To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila, Councilmember Ben Bartlett, and Councilmember Sophie Hahn

Subject: Referral to the Commission on Aging: Draft a Letter to the Commission on Judicial Performance in Support of the Probate Court Reform Movement

RECOMMENDATION
Referral to the Commission on Aging to draft a letter to the Commission on Judicial Performance in support of the Probate Court Reform Movement’s demand that the Commission on Judicial Performance 1) Investigate the predatory climate of the Probate Court, 2) Conduct an audit to assess the impact of Probate Court decisions on African-American and minority families compared to Caucasian families, and 3) If malfeasance is discovered, demand restitution to families that have been harmed.

FISCAL IMPACTS OF RECOMMENDATION
None.

ENVIRONMENTAL SUSTAINABILITY
None.

BACKGROUND
A conservatorship in California is a probate court proceeding where a judge appoints a caretaker for an adult deemed unable to care for him or herself.

Conservatorship was designed to help families protect relatives unable to care for themselves. Mostly, this legal arrangement is established for older adults too impaired or enfeebled to manage their own lives. Conservatorship is also used to assist adults who are developmentally disabled or the victims of catastrophic illness or accident.

Despite this noble intent, the system can fail the very people it was designed to protect. Professional for profit conservators can petition for conservatorship of an individual, often without the knowledge and consent of the individual or their family. Judges grant
approvals for conservatorships with little scrutiny in hasty hearings. Predatory conservators bill the estate of conservatees at enormous rates.

As a result, many vulnerable people have been stripped of their homes, estates, and personal freedoms. African Americans have been disproportionately impacted by this predatory system.

The probate court system is tasked with monitoring the behavior of conservators, including examining financial reports and ensuring that conservators are not abusing their authority. However, the courts are failing to carry out adequate oversight, leaving many Californians vulnerable to abuse.

The Commission on Judicial Performance should closely investigate this matter.

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