

First Supplement to Memorandum 2011-31

**Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
(Comments of CANHR)**

Attached is a letter from attorney Anthony Chicotel on behalf of California Advocates for Nursing Home Reform ("CANHR"). Mr. Chicotel "believe[s] comparing California conservatorship standards with neighboring states is a good strategy for investigating the propriety of the UAGPPJA."

He is concerned, however, "that similar statutory standards and conservatorship/guardianship processes can nonetheless lead to very different outcomes in practice." To address this concern, he urges the Commission to seek statistical data regarding such cases in neighboring states:

Can the Commission seek and review statistical data from the neighboring states? For example, what percentage of guardianship petitions are granted? How many proposed wards actually have an attorney? How many appear at their hearings? Statistics could help identify whether the other states' standards truly are similar to California's.

In making this request, Mr. Chicotel explains that CANHR is in the process of compiling such data from a sample of 250 California conservatorship cases. That California data could serve as a basis for comparison with any similar data the Commission is able to obtain from other states. CANHR will provide its data to the Commission when CANHR completes its report, which is expected to be before the Commission's October meeting.

It would be helpful to receive input on where to find statistical data on how other states handle cases relating to allegedly incapacitated adults, or on whether it is possible to find such data. The staff suspects that such data may be

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

difficult or perhaps impossible to obtain, but we nonetheless believe it is worth checking what is available.

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

650 Harrison Street • 2nd Floor .San Francisco, CA 94107 • 415-974-5171 • 800-474-1116 • Fax 415-777-2904

August 9, 2011

California Law Revision Commission
Barbara Gaal, Chief Deputy Counsel
4000 Middlefield Road, Room D-2
Palo Alto, CA 94303-4739

Re: Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Dear Ms. Gaal:

Unfortunately I will not be able to attend the August 11 meeting of the California Law Revision Commission. I will be in Oxnard for a work-related matter. Since I cannot attend the meeting, I wanted to submit some comments in writing for possible consideration.

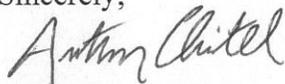
Please thank your staff for the excellent Memorandum 2011-31. I believe comparing California conservatorship standards with neighboring states is a good strategy for investigating the propriety of the UAGPPJA. I look forward to reviewing the many statutory comparisons cited in the Memorandum.

One concern I have is that similar statutory standards and conservatorship/guardianship processes can nonetheless lead to very different outcomes in practice. Can the Commission seek and review statistical data from the neighboring states? For example, what percentage of guardianship petitions are granted? How many proposed wards actually have an attorney? How many appear at their hearings? Statistics could help identify whether the other states' standards truly are similar to California's.

Since any data you receive will not have much meaning unless you can compare it to California, I should let you know that CANHR is preparing a California conservatorship report that will analyze a sample of 250 conservatorship cases from nine different jurisdictions. Among other things, we will report that 75% of conservatorship petitions are ultimately granted while 96% of cases that actually go to hearing are granted. We expect the report will be complete by the end of September and I would send one of the first copies to you.

Thank you for your consideration of these comments.

Sincerely,



Anthony Chicotel
Staff Attorney