



JUDICIAL COUNCIL OF CALIFORNIA

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April 16, 2015

Hon. Marie Waldron
Member of the Assembly
State Capitol, Room 4130
Sacramento, California 95814

Subject: AB 314 (Waldron), as amended March 16, 2015 – Oppose

Dear Assembly Member Waldron:

The Judicial Council regrets to inform you of its opposition to AB 314. This bill dispenses with the requirement for a court investigation in cases to establish a limited conservatorship for a person with developmental disabilities when the proposed conservator is a parent of the proposed conservatee. AB 314 authorizes (rather than requires) the proposed limited conservatee, with his or her consent, to undergo an assessment at a regional center that will be used for the purposes of the conservatorship proceedings. The bill provides further that if the proposed conservatee has been a client of the regional center for a period of time sufficient for the center to provide specified findings and recommendations without the need for an additional assessment, and if the proposed conservator is a parent of the proposed conservatee, the regional center shall, with the consent of the proposed limited conservatee, submit the written report containing its findings and recommendations to the court without a new assessment of the proposed conservatee.

The statutorily mandated court investigator reports and regional center assessments are critical information that the probate court needs in order to determine both the appropriateness of the proposed conservatorship and, if necessary, who should serve as the developmentally disabled person's conservator. These cases sometimes involve contests between parents, and that the fact that a petition is being brought by a parent in no way guarantees that the conservatorship is warranted or that the petitioning parent is fit to serve as conservator. Moreover, the mandated

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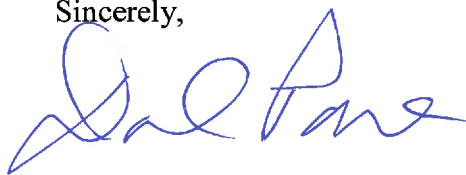
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regional center assessments in these cases often contain detailed information about not only whether the conservatorship should be granted, but also the fitness of the parent(s) and what rights should be retained by the proposed conservatees.

In conclusion, the enactment of AB 314 would hamper the ability of probate courts to make appropriate decisions in limited conservatorship cases for persons with developmental disabilities, which could put these vulnerable individuals at unnecessary risk of abuse or other forms of harm.

For these reasons, the Judicial Council opposes AB 314

Sincerely,



Daniel Pone
Senior Attorney

DP/lmb

cc: Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy