

# Gregory's Law

A Bill to Reaffirm “Next Friend” Advocacy  
for People with Developmental Disabilities



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Full Report Online: [www.disabilityandabuse.org/gregorys-law](http://www.disabilityandabuse.org/gregorys-law)

Gregory's Law will be introduced as a bill in the California Legislature.

## Preface

Greg stood up in court and told the judge what was on his mind. The conservators, their attorneys, and Greg's father who was representing himself, all seemed to be caught off guard.

Greg told the judge that he, Greg, wanted to make decisions regarding how he would spend his social time. When he finished his short speech, it was rather clear to everyone in the courtroom that Greg did not want to have visits with his Dad.

One of the courtroom spectators was Dr. Nora J. Baladerian, a clinical psychologist who specializes in cases of abuse against people with intellectual and developmental disabilities. She is also the Executive Director of the Disability and Abuse Project of Spectrum Institute.

Dr. Baladerian observed the legal proceedings in this case on behalf of the Project's newly created Conservatorship Reform Project. Greg's case was one of several limited conservatorship cases that brought the issue of social rights to our attention.

In California, a limited conservatorship case is a proceeding in which an adult with developmental disabilities has a conservator appointed to make some financial and other decisions because the adult lacks the capacity to make these decisions on his or her own, even with help. The right to make social decisions is generally retained by the conservatee unless a strong showing is made that he or she will be harmed unless this power is given to the conservator.

When this proceeding was held, no order had ever removed Greg's right to make his own social decisions. However, encroachments were made on Greg's rights when a judge recognized the father's "right" to visit with Greg and when the judge ordered caregivers to pressure Greg into visiting with the father.

With the judge, conservators, caregivers, and Dad pressuring him to visit with Dad for two days every three weeks, Greg's protests seem to mean nothing. Even his prior attorney failed to advocate for Greg's social rights. Hopes that his newly appointed attorney would do better were soon dashed.

The fact that Greg has reluctantly gone with his father periodically had not satisfied the participants in this limited conservatorship case. They knew that the

current methods of pressuring Greg into visiting with the Dad's were legally suspect, in that Greg theoretically still retained his social decisionmaking rights.

So the conservators petitioned the court to make a new order giving them the right to make decisions as to when, where, how and with whom Greg interacts.

A hearing on this issue occurred in 2014. Greg's new attorney did not present evidence in support of him retaining his social rights. Rather, she took him into the judge's chambers and cross-examined him like a hostile witness. She seemed more interested in her duty to help the court resolve the case than in her role as advocate for Greg's wishes and defender of Greg's rights. This "dual role" compromises an attorney's ethical obligation of undivided loyalty to the client.

Greg's mother had appealed a prior order that forced Greg to spend every third weekend with his father. She appealed because his prior attorney had surrendered his rights and if she did not appeal then no one would. The Court of Appeal dismissed her appeal, saying she lacked standing to appeal. Only Greg could appeal the court said – a "let them eat cake" pronouncement. Greg could not appeal. He lacked the ability to represent himself and his appointed attorney would not appeal since he had agreed to the visitation. The attorney would not appeal from his own failure to advocate.

The judge at the current social rights proceeding knew that the mother could not appeal and he knew Greg's attorney would not appeal. Therefore the judge did not need to pay much attention to the mother's argument or to the facts she presented to support Greg's rights since her objections carried no legal weight.

Greg, or any adult with a developmental disability, should have the right to veto any proposed visit with any individual. Forcing people to socialize with someone against their will violates their constitutional rights to freedom of speech and association.

Greg's Law will help insure that conservatees have their grievances heard by an appellate court. Knowing their decisions may be reviewed on appeal reduces the risk of trial court judges abusing their power. Reaffirming "next friend" standing to appeal in limited conservatorship cases will help restore justice to a legal system that is now way out of balance.

"I have a right to say no to Dad . . . I don't want to see you Dad . . . I don't want to see you anymore."

Greg D.\*  
Department 29  
L.A. Sup. Court

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# Gregory's Law: Allowing a "Next Friend" to Appeal on Behalf of a Person with Developmental Disabilities

by Thomas F. Coleman

Gregory's Law would add a new section to the Statement of Rights in the Lanterman Developmental Disabilities Services Act.

Welfare and Institutions Code Section 4502 contains a statement of rights of people with developmental disabilities. Section 4502.1 requires that public agencies receiving funds to provide services for people with developmental disabilities shall respect choices made by such persons, shall provide opportunities to them for making choices, and shall provide information to them in an understandable form to help them make choices. These sections have been interpreted by Section 50510 of Title 17 of the California Code of Regulations.

Gregory's Law would add a new section to the Welfare and Institutions Code. Section 4502.2 would state: "Notwithstanding any other provision of law, a relative, friend, or other interested person shall have standing to appeal or initiate other legal proceedings as 'next friend' of a limited conservatee to protect his or her constitutional or statutory rights when the limited conservatee does not have an attorney or when the attorney for the limited conservatee has a conflict of interest or when the limited conservatee did not receive effective assistance of counsel."

## Reasoning and Background Information

Section 4502.2 would affirm the common law principle that someone with a significant relationship may file an appeal or seek other judicial relief on behalf of a person with a disability or who is otherwise unable to maintain a legal action on his or her own behalf. A next friend does not participate in a judicial proceeding to vindicate his or her own rights but rather to protect or defend the rights of the person with a disability. The next friend acts as a de-facto guardian ad litem for a person who lacks the capacity to defend his or her own rights.

The American legal system is predicated on the notion that a contest between fully adversarial parties will achieve a just outcome. But when one of the parties lacks the capacity to advocate because of a disability or because his or her attorney is ineffective or has a conflict of interest, then the system is dysfunctional. In

such a situation, granting standing to a next friend helps to restore integrity to the legal system.

To qualify as a next friend under federal law, a person "must provide an adequate explanation - such as inaccessibility, mental incompetence, or other disability - why the real party in interest cannot appear on his own behalf to prosecute the action" and the next friend "must be truly dedicated to the best interests of the person on whose behalf [she] seeks to litigate." (*Ross v. Lantz* (2<sup>nd</sup> Cir. 2005) 396 F.2d 512, 514, citing *Whitmore v. Arkansas* (1990) 495 U.S. 149, at 163-164.)

Gregory's Law would clarify that the case of *Conservatorship of Gregory D.* (2013) 214 Cal.App.4<sup>th</sup> 62 did not eliminate the common law principle of next friend standing in California. In that case, a mother filed an appeal to challenge orders of the probate court that required her son Gregory to socialize with each parent on a rotating schedule. Linda felt forced visitation was wrong and so she appealed. She alleged the order violated the constitutional right of Gregory to make his own social decisions. The Court of Appeal did not decide that issue, instead dismissing the appeal on the ground that Linda lacked "standing" to appeal.

The court ruled that a person may not appeal to vindicate the rights of another party to the case but may only appeal to protect his or her own rights. Since the rights of the mother were not violated, the court concluded that Linda lacked standing to appeal. The principle of "next friend" standing was not briefed, argued, or decided by the Court of Appeal. Gregory's attorney was appointed by the trial court solely for purposes of the conservatorship proceedings in the Superior Court. He did not participate in the appellate proceedings. Gregory was not represented in the Court of Appeal.

After the case was sent back to the probate court, Gregory's conservators petitioned the court to take away from Gregory, and give to them, the right to make all social decisions. Gregory's new court-appointed attorney did not fight to protect Gregory's First Amendment rights in this regard, but instead offered to "compromise" so that Gregory would share social decision-

making authority with the conservators. The mother objected. The court granted the petition of the conservators and stripped Gregory of his right to make his own social decisions. His court-appointed attorney did not appeal. As a result, Gregory is now forced to visit with his father every third weekend, and on the Sundays he is with his father he must attend church services despite not wanting to do so.

Because Gregory's attorney did not advocate for him to keep his social rights, and because she did not appeal to protect those rights, Gregory was left without an appellate advocate. Having been rebuffed by the Court of Appeal in the prior appeal, the mother decided not to file a new appeal. Gregory remains in social bondage.

Gregory's Law would clarify that when a limited conservatee does not have an attorney, or when an attorney has provided ineffective assistance of counsel, that a relative, friend, or other interested person may file a next friend appeal or seek other judicial relief to protect the constitutional or statutory rights of a limited conservatee, including the right to effective assistance of counsel.

Applying the next friend principle to limited conservatorships would be consistent with regulations promulgated by the Department of Developmental Services. Section 50510(a)(10) of the California Code of Regulations states that each person with a developmental disability has "[a] right to advocacy services, as provided by law, to protect and assert the civil, legal, and service rights to which any person with a developmental disability is entitled." Section 50510(a)(12) states that each person with a developmental disability has "[a] right of access to the courts . . . [t]o protect or assert any right to which any person with a developmental disability is entitled" and "[t]o contest a guardianship or conservatorship, its terms, and/or entity appointed as guardian or conservator."

The "Statement of Rights" in the Lanterman Act specifies that persons with developmental disabilities have the same constitutional rights as other individuals. That includes freedom of speech, freedom of association, and freedom of religion. Any adult, including those under conservatorship have a constitutional right not to socialize with people with whom they do not want to socialize. Freedom of speech and association protect the right to refuse social interaction.

Forced visitation is an affront to human dignity and First Amendment freedoms. Forced church attendance is also a violation of the First Amendment rights of adults with developmental disabilities.

When a court-appointed attorney for a limited conservatee surrenders a client's First Amendment rights by stipulating to an order requiring the client to visit with persons against his or her will, or when such attorney fails to appeal from a court order violating the constitutional rights of a client, then it is appropriate, indeed necessary, for a next friend to intervene to protect such rights by filing an appeal or by seeking other judicial relief.

Gregory's Law would clarify that next friend standing applies to limited conservatorship proceedings to insure that the rights of limited conservatees are not restricted without appropriate advocacy services for the limited conservatee. In a case such as Gregory's, the conservators could not and would not appeal to protect his rights since they were his adversaries. His own attorney would not appeal since one of the issues on appeal would have alleged ineffective assistance of counsel. Due to his disability, Gregory lacked the skills necessary to represent himself on appeal. His father benefited from the order that took away Gregory's right to make his own social decisions. Therefore, Gregory's mother was the only interested party who was willing to appeal to defend Gregory's constitutional rights.

