

Complaint Alleges Judges in Sacramento and Nearby Counties Are Violating State and Federal Disability Rights Laws

**Recent Audit Confirms Whistle-Blower's Report that People with Disabilities
Are Routinely Being Denied Attorneys in Conservatorship Proceedings**

An audit of court records confirms what a whistleblower's report disclosed more than a year ago. Judges in Sacramento are requiring seniors and people with developmental disabilities to participate in complex legal proceedings without the assistance of an attorney. The same may be true in Placer, El Dorado, and Nevada counties.

A complaint was filed today with the Sacramento County Superior Court alleging the court is violating the Americans with Disabilities Act by failing to appoint attorneys for adults with cognitive disabilities who are served with papers and ordered to appear in probate conservatorship proceedings. The cases usually result in seniors and people with disabilities losing the right to make decisions about where they live, whether to attend school, how to spend money, with whom to socialize or have sex, whether to marry, and the type of medical care they receive. The deprivation of liberty is huge.

The complaint was filed by Spectrum Institute, The Arc of California, and California Advocates for Nursing Home Reform in response to a "whistle-blower report" revealing judicial practices in several counties that force adults with cognitive disabilities to participate in complex legal proceedings without providing them with an attorney. Based on this report, and an audit of case records, it is estimated that the rights of hundreds of people with disabilities have been violated in Sacramento alone in the past year.

"Go back a few years, and expand the inquiry to surrounding counties and the number of victims of disability discrimination could be in the thousands," estimated Thomas F. Coleman, legal director of the Disability and Guardianship Project of Spectrum Institute. "Forcing people with disabilities into conservatorship proceedings and

then not giving them an attorney violates state and federal laws that prohibit discrimination on the basis of disability in programs and services operated by public entities," Coleman explained.

The Americans with Disabilities Act was passed more than 28 years ago. It imposes a duty on state and local courts to make their services accessible. That requires courts to take steps to ensure that people with cognitive and communication disabilities have meaningful participation in their cases.

According to Dr. Nora J. Baladerian, a psychologist who provides therapy for people with developmental disabilities, "Most people with developmental disabilities would not have meaningful participation in a conservatorship proceeding without the assistance of a competent attorney."

"The failure to appoint attorneys reveals the need for greater judicial education on access to justice for people with cognitive disabilities," she said.

The complaint asks the court to change its policies and practices within 60 days to ensure that proposed conservatees receive court-appointed attorneys in all conservatorship cases. A state civil rights enforcement agency was notified today that if the court does not change its practices by then, a complaint will be filed with the agency seeking a formal investigation of the superior court.

The Chief Justice of California has been sent a copy of the complaint, with a request to open an inquiry into judicial practices statewide. State officials were also notified of recent attempts to suppress the whistle-blower's report and to make it disappear from public view.

<http://spectruminstitute.org/Sacramento/>