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Contact: Emily Webber

(916) 319-2077

Assemblymember Maienschein Joins Forces with #FreeBritney Organizers and Disability Rights and Aging Groups to Address Conservatorship Misuse with New Reforms

SACRAMENTO – Assemblymember Brian Maienschein has introduced AB 1663, The Probate Conservatorship Reform and Supported Decision-Making Act, to address the misuse, overuse, and exploitation of probate conservatorships in California.

In partnership with #FreeBritney L.A. organizers, Disability Voices United, Disability Rights California, and Disability Rights Education and Defense Fund, Maienschein’s legislation will prioritize less-restrictive alternatives to conservatorships and establish greater protections for conservatees.

“Prior to my time in the legislature, I clerked for a San Diego Superior Court judge who oversaw conservatorships,” Maienschein said. “I saw firsthand the role that the court plays in establishing probate conservatorships and how the system could be abused and misused.”

Individuals most likely to end up in probate conservatorships are those with intellectual and developmental disabilities and people with age-related disabilities such as dementia or Alzheimer’s. These conservatees can find themselves trapped in a system that strips them of basic civil rights and their ability to advocate for themselves.

Far too often, conservatorships are presented as the only option, despite the existence of many other alternatives, including supported decision-making (SDM). SDM allows people with disabilities to choose trusted supporters to help them understand, evaluate and communicate their own choices without interfering with their individual rights and by avoiding unnecessary court intervention.

“Conservatorships present the paradox of ‘protecting’ people with disabilities by stripping all of their civil rights,” said Judy Mark, Disability Voices United President and UCLA Disability Studies Faculty. “Conservatorships should be rare and the last resort. The default should be that people with disabilities retain their rights. This legislation will bring about the needed changes to support people with disabilities without taking away their rights and make it easier to end conservatorships for people who want out.”

Currently, California law states that conservatorships should only be used if they are the least restrictive alternative. However, the reality is that far too often conservatorships are granted without the exploration of other options. Not only this, but conservatorships rarely are reconsidered under a re-evaluation of the conservatee's ableness, which can lead to abuse, neglect, and exploitation.

As displayed in the high-profile 13-year-long case of Britney Spears, it is far easier for one to find themselves in a conservatorship than to get out of one.

"We started our movement for Britney Spears, but we quickly learned that conservatorship abuse is rampant across the State of California and beyond," said Leanne Simmons, Free Britney L.A. Organizer. "The successful termination of Britney's conservatorship helped to shine a light on the problems with conservatorships, but there is much work to be done. We are grateful for the opportunity to partner with Assemblymember Maienschein, Disability Voices United, and the numerous other organizations who are committed to making real and significant change."

At least 12 states and the District of Columbia have established SDM as a safe and viable alternative to conservatorships.

AB 1663 will:

- Support alternative options to help people avoid entering conservatorships by establishing supported decision-making in statute.
- Create grant programs, training, and technical assistance to promote and implement supported decision-making.
- Make probate conservatorships a last resort by requiring courts to consider SDM and other alternatives first.
- Make probate conservatorships easier to end by requiring the periodic review of conservatorships and discussions with conservatees about whether they wish to terminate the conservatorship or make it less restrictive.
- Give conservatees choice in their lives by requiring conservators to consult with and make decisions aligned with the conservatee's wishes or previously expressed preferences.

"It's time that we take action to reform the probate conservatorship system in our state," Maienschein said. "It is reform that is long overdue."

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The broader coalition supporting AB 1663 includes California Advocates for Nursing Home Reform; California State Council on Developmental Disabilities; Coalition for Elder & Disability Rights; Disability Rights California; Disability Rights Education and Defense Fund; Disability Voices United; Free Britney L.A.; and ACLU California Action.