The enactment of Section 4502.2 would clarify that under circumstances such as those occurring in Gregory's case, a next friend has standing to appeal in order to challenge an unconstitutional order of the probate court and ineffective assistance of counsel. ♦♦♦



Thomas F. Coleman is the Legal Director of the Disability and Abuse Project. The Project has been monitoring the *Conservatorship of Gregory D.* in the probate court and on appeal for more than two years as part of its Conservatorship Reform Project.

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# Social Rights Protection: A Case Study

The Disability and Abuse Project is initiating a case study to be used in an educational program focusing on the social rights of people with developmental or intellectual disabilities.

The case study involves an audit of *In re Gregory D.*

This limited conservatorship proceeding was brought to our attention by a published opinion of the California Court of Appeal which concluded that a parent does not have the right to appeal from an order the parent believes infringes on the constitutional rights of an adult child with a developmental disability.

The substantive issue raised in the appeal concerned orders by the probate court that allegedly violated the fundamental constitutional rights of Gregory D, an adult with a developmental disability.

At issue was Gregory's right to make his own social decisions. The probate court issued an order declaring that the father had a right to ongoing visits with Gregory. The order did not acknowledge Gregory's right to decline such visits or to terminate them at will. The order also directed Gregory's paid caregivers to pressure him to be available for visits by the father. The source of the father's so-called right to visit an adult child was not identified by the order. The mother appealed because she believed the order unduly infringed on Gregory's freedom of association.

The Court of Appeal did not address this issue because the appeal was dismissed on procedural grounds.

The Disability and Abuse Project has decided to analyze this issue in greater detail, since similar cases have been brought to our attention over the past year. The restriction of social rights of people with disabilities is a recurring problem.

We believe that conservators should not be given the power to control social decisions of an adult with developmental disabilities, except in the most limited situations, and even then only to prevent clear harm from occurring to a limited conservatee. A conservatee should never be required, or pressured, to visit with someone that he or she does not want to visit.

We also believe that attorneys appointed to represent adults with developmental disabilities should vigorously defend the client's social decision-making rights and should not stipulate to court orders that have the potential for infringing on such rights.

Furthermore, we believe that judges presiding in limited conservatorship proceedings should protect a conservatee's right to make social decisions; if an order is issued that has the potential to restrict such rights, the judge should advise the conservatee, on the record, of his or her right to decline visitation with anyone on any occasion. The conservatee should also be advised, on the record, that if a visit is initiated with his or her consent, the conservatee has the right to end the visit at any time and to be returned to his or her residence as soon as reasonably possible.

We have chosen the *Gregory D.* case as a model for education and training of judges, attorneys, and conservators.

We will be auditing this case -- current, past, and future records and proceedings -- to evaluate the process as well as the performance of everyone involved in the proceedings. We believe that lessons can be learned from this specific case which can inform others who may participate in other limited conservatorship cases in the future.

Our social rights protection program will reach out to probate court judges in California as well as administrators operating training programs for court-appointed attorneys. We will also share our findings and recommendations with the California Association of Public Administrators, Public Guardians, and Public Conservators. Our educational materials also will be given to the Professional Fiduciary Association of California.

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# Social Rights Advocacy for Adults with Autism

## Forced Socialization of Conservatees is Never Acceptable

by Thomas F. Coleman

Adults with autism or other developmental disabilities often become the subject of a limited conservatorship proceeding. These adults may need legal protections and oversight to assist them in navigating through a complex and complicated world.

A parent may initiate a petition for limited conservatorship, asking the court to appoint them, or someone else, to make certain decisions on behalf of their adult child who has a developmental disability. The other parent, if there is one, has the right to participate in the court proceeding. The adult child has the right to have an attorney to represent his or her interests, independently of the parents.

Sometimes in the course of these proceedings, the issue of visitation becomes a point of contention. Who the conservatee or proposed conservatee will visit, how often, and under what conditions, are issues that may be hotly contested.

California law presumes that limited conservatees have the right to make decisions about whom to visit and under what conditions. It is only in extreme circumstances that a court will strip the conservatee of social decision-making rights and give authority to a conservator to make such decisions.

Parents of an adult with autism or other developmental disabilities may have their own agenda when it comes to visitation issues. That agenda may or may not be in the best interest of their adult child. That is why it is so important for conservatees to have their own independent attorney.

California law allows a judge to appoint an attorney to represent the interests of a conservatee. If the conservatee requests an attorney, the court *must* appoint such an attorney. When a request is made, the appointment of an attorney for the conservatee is no longer optional; it is mandatory.

Once an attorney is appointed, California law makes it clear that the conservatee has the right to *effective*

*assistance* of counsel. This requires the attorney to perform reasonably competent services as a diligent and conscientious advocate.

If the attorney for the conservatee does not perform in such a manner, the conservatee is entitled to complain to the court and ask for another attorney. Once such a complaint is made, the court must conduct a hearing, outside of the presence of the other parties, to allow the conservatee to privately explain what his attorney's failings have been. (*People v. Hill*, California Court of Appeal, Fourth District, Div. Two, Case E054823, filed 9-11-13.)

The conservatee may also file a complaint with the state bar association or sue the attorney for malpractice. However, the meaningful exercise of the right to complain may require assistance by a friend-of-the-court or a court-appointed-special-advocate (CASA) since a conservatee has, by definition, limited abilities to be a self-advocate. (As it now stands, the CASA system is only used in dependency court for minors and not in probate courts.)

The First Amendment to the United States Constitution protects the freedom of speech of all persons, people with developmental disabilities included. The due process clause of the Fourteenth Amendment protects the freedom of association. Comparable clauses in the California Constitution protect these rights as well.

The right of an adult with a developmental disability to make social decisions falls under the protection of these constitutional provisions. Courts may not restrict such rights without affording a conservatee procedural due process of law, which means there must be a hearing to determine whether the facts warrant such a restriction.

Even then, a court may only restrict such rights if there is a compelling need to do so, and even then, may only use the least restrictive means necessary to accomplish the compelling objectives.

These procedural and substantive constitutional rights are meaningless if the attorney appointed to represent the conservatee stipulates away those rights or does not demand a hearing. Constitutional rights are worthless if they are thrown away or abandoned by a conservatee's attorney.

In order to provide *effective* assistance, competent counsel representing a conservatee must investigate the facts, interview his or her client, and allow the client to participate in strategic decisions.

Investigating the facts would include obtaining and reviewing all documents pertaining to the client's level of competency, such as educational records. Interviewing the client's therapist and the Regional Center case worker would be necessary. To understand the client's abilities, the attorney should visit the residence, place of work, school, and interview people who regularly interact with the client.

If the client has a communication disability, the attorney should investigate how the client communicates with others at school or home. The attorney should avail himself or herself of any adaptive technology that is available to assist the attorney and client to communicate with each other.

Failure to use available adaptive communication technology would be a violation of the client's rights under the Americans with Disabilities Act and could subject the attorney to discipline or liability. It could also be the basis for a complaint to the judge who appointed the attorney, or for an appeal.

An attorney for a conservatee should never tell the court that his or her client lacks capacity to make decisions or lacks the ability to communicate if, in fact, this is not the case. If such a representation is inadvertently made to the court, it should be corrected as soon as possible.

A diligent and conscientious advocate would always oppose any order or proposed settlement that fails to respect the client's right to say yes or no to any specific visitation scheduled for any given date.

If a visitation schedule is presented for the sake of orderliness, the attorney for the conservatee should create a record, preferably in open court, that the

client has been informed of the right to reject all visitation or to say yes or no to some visits. When a visitation date arrives, the client should know that there is a right to reject such visitation, even at the last minute. If a visit is in progress, the client should know there is a right to terminate the visit and to ask to be returned home in a reasonably timely manner.

It is only if a conservatee is informed of these rights, on the record, that the conservatee's constitutional rights to freedom of speech and freedom of association are truly being protected.

Forced social contacts should be no more permissible than would be forced sexual encounters. Any adult, conservatee or not, has the right to veto a sexual relationship or to terminate one that started off as voluntary. No one, not even a judge, has the right to force or indirectly pressure a conservatee to have a sexual encounter against his or her will. Forced social contacts should be off limits as well.

Any stipulation or agreement that attempts to override a conservatee's *ongoing* authority to reject or terminate any specific visit or social interaction should be deemed void in violation of public policy.

Conservatees are entitled to have an attorney acting as a diligent and conscientious advocate, which requires an investigation of the facts, communications with the client, using appropriate adaptive communication technology, and vigorous protection of the client's social decision-making rights.

The weakest link in the constitutional chain that safeguards due process and freedom of association for adults with autism or other developmental disabilities is the right to competent counsel. This link needs to be monitored and strengthened.

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Thomas F. Coleman is Legal Director of the Disability and Abuse Project of Spectrum Institute. This essay is part of a series of commentaries being written for its Social Rights Protection Program.

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# Legal Principles Governing Attempts to Restrict the Social Rights of Conservatees

The following constitutional and statutory principles are implicated in court orders, or directives from conservators, which restrict the social rights of conservatees.

## 1. State Action

The United States Constitution protects individuals from "state action" that infringes on their rights. A judicial order is a form of state action. A directive from a conservator is also a form of state action.

## 2. Fourteenth Amendment

The Fourteenth Amendment to the United States Constitution protects the "liberty" of United States residents. The Fourteenth Amendment is binding on the states.

The Fourteenth Amendment makes First Amendment protections applicable to the states. The liberty provision in the Due Process Clause of the Fourteenth Amendment protects freedom of choice in certain highly personal areas, including family relationships.

A conservatee has a constitutional right to decide which family members to associate with and which ones to avoid. The parent of an adult child does not have the right to enlist the power of the government to force or pressure an adult child to visit with the parent. The parent has no statutory right to visitation with an adult child, and even if such a statutory right were created, it would violate the federal constitutional rights of the adult child.

## 3. First Amendment

The First Amendment protects freedom of speech and association. Freedom of association includes the freedom not to associate. Freedom of speech includes the freedom from "forced listening."

A court order requiring visitation or a conservator's directive pressuring a conservatee to visit someone he or she does not want to visit is a form of state action violating the conservatees freedom not to associate and freedom from forced listening. Making a conservatee become a "captive audience" is unconstitutional.

