to express concerns about [AB 596](#) - a bill she introduced. “AB 596 is not a step forward. It is really a trojan horse – on the surface appearing to be benign but in reality undermining the right to counsel for those who are most in need of an advocate to protect their rights,” Coleman said.

Attorney Fee Review Project Solicits Expert Opinions on Judicial Ethics



Spectrum Institute is reaching out to judicial ethic scholars to review our report to the Supreme Court of California titled [The Domino Effect: Judicial Control of Legal Services](#). The project, spearheaded by Attorney John Di Pietro, asks scholars to share their opinion on the ethics of judges controlling and managing legal services programs involving attorneys who appear before them in their courts. Should judges control the income of attorneys who appear before them by deciding whether to appoint them to a case, their salary, and how many future cases the attorney can be appointed to? Should judges be training or coaching the attorneys who appear before them? Do these actions implicitly or expressly influence how attorneys represent their clients? Spectrum Institute is looking forward to hearing feedback from scholar's in response to these questions.

Distinguished Professor Becomes Advisor to Spectrum Institute



Marshall B. Kapp, J.D., M.P.H. (Colleges of Law & Medicine) accepted an invitation to be an advisor to both the Guardianship Project and the Mental Health Project of Spectrum Institute this month. Professor Kapp was educated at Johns Hopkins University (B.A.), George Washington University Law School (J.D. with Honors), and Harvard University School of Public Health (M.P.H.).

Throughout his career Kapp has demonstrated his expertise in healthcare policy making especially in terms of constitutional implications of policies and areas of geriatric medicine. Currently a Professor Emeritus, he was the Founding Director of the Florida State University Center for Innovative Collaboration in Medicine and Law from 2010 through 2017, with faculty appointments as Professor in the Department of Geriatrics at FSU's College of Medicine and Professor of Medicine and Law in the FSU College of Law. He is also currently an Adjunct Professor at Stetson University College of Law (teaching in the Elder Law LLM program) and an Adjunct Professor at the FSU College of Law (teaching in the Juris Masters program). Previously at FSU, Kapp served as a Faculty Affiliate for the FSU Pepper Institute on Aging and Public Policy and the FSU Institute for Successful Longevity.

We look forward to receiving his advice on our effort to reform conservatorship and guardianship systems as well as our effort to promote the right to mental health therapy for adults with developmental disabilities.

Mental Health Project Sends Letter to Washington State Legislator



A [letter](#) was sent to Senator Karen Keiser (left) - chair of the Labor, Commerce, and Tribal Affairs Committee of the Washington State Legislature - informing her of the economic impact that the denial of appropriate mental health services can have on adults with developmental disabilities who are employed. Violations of the right to prompt and effective mental health therapy can adversely impact state entitlement programs and can also have detrimental effects on workers in financial and other ways.

The letter was written by Tina Baldwin, director of the Mental Health Project of Spectrum Institute, and was also shared with other legislators and staff on the committee.

Spectrum Institute Updates Website Design

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Spectrum Institute is a nonprofit organization incorporated in the State of California in 1987. It has been designated by the IRS as a private operating foundation with 501c3 tax-exempt status. The focus of the organization's research, education, and advocacy efforts is primarily directed to conservatorship reform in California and guardianship reform in other states throughout the nation. Attention is also given to research and education on legal issues involved in disability and abuse as well as advocacy on the legal right of individuals with developmental disabilities to have equal access to a full range of mental health therapies.



[Click here to read about the latest news and developments.](#)

Spectrum Institute would like to thank Jennifer Coleman for designing and developing Spectrum Institute's new website. Check out the new website design [here!](#)

Please show your support for our work by making a donation. Since we are an IRS-approved 501(c)(3) charitable private foundation, donations to Spectrum Institute are tax-deductible as allowed by federal law.

[Click Here to Donate](#)

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