

May 14, 2020

Submitted via Web Portal

The Honorable Hannah Beth Jackson
Chair, Senate Judiciary Committee
State Capitol, Room 2187
Sacramento, CA 95814



SUBJECT: SB 1254 (Moorlach) Guardians ad litem: mental illnesses —OPPOSE

Dear Senator Jackson:

Mental Health America of Los Angeles (MHALA) strongly opposes SB 1254 (Moorlach) which is scheduled for hearing in the Senate Judiciary Committee on May 22, 2020. This bill, while framed as an alternative to LPS, constitutes a rewrite of LPS to confine individuals with mental illness without showing that a person is gravely disabled or a danger to oneself or others and with few due process protections.

The legislation would permit friends, family and “other interested persons” to request a guardianship and serve as guardian ad litem without protective standards or restrictions on the scope of the guardianship. Moreover, the bill does nothing to address the lack of resources both in terms of access to affordable housing and supportive services which the author asserts are central to addressing the homelessness problem he hopes to ameliorate through the legislation.

The established LPS statutes that SB 1254 looks to circumvent have built-in time restrictions and petition opportunities that protect the individual from perpetual conservatorship, recognizing that individuals, and their situations change over time. SB 1254 contains no time restrictions and provides no opportunity for challenging the need for a guardianship once it is in place. Added to this is the fact that the bill lacks parameters for the scope of the guardian’s authority and would allow almost anyone to become the guardian. This creates very serious conflict of interest concerns especially considering the bill does nothing to prohibit financially interested parties from either petitioning for a guardianship or serving as the guardian. Furthermore, established LPS standards protect those who may have unusual or nonconformist lifestyles from others who would impose their value systems. The vague and overbroad language contained in SB 1254 would eliminate these protections.

In short SB 1254 is replete with worrisome shortcomings that would undermine the personal autonomy rights of persons with disabilities, does nothing to impact the problems it purports to address, and builds on the false narrative that untreated mental illness is somehow the primary cause of California’s homelessness crisis. As an organization that is committed to guarding the right to self-direction and self-determination and provides direct services to those living on our streets, MHALA must oppose SB 1254 and respectfully requests that you and your fellow Senators do the same.

Sincerely,

Christina Miller, Ph.D.
President & CEO

cc: Honorable Members, Senate Judiciary Committee

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