## 4. Statutory Presumptions

California law presumes that a limited conservatee will retain his or her social rights unless they are affirmatively removed by a court order.

California law directs that the limited conservatorship system should encourage limited conservatees to be as independent as possible.

## 5. Burden of Proof

These constitutional principles and statutory presumptions require that the person seeking to restrict the social rights of a conservatee should have the burden of proof. Those seeking to protect these rights should be able to rely on these presumptions and the court should require the party seeking restrictions to proceed as the moving party.

The court should require evidentiary proof that such restrictions are: (1) factually necessary, (2) serve a compelling state interest, as opposed to a private interest or desire of a party; (3) are necessary to further the state interest; (4) are the least restrictive alternative. Due to the fundamental nature of the constitutional rights being restricted, the court should require clear and convincing evidence.

## 6. Other Requirements

Even if the court grants authority to a conservator to make social decisions for the conservatee, that authority should never involve the conservatee being required or pressured to visit with someone against his or her will.

Court orders or directives of conservators should only involve restrictions on visitations that are harmful to a conservatee, but never mandatory visitation. No one would argue that a court or a conservator could order conservatees to have sexual relations with someone against their will. The same should hold true of social relations.

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# Lanterman Developmental Disabilities Services Act

## California Welfare and Institutions Code

### Statement of Rights

4502. Persons with developmental disabilities have the same legal rights and responsibilities guaranteed all other individuals by the United States Constitution and laws and the Constitution and laws of the State of California.

No otherwise qualified person by reason of having a developmental disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity, which receives public funds.

It is the intent of the Legislature that persons with developmental disabilities shall have rights including, but not limited to, the following: (a) A right to treatment and habilitation services and supports in the least restrictive environment. Treatment and habilitation services and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible. Such services shall protect the personal liberty of the individual and shall be provided with the least restrictive conditions necessary to achieve the purposes of the treatment, services, or supports. (b) A right to dignity, privacy, and humane care. To the maximum extent possible, treatment, services, and supports shall be provided in natural community settings. (c) A right to participate in an appropriate program of publicly supported education, regardless of degree of disability. (d) A right to prompt

medical care and treatment. (e) A right to religious freedom and practice. (f) A right to social interaction and participation in community activities. (g) A right to physical exercise and recreational opportunities. (h) A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse, or neglect. (i) A right to be free from hazardous procedures. (j) A right to make choices in their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way they spend their time, including education, employment, and leisure, the pursuit of their personal future, and program planning and implementation.

4502.1. The right of individuals with developmental disabilities to make choices in their own lives requires that all public or private agencies receiving state funds for the purpose of serving persons with developmental disabilities, including, but not limited to, regional centers, shall respect the choices made by consumers or, where appropriate, their parents, legal guardian, or conservator. Those public or private agencies shall provide consumers with opportunities to exercise decisionmaking skills in any aspect of day-to-day living and shall provide consumers with relevant information in an understandable form to aid the consumer in making his or her choice.

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**California Code of Regulations  
Title 17, Division 2  
Chapter 1 - General Provisions  
SubChapter 5 - Clients' Rights  
Article 2 - Rights of Persons with Developmental Disabilities**

**§50510. Application of This Subchapter.**

Each person with a developmental disability, as defined by this subchapter, is entitled to the same rights, protections, and responsibilities as all other persons under the laws and Constitution of the State of California, and under the laws and the Constitution of the United States. Unless otherwise restricted by law, these rights may be exercised at will by any person with a developmental disability. These rights include, but are not limited to, the following:

(a) Access Rights.

- (1) A right to treatment and habilitation services. Treatment and habilitation services shall foster the developmental potential of the person. Such services shall protect the personal liberty of the individual and shall be provided under conditions which are the least restrictive necessary to achieve the purposes of treatment.
- (2) A right to dignity, privacy, and humane care.
- (3) A right to participate in an appropriate program of publicly-supported education, regardless of the degree of handicap.
- (4) A right to religious freedom and practice, including the right to attend services or to refuse attendance, to participate in worship or not to participate in worship.
- (5) A right to prompt and appropriate medical care and treatment.
- (6) A right to social interaction and participation in community activities.
- (7) A right to physical exercise and recreational opportunities.
- (8) A right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse or neglect. Medication shall not be used as punishment, for convenience of staff, as a substitute for program, or in quantities that interfere with the treatment program.
- (9) A right to be free from hazardous procedures.
- (10) A right to advocacy services, as provided by law, to protect and assert the civil, legal, and service rights to which any person with a developmental disability is entitled.
- (11) A right to be free from discrimination by exclusion from participation in, or denial of the benefits of, any program or activity which receives public funds solely by reason of being a person with a developmental disability.
- (12) A right of access to the courts for purposes including, but not limited to the following:
  - (A) To protect or assert any right to which any person with a developmental disability is entitled;
  - (B) To question a treatment decision affecting such rights, once the administrative remedies provided by law, if any, have been exhausted;
  - (C) To inquire into the terms and conditions of placement in any community care or health facility, or state hospital, by way of a writ of habeas corpus, and

- (D) To contest a guardianship or conservatorship, its terms, and/or the individual or entity appointed as guardian or conservator.
- (b) Personal Rights. Each person with a developmental disability who has been admitted or committed to a state hospital, community care facility, or health facility shall have rights which include, but are not limited to, the following:
- (1) To keep and be allowed to spend one's own money for personal and incidental needs.
  - (2) To keep and wear one's own clothing.
  - (3) To keep and use one's own personal possessions, including toilet articles.
  - (4) To have access to individual storage space for one's private use.
  - (5) To see visitors each day.
  - (6) To have reasonable access to telephones, both to make and receive confidential calls, and to have calls made for one upon request.
  - (7) To mail and receive unopened correspondence and to have ready access to letter-writing materials, including sufficient postage in the form of United States postal stamps.
  - (8) To refuse electroconvulsive therapy ("ECT").
  - (9) To refuse behavior modification techniques which cause pain or trauma.
  - (10) To refuse psychosurgery. Psychosurgery means those operations currently referred to as lobotomy, psychiatric surgery, and behavioral surgery and all other forms of brain surgery if the surgery is performed for any of the following purposes:
    - (A) Modification or control of thoughts, feelings, actions, or behavior rather than treatment of a known and diagnosed physical disease of the brain.
    - (B) Modification of normal brain function or normal brain tissue in order to control thoughts, feelings, actions, or behavior.
    - (C) Treatment of abnormal brain function or abnormal brain tissue in order to modify thoughts, feelings, actions, or behavior when the abnormality is not an established cause for those thought, feelings, actions, or behavior.
  - (11) Other rights as specified by administrative regulations of any federal, state, or local agency.
- (c) Rights of State Hospital Residents. In addition to all of the other rights provided for in this subchapter, each person with a developmental disability who resides in a state hospital shall be accorded the following rights:
- (1) If involuntarily detained, to have access to a current and up-to-date copy of the California Welfare and Institutions Code. This right includes the right to have assistance from the Clients' Rights Advocate in the reading and understanding of the Code.
  - (2) To give or withhold consent for treatments and procedures, in the absence of a judicial order or other provision of law which provides for the exercise of this right to devolve to another party.
  - (3) To be provided with the amount of funds specified in Welfare and Institutions Code Section 4473 for personal and incidental use if, following the initial thirty (30) days of state hospital residency, the person is not receiving an amount of income for such use which is equal to or greater than the amount authorized by Section 4473.

#### Note

Authority cited: Section 11152, Government Code. Reference: Sections 4423, 4473, 4503 and 4504, Welfare and Institutions Code.

# Conservatorship of Gregory D. (2013)214 Cal.App.4th 62

[No. B237896. Second Dist., Div. Three. Mar. 5, 2013.]

Conservatorship of the Person of GREGORY D. GREGORY D. et al., Petitioners and Respondents, v. LINDA D., Objector and Appellant.

(Superior Court of Los Angeles County, No. SP006273, John L. Segal, Judge.)

(Opinion by Klein, P.J., with Kitching, J., and Aldrich, J., concurring.)

## COUNSEL

Daniel D. Rodarte for Objector and Appellant.

Joseph D., in pro. per, for Petitioner and Respondent Joseph D.

Law Offices of Cynthia R. Pollock, Cynthia R. Pollock and Douglas S. Fabian for Petitioners and Respondents Bruce Hitchman and Lee Ann Hitchman.

No appearance for Petitioner and Respondent Gregory D. [214 Cal.App.4th 64]

## OPINION

### KLEIN, P.J.-

Linda D. (Linda), the mother of limited conservatee Gregory D. (Gregory) purports to appeal an order on petition for instructions re administration of Gregory's limited conservatorship.

Because Linda lacks standing to prosecute this appeal, relating to various alleged violations of Gregory's rights, the appeal is dismissed.

### FACTUAL AND PROCEDURAL BACKGROUND

Gregory is a developmentally disabled adult, currently in his mid-twenties. He was diagnosed with autism as a child. His parents, Joseph D. (Joseph) and Linda, obtained a divorce, and Gregory resided with each of his parents, at their respective homes, on alternating weeks. In 2005, Gregory reached the age of majority. In 2008, he moved into

his own apartment, with supportive services which enable him to live independently.

In 2004, Linda and Joseph filed competing petitions to be named as the limited conservator of their son Gregory. In 2005, they entered into a settlement agreement setting the terms for Gregory's limited conservatorship. Pursuant to said settlement agreement, Joseph withdrew his petition for conservatorship and stipulated to Linda's appointment as Gregory's conservator.

On July 25, 2005, the trial court appointed Linda as Gregory's limited conservator. The appointment order placed the following limitations on Gregory: "1. The limited conservatee lacks the capacity to control his own residence or place of dwelling. [¶] 2. The limited conservatee lacks the capacity to access his confidential records and papers." Linda was granted [214 Cal.App.4th 65] various powers, including the power to fix Gregory's place of residence, access to his confidential records and papers, and the power to contract on his behalf. The settlement agreement was signed by Joseph, Linda, and their respective attorneys, as well as by Gregory's attorney.

