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AB 1663: The Probate Conservatorship Reform and Supported Decision-Making Act Fact Sheet

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Background: The Britney Spears conservatorship case exposed deep flaws within California’s probate conservatorship system – demonstrating how easily people can become trapped in a conservatorship and how difficult it is to escape. People with disabilities and older adults are often caught in the pipeline to conservatorship, a system that strips them of basic civil rights and their ability to advocate for themselves. The system offers little meaningful oversight and many opportunities for abuse.

Solution: Reform is necessary to ensure that people with disabilities retain their rights as the default. Courts should be required to ensure alternatives are tried first, while improving protections for those already conserved. Alternatives include “Supported Decision-Making” (SDM), which provides people with disabilities and older adults a way to understand, make, and communicate their own decisions in consult with their chosen supporters. The proposed legislation includes the following to help people maintain choice and control over their lives:

DEFLECT – Avoid probate conservatorships by recognizing alternatives

- Establish SDM as a less-restrictive option for people with disabilities and older adults
- Create a SDM Technical Assistance Program to provide grants, training, and technical assistance that promote and strengthen the use of SDM and other supports

DIVERT – Make probate conservatorships a last resort

- Require alternatives be tried and considered by Courts before establishing a conservatorship and assess a person’s abilities and capacity *with* supports, not in isolation
- Create a conservatorship diversion program in all courts to identify conservatorship petitions where less-restrictive options may be appropriate and to discuss and educate parties on these alternatives

DISSOLVE – Make probate conservatorships easier to end

- Provide conservatees with understandable information that describes their rights and who to contact if they wish to change or end the conservatorship.
- Require Courts to appoint counsel and set a termination hearing if a conservatee wishes to terminate their conservatorship.
- Allow Courts to terminate a conservatorship without a hearing if both the conservator and conservatee agree to the termination.

DECIDE – Ensure conservatee choice in their lives

- Require conservators to consult with and make decisions aligned with the conservatee’s communicated wishes, including the use of alternative communication methods or previously expressed preferences.
- Apply the “order of preference” to all conservators, including for regional centers, to ensure the Court first consider family members or other trusted individuals before appointing unrelated parties.
- Require conservators to support the capacity and abilities of conservatees and to encourage and facilitate the use of Supported Decision-Making within conservatorships to the greatest extent possible.