



CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

1803 6th Street • Berkeley California 94710
(800) 474 - 1116 • www.canhr.org • canhrmail@canhr.org

February 28, 2022

Assemblymember Mark Stone
Chair, Assembly Committee on Judiciary
1020 N Street, Room 104
Sacramento, CA 95814

sent via CA Legislature Position Letter Portal

RE: AB 1663 - Probate Conservatorship Reform and Supported Decisionmaking Act (Support)

Dear Chairperson Stone:

As a proud co-sponsor of AB 1663, California Advocates for Nursing Home Reform (CANHR) urges the Judiciary Committee to support this important bill.

CANHR often helps people with questions or concerns about conservatorships and has a long tradition of pressing for needed conservatorship policy reform. CANHR was a part of the 2005 Probate Conservatorship Task Force that made recommendations to the Legislature for wholesale reform. We also produce a Conservatorship Defense Book for attorneys and other advocates and we recently launched a conservatorship defense listserv.

Probate conservatorships typically result in massive deprivations of the civil liberties of conservatees. California policy should reflect this reality by ensuring that conservatorships should be as narrowly tailored as possible and truly the last resort for ensuring the well-being of the conservatee. Conservatorships must be viewed as extraordinary interventions; unfortunately, within the Probate Court apparatus, they are too often viewed as routine.

The Conservatorship of Britney Spears revealed significant shortcomings in the conservatorship system. One shortcoming is that less restrictive alternatives are not considered with any depth or commitment but receive lip service only. Other shortcomings include the failure to meaningfully review the efficacy of conservatorships or include the conservatee's voice in decisionmaking.

AB 1663 introduces the valuable concept of supported decisionmaking (SDM) to California law. SDM is a process for decisionmaking that, to varying extents, formalizes how every adult makes important decisions: using the advice of trusted family members, friends, and experts. No conservatorship should ever be granted without a court's careful deliberation about the availability of SDM, as with any other common alternative to conservatorship.

AB 1663 also provides much-needed access to court review of unwanted conservatorships. Once a conservatorship is granted, inertia often settles in. Courts can require highly formalized petitions before entertaining a change in the conservatorship. Such formalities can be daunting

for a conservatee with limited access to financial and legal resources - partly due to the loss of most of their civil rights - and disabilities that make it difficult to command the attention of the court.

Once a conservatorship is granted, the statutory review process is often perfunctory, with a presumption that the conservatorship should continue largely on autopilot. AB 1663 imposes more checkpoints and deliberative reevaluation into the process of maintaining a conservatorship.

Perhaps most importantly, AB 1663 ensures more inclusion of the conservatee's voice in a conservator's decisionmaking process. Once conservators are empowered, they often forsake the input of the conservatee, abandoning the most critical component of a decision about a conservatee's best interests: the preferences of the conservatee themselves.

Conservatorships can sometimes be a necessary option for decisionmaking on behalf of a person with a cognitive disability. But law and policy must strongly reinforce the extraordinary nature of conservatorships. Conservatorships strip citizens of their civil rights, effacing the notion of personhood. AB 1663 attempts to ensure that personhood is better nurtured in the conservatorship process.

Please vote aye on AB 1663.

Sincerely,

A handwritten signature in black ink that reads "Anthony Chicotel". The signature is written in a cursive, flowing style.

Anthony Chicotel
Senior Staff Attorney