While Linda was serving as limited conservator, further litigation erupted between Joseph and Linda pertaining to the administration of the conservatorship. Joseph sought Linda's removal, contending she had improperly relocated Gregory from half-time residence in Joseph's home and had prohibited contact between Gregory and Joseph's family.

In August 2008, the trial court appointed Paul Gaulke as PVP attorney for Gregory. fn. 1 In September 2008, the trial court appointed Thomas Beltran as an expert to advise the court on the appropriateness of Gregory's programming and his reasonable needs, "in the context of the specialized programs and services that he receives."

On July 2, 2009, after Joseph and Linda entered into another settlement agreement, the trial court entered an order providing, inter alia, that Linda would resign as limited conservator immediately upon appointment of a successor limited conservator for

Gregory. On September 11, 2009, the trial court appointed Linda Cotterman (Cotterman) as the successor limited conservator for Gregory.

In April 2011, Joseph filed a petition for termination of Cotterman as limited conservator. Following trial of the matter on September 20, 2011, the trial court granted the petition to remove Cotterman, finding that she had violated various court orders.

On November 18, 2011, the trial court appointed Bruce Hitchman and Lee Ann Hitchman (the Hitchmans) as the successor limited conservators.

<ps:"heading 3"=""2. *The operative petition for instructions.*</ps:"heading

On or about October 20, 2011, Gaulke, Gregory's court appointed attorney, filed a petition for instructions, seeking guidance from the court as to how the new limited conservators could best administer Gregory's limited conservatorship so as to minimize further disputes between the parties. [214 Cal.App.4th 66]

Joseph and Linda filed responses thereto. Linda's papers objected to the PVP's petition on the following grounds: it requested powers that were not specifically requested in the petition for appointment of the limited conservator; the petition was too vague to give the parties notice as to what additional powers were being sought; the instructions sought were detrimental to the purposes of the limited conservatorship; the petition did not state sufficient facts to establish that the conservatee's condition necessitated that additional powers be granted; and the petition sought orders in excess of the court's jurisdiction and in violation of the conservatee's civil rights.

On November 18, 2011, the trial court issued its order on the PVP's petition for instructions. As relevant to this appeal, the trial court made certain rulings with respect to the issues of visitation, disclosure of Gregory's records, and replacement of Gregory's supported living services vendor.

(1) The trial court ordered the Hitchmans, the newly appointed limited conservators, to comply with an earlier court order removing My Life Foundation as Gregory's supported living service vendor, and to

retain within 60 days a new successor supported living services vendor "that has not previously cared for the Limited Conservatee, including personal care individuals."

(2) The trial court established the following weekend visitation schedule for Gregory: the first weekend, Saturday and Sunday only, Gregory would determine how to spend his weekend; the second weekend, Saturday and Sunday only, were assigned to Joseph, who would decide how that weekend visitation would be spent with Gregory, with Gregory being able to elect an overnight stay at Joseph's home or elsewhere; the third weekend, Saturday and Sunday only, were assigned to Linda, who would decide how that weekend visitation would be spent with Gregory, with Gregory being able to elect an overnight stay at Linda's home or elsewhere; upon the conclusion of the three-week cycle, the rotation would begin again, with the visitation schedule ongoing until further order of the court.

(3) The trial court ordered all of Gregory's records, including his medical, financial and personal records, be furnished by the Hitchmans to Gregory's parents, in accordance with an earlier court order.

On December 8, 2011, Linda filed a timely notice of appeal from the November 18, 2011 order on the petition for instructions. fn. 2 [214 Cal.App.4th 67]

## CONTENTIONS

Linda contends: the visitation order violates Gregory's constitutional rights to liberty and privacy; the order directing terminating of My Life Foundation as Gregory's supported living services care provider was in excess of the trial court's jurisdiction; and the order mandating disclosure of Gregory's medical, financial and personal records to his parents violates Gregory's constitutional and statutory rights of privacy.

However, the threshold issue for this court is whether Linda has standing to assert these arguments.

## DISCUSSION

[1] The right to appeal is purely statutory. (*Jennifer T. v. Superior Court* (2007) 159 Cal.App.4th 254,

260.) Code of Civil Procedure section 902 defines "Who May Appeal" from a judgment. (See Code Commissioners' Notes, 17B West's Ann. Code Civ. Proc. (2009 ed.) foll. § 902, p. 10.) The statute provides "'Any party *aggrieved*' may appeal from an adverse judgment. (Code Civ. Proc., § 902.) The test is twofold -- one must be *both a party of record to the action and aggrieved* to have standing to appeal." (*Shaw v. Hughes Aircraft Co.* (2000) **83 Cal.App.4th 1336**, 1342, *italics added*.) Thus, notwithstanding an appealable judgment or order, "[a]n appeal may be taken only by a party who has standing to appeal. [Citation.] This rule is jurisdictional. [Citation.]" (*Sabi v. Sterling* (2010) **183 Cal.App.4th 916**, 947.) It cannot be waived. (*Marsh v. Mountain Zephyr, Inc.* (1996) **43 Cal.App.4th 289**, 295.)

" 'One is considered "aggrieved" whose rights or interests are injuriously affected by the judgment.' (*County of Alameda v. Carleson* (1971) **5 Cal.3d 730**, 737 [*italics omitted*].) Conversely, 'A party who is not aggrieved by an order or judgment has no standing to attack it on appeal.' (*Niles v. City of San Rafael* (1974) **42 Cal.App.3d 230**, 244.)" (*El Dorado Irrigation Dist. v. State Water Resources Control Bd.* (2006) **142 Cal.App.4th 937**, 977.)

[2] Injurious effect *on another party* is insufficient to give rise to appellate standing. A "party cannot assert error that injuriously affected only [214 Cal.App.4th 68] nonappealing coparties." (*Estrada v. RPS, Inc.* (2005) **125 Cal.App.4th 976**, 985.) This is "no mere technicality, but is grounded in the most basic notion of why courts entertain civil appeals. We are here to provide relief for appellants who have been wronged by trial court error. Our resources are limited and thus are not brought to bear when appellants have suffered no wrong but instead seek to advance the interests of others who have not themselves complained." (*Rebney v. Wells Fargo Bank* (1990) **220 Cal.App.3d 1117**, 1132.)

Here, Linda's opening brief raises the following assignments of error with respect to the November 18, 2011 order: (1) the visitation order, requiring Gregory to spend weekends with his parents, violates *Gregory's* rights to liberty and privacy; (2) the order terminating My Life Foundation as the contracted provider of Gregory's supported living

services violated *Gregory's* rights under the Lanterman Act (Welf. & Inst. Code, § 4500 et seq.) and was in excess of the court's jurisdiction because there was no exhaustion of administrative remedies before My Life Foundation was replaced as Gregory's provider; and (3) the order directing disclosure of Gregory's records to his parents violates *Gregory's* constitutional and statutory rights of privacy.

[3] Linda has not identified any of her own rights or interests which are injuriously affected by the November 18, 2011 order. Her assignments of error pertain solely to alleged deprivations of Gregory's rights. However, Linda lacks standing to assert error that injuriously affects only Gregory, a nonappealing party. (*Estrada, supra*, 125 Cal.App.4th at p. 985.)

Linda's status as Gregory's concerned mother does not confer standing to appeal on his behalf. With respect to Linda's role vis-à-vis Gregory, the July 2, 2009 order pursuant to settlement agreement contains the following recital: "14. LINDA and JOSEPH agree that they shall not hold any title, occupation, or position in this matter, *other than parent of GREGORY*." (*Italics added*.) Gregory, an adult, is under the limited conservatorship of the Hitchmans. In addition, Gregory has his own counsel. He is represented by Attorney Gaulke, a court appointed attorney who is PVP counsel for the limited conservatee. Gregory declined to appeal from the November 18, 2011 order. Linda, who is not personally aggrieved by said order, lacks standing to assert error on Gregory's behalf. [214 Cal.App.4th 69]

Probate Code section 1829, pertaining to the establishment of a conservatorship, provides: "*Any of the following persons may appear at the hearing to support or oppose the petition:* [¶] (a) The proposed conservatee. [¶] (b) The spouse or registered domestic partner of the proposed conservatee. [¶] (c) *A relative of the proposed conservatee.* [¶] (d) Any interested person or friend of the proposed conservatee." (*Italics added*.)

This provision entitled Linda to participate in the conservatorship proceeding in the court below. However, merely because Linda was authorized to appear in the matter *below* does not mean she is entitled to prosecute an appeal from the trial court's

order.

[4] As discussed above, standing to appeal is governed by Code of Civil Procedure 902. Absent a showing by Linda that she is injuriously affected by the trial court's order, she lacks standing to appeal. As stated in *Rebney v. Wells Fargo Bank, supra*, 220 Cal.App.3d at page 1132, "The scope of appellate review, however, is never defined by the parameters of trial court jurisdiction, but is instead limited by specialized jurisdictional principles that are unique to appellate litigation. The requirement of standing to appeal is one of those principles, and because it is jurisdictional [citations] it imposes absolute limitations on the appellate court's guardian role."

### **DISPOSITION**

Linda's purported appeal from the November 18, 2011 order is dismissed. Respondents shall recover their costs on appeal.

Kitching, J., and Aldrich, J., concurred.

Appellant's petition for a review by the Supreme Court was denied June 12, 2013, S209942.

**-FN 1.** PVP denotes a Probate Volunteer Panel attorney (*Hall v. Kafayan* (2010) **190 Cal.App.4th 927**, 929), who represents the conservatee's interests. (See Prob. Code, § 1470, subd. (a) [court may appoint private legal counsel for a conservatee if the court determines the person is not otherwise represented by legal counsel and that the appointment would be helpful to the resolution of the matter or is necessary to protect the person's interests].)

**-FN 2.** The November 18, 2011 order on the petition for instructions re administration of Gregory's limited conservatorship is appealable as an order "[a]uthorizing, instructing or directing a fiduciary . . ." (Prob. Code, § 1300, subd. (c).)



## **GREG DEMER'S VIEWS ON CHURCH**

Excerpts from Documents and Transcripts

### **Background** (by Linda Demer, Gregory's Mother)

I first observed Greg's resistance to go to church when he was about 11 y.o. Before that, he and his brother came to an Episcopal church with me. Sitting through the service was challenging for them, so we went to the Sunday school instead. After the divorce and the start of alternate week custody, Joe took the boys to his church on his weeks. About that time, the boys started objecting to church in general, so I started taking them to gymnastics classes and volunteer work instead. But they said they still had to go to church on their father's Sundays. After Greg moved to his own apartment in 2008, the Court required Greg to go with his father all day every Sunday, so he was being taken to church every Sunday until Greg's first professional conservator was appointed and gradually recognized Greg's objections. She offered him some "free personal days" as an option to church, and he requested it increasingly often. When she was replaced in 2011, the Court ordered Greg to spend every third weekend with his father, and the new conservators allowed no options.

Greg's objections to church were usually unrecorded statements to his support staff, teachers, coaches, relatives, friends' parents, etc. Perhaps that can be documented through interviews. The instances in which Greg's statements were recorded or reported by independent parties are indicated below. Digital audio files for IPP transcripts as well as the Original Court Transcripts are available.

### **REPORT OF WESTSIDE REGIONAL CENTER ON PETITION TO REMOVE CONSERVATOR**

Assistant Director for Client Services, William A. Feeman

Gregory Demer's Client Program Coordinator, Gavin Linderman

- August 1, 2011 (Age 24; #11-84A)

Page 1-2

"Gregory does not wish to change anything about his present program and services, except that he does not want to have to go to church with his father on Sunday mornings."

### **REPORT FROM GREG'S COURT-APPOINTED ATTORNEY, PAUL GAULKE, TO THE PROBATE JUDGE**

- August 4, 2011 (Age 24; #11-81)

"When I asked him if he sees his father on **Sundays** his response was, 'I do not. I will never see him again. Father is annoying.' If I am to advocate for what my client tells me, then he should only see his parents when he is agreeable."

**PRE-TRIAL REPORT FROM GREG'S COURT-APPOINTED ATTORNEY, PAUL GAULKE, TO THE TRIAL JUDGE**

• September 16, 2011 (Age 24; #11-97H)

"Petitioner (Joseph Demer, Greg's father) has been adamant at all times about attending **church** with the Conservatee on Sundays, however the Conservatee's activities conflict with the **Church** service."

**TRANSCRIPT OF INDIVIDUAL PROGRAM PLAN (IPP) MEETING**

WESTSIDE REGIONAL CENTER

Chaired by Debra Ray, Assistant Director of Client Services, and Gavin Linderman and Charlene Williams, Program Coordinators

• February 7, 2012 (Age 25; #12-58)

Throughout the meeting Greg stated several times, in different ways, and in no uncertain terms, that he did not want to go to church.

**PROBATE INVESTIGATOR REPORT**

Senior Investigator Genita Braggs

• November 30, 2012 (Age 25; #12-152)

The investigator reported that Greg made various statements that he did not want to go to church.

**TRANSCRIPT OF HEARING BEFORE JUDGE ROY PAUL IN PROBATE COURT**

STANLEY MOSK COURTHOUSE

• October 4, 2013 (Age 26; #Transcript File)

Page 2

GREGORY DEMER: I DON'T WANT MY RIGHTS VIOLATED.

...

Pages 6-7

GREGORY DEMER: BUT I JUST DON'T WANT MY FRIENDS –

THE COURT: MR. DEMER, LET ME JUST DO THE FOLLOWING: LET ME HEAR FROM THE ATTORNEY.

...

THE COURT: MR. DEMER, HOLD ON FOR A SECOND.

GREGORY DEMER; OKAY. I'M WAITING.

Page 17

GREGORY DEMER: NEVER MIND, YOUR HONOR, I WANT TO HAVE MY FRIENDS PROTECTED SO I HAVE THE RIGHT TO SAY NO TO DAD, AND I'LL DO IT BY MYSELF, YOUR HONOR. NO, I DON'T WANT TO SEE YOU, DAD. I DON'T WANT TO GO FLYING WITH YOU ANYMORE...YOUR HONOR, I DON'T WANT TO SEE MY DAD AND GO FLYING WITH HIM ANYMORE...

THE COURT: OKAY. THANK YOU.

- RECESS -

Page 18

...  
GREGORY DEMER: YOUR HONOR, I WOULD LIKE MY FRIENDS PROTECTED.

THE COURT: WE HAVE CERTAIN RULES AND PROCEDURES, AND SO...

...  
Page 36

GREGORY DEMER: IF YOU PLEASE, YOUR HONOR –

THE COURT: HOLD ON FOR ONE MORE SECOND...

...  
Page 37

THE COURT: MAY WE NOW HEAR FROM MR. DEMER?

GREGORY DEMER: OKAY. YOUR HONOR, I HAVE MY RIGHT TO SAY NO TO DAD, AND I WANT TO HAVE MY FRIENDS PROTECTED, AND I NEED MS MAILLIAN TO PROTECT ME, SO I WOULD LIKE TO HAVE MY FRIENDS PROTECTED AND LEAD THEM TO SAFETY....

**TRANSCRIPT FROM HEARING BEFORE JUDGE DANIEL MURPHY, PROBATE COURT  
STANLEY MOSK COURTHOUSE  
• April 28, 2014 (Age 27; #TRANSCR FILE)**

Page 2 (Ms. Maillian is Greg's most recent Court-appointed attorney)

MR. GREGORY DEMER: YOUR HONOR, I HAVE TO -- MY NAME IS GREG. I HAVE THE RIGHT TO SPEAK UP FOR MYSELF AND SAY NO TO MY DAD.

THE COURT: DON'T WORRY. HI, GREG. HOW ARE YOU?

Page 11

WHAT I PLAN ON HAVING -- WHAT I PLAN ON DOING IS SPEAKING WITH MS. MAILLIAN AND GREGORY IN MY CHAMBERS AND WITH JUST MS. MAILLIAN AND GREGORY.

...  
MS. LINDA DEMER: YOUR HONOR, MAY I ASK THAT THE REGIONAL CENTER REPRESENTATIVE BE PRESENT AS WELL IN ORDER TO HELP TRANSLATE SO GREGORY --

MS. MAILLIAN: YOUR HONOR, TRANSLATION IS NOT NECESSARY.

THE COURT: NO. AT THIS TIME, I'M ONLY GOING TO HAVE GREGORY -- I THINK THE LESS, THE BETTER. I'M ONLY GOING TO

HAVE GREGORY AND HIS PVP ATTORNEY.  
MS. LINDA DEMER: IF I MAY. I THINK THAT THE  
DISABILITIES RIGHTS REQUIRE ACCOMMODATION, AND HE HAS A  
LANGUAGE DISORDER. AND --  
THE COURT: MA'AM, IF THERE'S ANY ISSUES WHERE I'M  
HAVING DIFFICULTY HEARING HIM OR UNDERSTANDING HIM OR --  
MS. LINDA DEMER: I MEAN, HIM TO UNDERSTAND WHAT HE'S  
BEING ASKED.  
MR. ADLER: HIS LAWYER WILL BE PRESENT, YOUR HONOR,  
SO --  
THE COURT: MS. MAILLIAN HERE WILL BE PROTECTING HIS  
RIGHTS, IF THAT'S NECESSARY.  
MR. GREGORY DEMER: I NEED MY RIGHTS PROTECTED, SIR.  
THE COURT: DON'T WORRY, SIR. THAT'S WHAT I PLAN ON  
DOING.

Page 14

(IN CHAMBERS:)

...  
MS. MAILLIAN: AND DO YOU WANT TO SPEND TIME WITH YOUR  
DAD?  
MR. GREGORY DEMER: NO.  
MS. MAILLIAN: WHY DON'T YOU WANT TO SPEND TIME WITH  
YOUR DAD?  
MR. GREGORY DEMER: I DON'T WANT TO SPEND TIME WITH MY  
DAD BECAUSE HE IS SCARY.  
MS. MAILLIAN: HOW IS YOUR DAD SCARY?  
MR. GREGORY DEMER: MY DAD IS SCARY BECAUSE-  
...  
HE TRIES TO HURT ME AND HE TRIES TO TELL  
LIES TO ME.  
...

MR. GREGORY DEMER: ... I KNOW HE'S  
SCARY, BECAUSE I JUST WANT TO BE AWAY FROM HIM.  
MS. MAILLIAN: WHY DO YOU WANT TO BE AWAY FROM HIM?  
MR. GREGORY DEMER: BECAUSE --  
MS. MAILLIAN: TELL ME WHY.  
MR. GREGORY DEMER: -- HE FRIGHTENS ME A LOT.  
...  
MS. MAILLIAN: TELL US HOW -- WHAT -- TELL US WHAT  
YOUR DAD HAS DONE THAT MAKES YOU WANT TO LOCK HIM UP?  
MR. GREGORY DEMER: MY DAD TRIES TO HURT MY BRAIN, AND  
HE TRIES TO HURT MY HEAD.  
...  
MS. MAILLIAN: WHEN DO YOU TELL YOUR DAD TO STOP?  
MR. GREGORY DEMER: WHEN HE TRIES NOT TO OPEN THE

DOOR.

MS. MAILLIAN: COULD YOU EXPLAIN WHAT YOU MEAN BY THAT; TRIES NOT TO OPEN THE DOOR.

MR. GREGORY DEMER: HE TRIES NOT TO OPEN THE DOOR. HE KEEPS THE DOOR LOCKED.

...

MR. GREGORY DEMER: IT WAS A SCARY THOUGHT.

MS. MAILLIAN: WHAT WAS SCARY ABOUT IT?

MR. GREGORY DEMER: IT WAS REALLY ANNOYING.

MS. MAILLIAN: CAN YOU TELL ME WHAT WAS ANNOYING?

MR. GREGORY DEMER: IT WAS THE FRIGHTENING OF THE EASTER BUNNY AND GOING TO **CHURCH**, AND I DON'T LIKE GOING TO **CHURCH**, LEANNE.

MS. MAILLIAN: OKAY. DID YOU SEE THE EASTER BUNNY?

MR. GREGORY DEMER: I DID SEE THE EASTER BUNNY.

MS. MAILLIAN: DID YOU HAVE FUN WITH THE EASTER BUNNY?

...

page 28

(Back in Court)

MR. GREGORY DEMER: IF YOU PLEASE, SIR, I HAVE THE RIGHT TO SAY NO TO DAD. AND YOUR HONOR, I WANT TO BE AWAY FROM DAD.

Page 29

MR. GREGORY DEMER: IF YOU PLEASE, SIR, I MAKE THE -- IF YOU PLEASE, I WILL MAKE THE RULES NOW. THE RULES ARE, I'M NOT GOING TO SEE MY DAD...

Page 31

THE COURT: HE'S VERY BRIGHT AND ARTICULATE INDIVIDUAL, BUT I THINK IN REGARDS TO THE SOCIAL CONTACT, I DON'T THINK HE SHOULD BE INVOLVED IN THE DECISION-MAKING. I THINK THE ENTIRE -- THAT I WOULD CONFER THE DECISION ON SOCIAL CONTACTS TO THE CONSERVATORS,...

Page 32

MS. OCHELTREE: -- OUR POSITION. THE REGIONAL CENTER'S OPINION IS THAT PEOPLE SHOULDN'T HAVE THEIR RIGHTS TAKEN AWAY UNLESS -- EVEN THOUGH THE CONSERVATEE'S OPINION MIGHT NOT MAKE SENSE OR WISHES MIGHT NOT MAKE SENSE TO OTHER PEOPLE -- WE BELIEVE IN PRESERVING RIGHTS TO THE MAXIMUM EXTENT POSSIBLE.

Page 36

MY CONCERN IS, THOUGH, THIS HAS BEEN AN EXTREMELY HEAVILY LITIGATED MATTER, AND MY HOPE WOULD BE THAT

WITH THIS DECISION, THAT THERE WILL BE -- KIND OF -- WE CAN STOP  
THE LITIGATION FOR A WHILE...

**LETTER FROM GREG'S FIRST PROFESSIONAL CONSERVATOR**

Linda Cotterman, Professional Fiduciary

April 20, 2014

Each week when I would visit Greg to make his next week's schedule, he would emphatically state, "I don't want to see my Dad. I don't want to go to **church** with Dad and Melissa. I want to go to the airport and work on the planes."

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9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF LOS ANGELES

12 In Re the Probate Conservatorship of ) CASE NO. SP006273  
13 the Person of )  
14 GREGORY R. DEMER, ) DECLARATION OF WILLIAM FEEMAN  
15 ) IN OBJECTION TO PETITION FOR  
16 ) AUTHORITY TO CONTROL LIMITED  
17 ) CONSERVATEE'S SOCIAL AND  
18 ) SEXUAL CONTACTS AND  
19 ) RELATIONSHIPS  
20 Limited Conservatee. ) [Probate Code Section 1827.5]  
21 ) Judge: The Honorable Joseph S. Biderman  
22 ) Hearing Date: August 9, 2012  
23 ) Hearing Time: 8:30 a.m.  
24 ) Dept.: WE - A

25 I, WILLIAM FEEMAN, BS, RN, CDDN, declare as follows:

26 1. I am the Assistant Director of Client Services at Westside Regional Center  
27 ("WRC") and have been involved in Gregory Demer's services at WRC for many years. I  
28 have personal knowledge of the facts set forth in this declaration. If called upon as a  
witness to testify, I could and would testify as stated below.

2 In accordance with Probate Code section 1827.5, WRC strongly recommends  
against granting the Limited Conservators power over Gregory Demer's social and sexual  
contacts and relationships.

3 There are very few circumstances in which WRC would recommend such  
power and Gregory Demer certainly has not presented any such circumstances.

- 1 -

OBJECTION TO PETITION FOR ADDITIONAL POWERS

1 4. Mr. Demer should be permitted to make his own choices about whom he  
2 spends time with and what he does with his time. Based upon his voluminous records at  
3 WRC, he has never demonstrated behavioral issues which would justify termination of his  
4 right to make his own such choices.

5 5. To the contrary, Gregory Demer has demonstrated an ability to create a rich  
6 social and work life. It would be a very sad thing for him to lose the ability to continue  
7 with his volunteer work and preferred socialization simply to satisfy his parent's and  
8 conservators' need to control his social life.

9 I declare under penalty of perjury, under the laws of the State of California, that  
10 foregoing is true and correct. Executed this 2<sup>nd</sup> day of August, 2012, at Culver City,  
11 California.

12   
13 WILLIAM FEEMAN  
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES**

In Re the Probate Conservatorship of the Person of	}	CASE NO. SP006273
		DECLARATION OF WILLIAM FEEMAN IN RENEWED OBJECTION TO PETITION FOR AUTHORITY TO CONTROL LIMITED CONSERVATEE'S SOCIAL AND SEXUAL CONTACTS AND RELATIONSHIPS
GREGORY R. DEMER,		
Limited Conservatee.		[Probate Code Section 1827.5]
	}	Judge: The Honorable David S. Cunningham
		Hearing Date: February 26, 2014
		Hearing Time: 8:30 a.m.
		Dept.: 29

I, WILLIAM FEEMAN, BS, RN, CDDN, declare as follows:

1. I am the Director of Client Services at Westside Regional Center ("WRC") and have been involved in Gregory Demer's services at WRC for many years. I have personal knowledge of the facts set forth in this declaration. If called upon as a witness to testify, I could and would testify as stated below.

2. This Declaration supplements the report submitted to the court by Charlene Williams, Gregory Demer's Service Coordinator at WRC, on or about February 13, 2014. It also supplements the declaration submitted by me on or about August 2, 2012.

1           3.     In accordance with Probate Code section 1827.5, WRC still strongly  
2 recommends against granting the Limited Conservators power over Gregory Demer's  
3 social and sexual contacts and relationships.

4           4.     There have been no changes between the present and August 2, 2012, which  
5 would justify the issuance of the requested powers. Gregory has a supported living  
6 program. He lives in his own apartment and has staff with him twenty-four hours a day.  
7 He works, volunteers, recreates and generally manages his life without difficulty. He has  
8 shown no behavior or tendency that would require the intercession or protection of a  
9 conservator in relation to his social and sexual contacts and relationships.

10          5.     The Lanterman Developmental Disabilities Services Act, ("Lanterman Act")  
11 set forth at Welfare and Institutions Code section 4500 and following, grants rights and  
12 responsibilities to individuals with developmental disabilities, such as Mr. Demer. Section  
13 4502 provides, in pertinent part, as follows:

14               Persons with developmental disabilities have the same legal rights and  
15 responsibilities guaranteed all other individuals by the United States  
16 Constitution and laws and the Constitution and laws of the State of  
17 California. No otherwise qualified person by reason of having a  
18 developmental disability shall be excluded from participation in, be denied  
19 the benefits of, or be subjected to discrimination under any program or  
20 activity, which receives public funds.

21               It is the intent of the Legislature that persons with developmental disabilities  
22 shall have rights including, but not limited to, the following: . . .

23               (j) A right to make choices in their own lives, including, but not limited to,  
24 where and with whom they live, their relationships with people in their  
25 community, the way they spend their time, including education, employment,  
26 and leisure, the pursuit of their personal future, and program planning and  
27 implementation.

28               In Welfare and Institutions Code section 4501, the California Legislature stated its  
intent, describing the services and supports which are available to people with  
developmental disabilities, in part, as follows:

1 Services and supports should be available to enable persons with  
2 developmental disabilities to approximate the pattern of everyday living  
3 available to people without disabilities of the same age. Consumers of  
4 services and supports, and where appropriate, their parents, legal guardian, or  
5 conservator, should be empowered to make choices in all life areas. These  
6 include promoting opportunities for individuals with developmental  
7 disabilities to be integrated into the mainstream of life in their home  
8 communities, including supported living and other appropriate community  
9 living arrangements. In providing these services, consumers and their  
10 families, when appropriate, should participate in decisions affecting their  
11 own lives, including, but not limited to, where and with whom they live, their  
12 relationships with people in their community, the way in which they spend  
13 their time, including education, employment, and leisure, the pursuit of their  
14 own personal future, and program planning and implementation. The  
15 contributions made by parents and family members in support of their  
16 children and relatives with developmental disabilities are important and those  
17 relationships should also be respected and fostered, to the maximum extent  
18 feasible, so that consumers and their families can build circles of support  
19 within the community.

20 6. With the services that are available to him and the support that he has from  
21 his staff, his family and Westside Regional Center, there is no reason to take away Greg  
22 Demer's right to control his own social and sexual contacts and relationships. It is  
23 respectfully submitted that removing that right would deprive Mr. Demer of the rights to  
24 which he is entitled under the Lanterman Act.

25 I declare under penalty of perjury, under the laws of the State of California, that  
26 foregoing is true and correct. Executed this 24<sup>th</sup> day of February, 2014, at Culver City,  
27 California.

28  
  
WILLIAM FREEMAN

1 Linda L. Demer, MD, PhD

2

3

4

5 *IN PRO PER*

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11 *IN RE:*

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The Limited Conservatorship of  
Gregory R. Demer,  
  
Limited Conservatee.

Case No. SP006273

**DECLARATION IN RESPONSE TO THE  
AMENDED PETITION FOR  
AUTHORITY TO CONTROL LIMITED  
CONSERVATEE'S SOCIAL AND  
SEXUAL CONTACTS AND  
RELATIONSHIPS – SHARED POWERS**

Date: April 25, 2014  
Time: 8:30 a.m.  
Dept.: 29

**DECLARATION OF LINDA L. DEMER**

I, Linda L. Demer, M.D., Ph.D., declare as follows:

1. I am an adult resident of the State of California and competent to make this Declaration.

The facts stated herein are true of my own personal knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

2. I am the mother of Mr. Gregory R. Demer ("Mr. Demer" or "Mr. Greg Demer"), the developmentally disabled adult subject to this limited conservatorship of his person. I submit this Declaration in response to the co-conservators' amended petition for "shared powers" to control

-1-

**RESPONSE TO THE AMENDED PETITION FOR AUTHORITY TO CONTROL LIMITED  
CONSERVATEE'S SOCIAL AND SEXUAL CONTACTS AND RELATIONSHIPS – SHARED POWERS**

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

APR 21 2014

Sherri R. Carter, Executive Officer/Clerk  
By Thea Blackwell, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

1 Mr. Demer's social and sexual contacts and relationships.

2 3. For the 9 years since Mr. Greg Demer reached adulthood, he has retained exclusive  
3 authority to exercise his constitutional right to make his own social decisions. In my view, he has  
4 been successful.

5 4. In their amended petition, the Conservators raise the concern that Mr. Demer's visitation  
6 orders are too restrictive, are not in his best interest, and preclude the possibility of weekend  
7 employment. While I agree with those concerns, the proposed relief is incongruous: to -- in effect  
8 -- remove Mr. Demer's social rights "in order to" adjust visitation. The natural relief would be to  
9 modify the visitation orders to give priority to employment and to give back Mr. Demer's right to  
10 self-determination during parental visitation.

11 5. In June 2008, about the time that Mr. Demer moved into his own apartment, the Probate  
12 Investigator raised concerns and suggested that Mr. Demer's "time spent in his father's home be  
13 closely scrutinized." Subsequently, further concerns were raised. Mr. Demer's Regional Center  
14 Report said: "During the IPP, Greg stated without prompting that things he dislikes are going to  
15 church and going with his dad on Sundays." Mr. Demer's psychiatrist of about 2 decades, a world  
16 authority on autism, reported that "Greg made it very clear that he has had fears and anxieties in  
17 the presence of his father..." Mr. Demer's first court-appointed attorney concluded in his  
18 pleading, "Gregory Demer does not wish to see his father at this time. He should not be forced to  
19 do so." Mr. Demer has described his fears and objections in his own words each time he has had a  
20 chance to speak before the Court.

21 6. I wholeheartedly support Mr. Demer having a good relationship with his father. I believe  
22 the right way - and only effective way - to achieve this is to empower Mr. Demer with control  
23 over: how visitation occurs, whether he can bring support staff, and when he can go back to his  
24

1 apartment. The Conservators have seen, first-hand, how effective empowerment is in Mr.  
2 Demer's ability to overcome fear and resistance. In visitation with me, I have always empowered  
3 Mr. Demer to decide whether or not to visit.

4  
5 7. Professionals also support empowering Mr. Demer. One of his Court-appointed  
6 psychologists filed a report stating that "Certainly, Gregory should never be forced to participate  
7 in optional activities he chooses to avoid." Mr. Demer's psychiatrist concluded "it is not in his  
8 best interest to be forced to visit with his father at this time or in the immediate future." Another of  
9 his Court-appointed psychologists filed a report recommending that "the decision for the visit  
10 should be left entirely up to Greg's choosing," and that "a neutral, non-biased individual should  
11 accompany Greg on visits with his father. The length of time that Greg is under supervised  
12 [visitation] should be based on Greg's level of comfort." The Regional Center, charged with  
13 responsibility for Mr. Demer's state-supported services and rights under the Lanterman Act, has  
14 filed a Declaration in this proceeding stating that Mr. Demer should retain his social rights and  
15 that he alone should decide whether to visit with someone or not.

16  
17 8. The current orders result in Mr. Demer being subjected to prolonged "visits" away from  
18 his apartment under court-ordered parental control. Orders also have been issued directing Mr.  
19 Demer's support staff to "prompt and redirect" him to wait at his apartment until his father picks  
20 him up for court-mandated visitation -- even when Mr. Demer asks to leave before the "visit."

21  
22 9. I understand the Lanterman Act and the Probate Code state that a limited conservatee  
23 should retain as many rights as possible and those rights should only be restricted upon proof by  
24 clear and convincing evidence that such restriction is needed to protect the limited conservatee  
25 from harm. I am not aware that any such evidence has been presented.

26  
27 10. The amended petition purports to seek "shared" authority with Mr. Demer. However, it  
28

1 includes a provision giving the co-conservators veto power. Hence, in effect, it is a petition to  
2 remove -- not to share -- Mr. Demer's social rights.

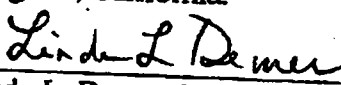
3 11. I am informed and believe that Mr. Demer's attorney has received copies of letters from  
4 people who have known Mr. Demer for many years. I understand that the writers explain that, in  
5 their opinion, based on their observations, Mr. Demer has not made poor social decisions and  
6 should retain his right to make social decisions. I understand that Mr. Demer is entitled to legal  
7 counsel who will advocate for his stated wishes and his Constitutional and statutory rights to make  
8 his own social decisions. If Mr. Demer's current court-appointed attorney will hear him, advocate  
9 for his rights, and provide effective assistance of counsel, my involvement in the proceedings will  
10 be unnecessary.

11  
12 12. I respectfully suggest that this Honorable Court consider accommodating Mr. Demer's  
13 autism by allowing him to wait and to address the Court in a calm setting, separate from the  
14 hearing proceedings, where he can receive explanations in language he can understand.

15  
16  
17 My purpose in presenting this Declaration is to offer the Court my insight on the simple solution  
18 of empowering Mr. Demer. I respectfully request to be allowed to abstain from this litigation. I  
19 do not intend to file an objection; I do not request an evidentiary hearing on the Amended Petition;  
20 and I do not intend to participate in any further hearings on the amended petition unless I am  
21 compelled by court order to do so. I defer to this Honorable Court to protect Mr. Demer's rights.

22  
23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed this 21st day of April, 2014, at Los Angeles, California.

25   
26 Linda L. Demer, MD, PhD  
27 In Pro Per  
28

**LINDA COTTERMAN, MSW, CLPF**  
**COTTERMAN CONSERVATORSHIPS**



Proud Member Since 2008

April 19, 2014

**Re: Greg Demer, Case Number SP006273**

To the Court:

I met Greg Demer in July 2009 and was court-appointed to serve as his Limited Conservator from August 2009 to November 2012. While serving as Greg's conservator for over three years, I got to know Greg quite well and understood his preferences, his ability to express himself, and his relationships with others. In my opinion Greg has always been able to make his wishes known, either by his limited verbal expression or by his behavior.

I can say these things with complete confidence based upon on my own observations and interactions with Greg. I also had frequent and lengthy conversations with his caregivers on a more-than-weekly basis.

Every week I would meet with Greg in his apartment to go over his next week's schedule. He could, and would, verbalize his wishes about his education classes, his part-time employment, his household chores, his visits with parents, and his social events, such as birthday parties, pizza parties, a pool lunch or BBQ dinner with friends. Greg would then put his preferences on his computerized weekly schedule and send via email to parents, caregivers, agency, and me. He expressed to me that he liked a girl, Nannette, and wanted to invite her for dinner, prepare the meal, and knew what food he wanted to serve. For his birthday parties, he would tell me 9 or 10 names of those he wanted to invite. He was very clear by giving me a firm "yes" or "no" if a name was mentioned. Each week he would tell me what he wanted to do on any given evening or weekend, or for that matter, during the weekdays. Sometimes Greg would come up with his own ideas, and sometimes the caregiver or I would give him ideas and options. Each time he



would give his preference. If an idea was something that Greg had never done before, he would not answer, and his body language would show a bit of anxiety. He had difficulty asking questions, yet I soon learned that Greg would pose a question in the form of a statement. For example, if his question was "What time?" or "How long?" he would say, "I will be ready to go to the gym at 10 o'clock for 5 hours." The longer he made the time, the more he liked that activity.

I found that all of Greg's preferences were reasonable, safe, and healthy. Greg always wanted to please others. If a caregiver or I would tell him a safety rule or suggest a healthy food, he would comply. Never once did Greg insist on doing something that was not reasonable, safe or healthy. In fact, he always wanted to be safe by locking doors, by using proper cleaning supplies, by personal bathing/grooming, and he was slightly obsessive in caring for his personal belongings. Greg is more of a "neat freak." The only unhealthy activity that occurs to me is that Greg liked to eat. He could eat a whole large pizza and five pieces of cake if allowed.

Greg had a liking for a girl about his own age who had a disability and with whom he had attended school and had known for many years. He would sit with his arm around her and gave her a couple of cheek kisses. When I told him that I thought Nannette was "cute," he responded with a gusto, "Yea!" However, Nannette told Greg that she only wanted to be a friend, not a girlfriend. He very appropriately respected her wishes. I have never been aware of any sexual relationships. Sexual activity has never been a problem.

As far as Greg's visitations with his parents are concerned, it was very apparent to those who knew Greg well that he loved visiting his mother and did not want to visit his father. Of his own free will, he would call his mother and invite himself to her home on Saturdays and other days. He would express his wishes for his mom to take him shopping, to host his birthday parties, or to come with him to medical appointments. When he had a cold, he would tell me to call his mom saying "Mom will know what to give me." When he received an award at the EmpowerTech ceremony, he wanted to make sure his mother, the caregiver, and I were coming. He would call his mother often, sometimes daily, to tell her what was on his mind.

Visits with his father were of a different nature. Each week when I would visit Greg to make his next week's schedule, he would emphatically state that

he didn't want to see his dad and that he didn't want to go to church with his dad and Melissa. He wanted to go to the airport and work on the planes. I want to go to IHOP with my friends, then to the thrift store, and eat at Burger King for lunch." It was difficult for me and the caregivers to convince him otherwise. This reluctance to see his father was a problem since the 2009 Settlement Agreement between his parents stated that his father could have visits with Greg one day per week. The only way to convince Greg to go with his father was to arrange, or have Greg request something that he really wanted to do, such as dinner at Spitfire Grill, rake father's yard to earn jet T-shirts, or go flying in father's airplane to Catalina or Santa Barbara. On occasion Greg would return to his apartment mad at his father and report that he didn't get to go to Spitfire Grill because he didn't have his own money. After three to four months of raking leaves Greg would report that the jet shirts still didn't arrive in the mail yet. There were times when Greg would return home, go into his bedroom, slam the door and yell that there is a bad man outside his door and for the bad man to go away and that he never wanted to see the bad man again. Other times, Greg would run out the patio door when his Dad would knock on his front door. He did not want his dad to find him. Greg sometimes would return home after visits and give his "yogi" yell, which is what he would do when he was angry and could not express himself in words. The caregivers would then take him to the exercise room and Greg would "work it off." Greg would also want to do his laundry or vacuum after or during upsetting times. I have never known the caregivers or me to promote Greg's objections to his fathers' visits. In fact, it was quite the opposite. We were always trying to convince Greg to visit with his father because of the 2009 Settlement Agreement.

In my opinion, Greg's objections to his fathers' visits came from his own mind. Are they reasonable? Yes, I believe so. I have known Greg's father to be a threatening, intimidating "bully." He has threatened me, as Greg's conservator, on numerous occasions through his court litigation against me. He threatened my professional fiduciary license by sending out a petition to have my professional license revoked. Three times he filed a petition in court for my removal as Greg's Limited Conservator. The third time, he got his wish and I was removed. I have heard that Joe Demer has brought legal action, not only against me, but also against the Westside Regional Center and Greg's mother. He has brought intimidating actions in a legal context to the UCLA Seeds Elementary School, the Independence Center, MyLife Foundation, and two fine attorneys in our area. He would verbally threaten

and intimidate Greg's caregivers and the caregiving agency and personally served them with subpoenas. Many of the caregivers were afraid to interact with Greg's father and with good reason. I thought that even the court and attorneys were reacting to Greg's father in such a way, so as not to upset him because it would lead to more court petitions, litigation, trials, and appeals.

Were the fathers' visits threatening to Greg? Yes, I believe so. Greg would report that his father would take away his cell phone during visits and not let Greg call his friends or anyone else during the day long visits. Greg's father would seldom tell anyone what, or where, Greg was going to do that day. Then he would accuse Greg and the caregivers of not being dressed appropriately or not wearing the right shoes. There was one incident when his father, unannounced, picked up Greg in a parking lot without informing the nearby caregiver. Then he later accused the caregiver of not watching Greg properly. He would not allow the caregivers to accompany Greg on visits saying it was a "court order." Many of the promises he made to Greg were not kept. I remember the time when Greg did not want to go to Phoenix with his dad and refused to pack his bag. His father then promised him a flight on a Boeing 737. Greg discovered on the way to the airport that they were traveling in his father's small plane and not in the 737 jet as his dad had promised. Are Greg's preferences to **not** want to visit with his father reasonable? Yes, I believe so. Greg's preferences are very normal and very reasonable.

In my opinion, Greg expresses his social preferences very adequately and should retain the right to make his own social decisions.

Feel free to contact me if you have any questions or want further information or documentation.

Sincerely,

A handwritten signature in cursive script that reads "Linda Cotterman".

Linda Cotterman

**2126 PATRICIA AVE • LOS ANGELES, CA • 90025**  
**PHONE: 310-927-3553 • FAX: 310-475-4143**  
**LINDACOTTERMAN@GMAIL.COM**

To: Hon. Daniel S. Murphy  
Hon. David Cunningham  
Department 29  
Los Angeles Superior Court

RECEIVED

From: Thomas F. Coleman  
2100 Sawtelle St. #204  
Los Angeles, CA 90025  
(818) 482-4485

APR 18 2014

PROBATE DEPT.  
DEPT. 29

Re: Conservatorship of Gregory D.  
Case No. SP 006273  
Letter of Concern (rule 7.10(c), California Rules of Court)

Date: April 16, 2014

I am writing this letter to create a record regarding the performance of the court-appointed attorney for the limited conservatee in this case.

If Gregory had the knowledge or the ability, he might very well ask for another attorney. He might ask for a "Marsden" hearing at which he could argue that his current attorney is not advocating for his wishes and is not defending his constitutional rights to freedom of speech and freedom of association. He might argue that he is not receiving effective assistance of counsel. (*In re David L.* (2008) 164 Cal.App.4th 701; *People v. Hill* (2013) 219 Cal.App.4th 646). But Gregory will not be doing this because his developmental disability puts him at a disadvantage to other litigants in this case who are capable of complaining.

If Gregory could complain, he would likely bring to the court's attention the fact that his attorney has received several letters from people who known him well, and for many years, in support of his right to make his own social decisions. He would probably complain that his attorney is not bringing these letters to the court's attention or otherwise using these witnesses as a strong rationale for objecting to the conservators' petition to diminish Gregory's right to exclusively make his own social decisions.

Of course, since it is the court that appointed this attorney to represent Gregory, the court can always conduct a Marsden inquiry, outside of the presence of the other parties, on its own motion. A sua sponte inquiry would be appropriate when a litigant has a developmental disability and therefore cannot raise the issue of ineffective assistance of counsel himself. A meaningful Marsden hearing would require the appointment of a temporary guardian ad litem, for the sole purpose of that hearing, so that Gregory would have an effective advocate to critique the performance of Gregory's attorney.

I am attaching the letters of support – which I personally sent to Ms. Maillian some time ago – to create a record with the court in the event there is ever an appeal (perhaps a "next friend" appeal) or a writ proceeding to challenge any order of the court on the ground of ineffective assistance of counsel. Otherwise, alleged out-of-court ineffective assistance might go undocumented.



# ST. BEDE'S PARISH

The Episcopal Church in Mar Vista, Venice, Ocean Park & Playa Vista  
3590 Grand View Boulevard, Los Angeles, CA 90066-1904  
310-391-5522 • stbedesla@yahoo.com • http: www.stbedesla.org

The Very Rev. Canon James A. Newman II, A/OHC, Rector

Frank Basile, Music Director  
Michael Gallagher & Kathy Fairchild, Vergers  
Jerry Hornof, Sr. Warden

Thomas Ledsam, Facilities Manager  
Rea Crane, Head Sacristan  
Alice Short, Jr. Warden

April 7, 2014:

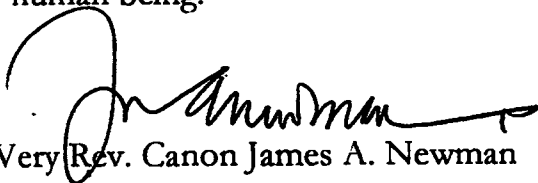
To: Los Angeles Superior Court  
Re: Greg Demer, Case # SP006273

I am the Rector of St. Bede's Episcopal Church in Los Angeles (Mar Vista) and have known the Demer family since 1990, that is I have known Greg since he was around three years old. Greg has been involved in church frequently while a child and later periodically in social events. For several years, St. Bede's was one of the sites at which Greg worked through a program at Venice High School to help acquire skills for "special needs" young people.

Let me be clear that I am not taking sides in any discussion about which family members Greg should/may spend time with. I think that he needs to be able to express his wishes in this and other areas. As a former teacher, I understand that autism has nothing to do with intelligence. While Greg's handicap may lead him to both process information and communicate in different ways, I am sure that Greg's progress over the years that I have known him has been due in part to the mentoring he has received and the freedom he had been allowed to express in his choices.

I have not known Greg to have made poor choices or to associate with undesirable people. Indeed, the space given to Greg has allowed him to build on his interests in aircraft and to establish appropriate relationships with people.

I would hope that the court would use its power to continue to give Greg as much latitude in his decision making as possible. I would personally hope that Greg have relationships with all members of his family – but that those relationships be of his own choice. To limit his freedoms in such basic decisions as this is to offer him less of a range of hope which is so essential to every human being.



The Very Rev. Canon James A. Newman  
Rector

April 5, 2014

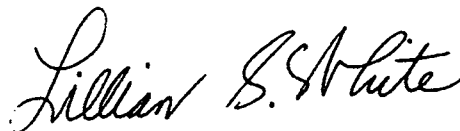
In the matter of Greg Demer

To whom it may concern:

I am a recently retired Special Education teacher having worked many years at Venice High School. During my tenure there as teacher and Special Ed. Coordinator, I have had the opportunity to work with Greg Demer and participated in numerous IEP meetings to determine a program that would best meet his particular needs. I have observed him in many situations both within the school setting and without and found him to be able to clearly articulate his needs and desires.

While an individual with developmental disabilities, they do not preclude his ability to make his opinions known. He is able to determine for himself and express clearly his preferences for participating in particular social settings. These should be respected. Even though he is still in need of guidance and supervision he definitely knows what he wants and doesn't want. It is my firm belief that Greg should be able to exercise the right to determine for himself the individuals with whom he wishes to interact. He should be allowed the freedom to express his needs and desires and his wishes should be respected to the degree that there is no harm to himself or others. The conservators should be respectful of Greg's opinions and should be directed to act accordingly whenever possible.

Lillian S. White

A handwritten signature in black ink that reads "Lillian S. White". The signature is written in a cursive style with a large, stylized 'L' and 'W'.

Venice, CA 90291

April 6, 2014

Los Angeles Superior Court

Re: Greg Demer, Case Number SP006273

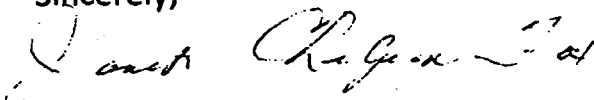
To the Court;

I'm writing this letter in support of Mr. Demer. I have known Greg since he was a child. I have watched his growth through the years, and I find him a caring, loving and courteous young man.

I've seen Greg at work at the "Spitfire" restaurant at the Santa Monica Airport, and he has volunteered at the church I attend doing office work. He has done this volunteer work for many years.

Finally, I feel that taking over his social rights, controlling his decisions of how to spend his free time and with whom, very disagreeable. Greg needs freedom to live his life without extraordinary controls.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Chiljian Fox".

Janet Chiljian Fox

-2308

April 3, 2014

Los Angeles Superior Court

Re: Greg Demer, Case Number SP006273

To the Court:

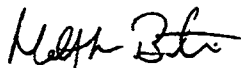
Greg Demer is part of the new generation of adults with Autism in the US. As the rate of autism continues to climb among US children, now 1 in 68, it is imperative to find efficient methods that allow autistic individuals to become self-sustaining adults without being tangled in webs of legal proceedings. This growing epidemic means that Greg's case could set the precedent for how thousands of autistic people are treated in the future as they attempt to be successful and contributing members to society.

In order to be a contributing member to society one needs to be taken seriously as a member of society. This means not undermining the rights of autistic people- in Greg's case, the court's ruling that he must reconnect with his father. I have known Greg for 13 years and in the time that I have spent with him- and one wouldn't need much time to understand this, it has been made abundantly clear that he is an honest and caring person. Of course Greg requires support staff but that does not mean he is not a sentient being. Greg (just like many other people) does not hold back from expressing himself; his likes, his dislikes, what makes him nervous, and many more insightful quirks that tell you who he is. You'll find out that he has quite an aversion to being late, changing routines (Greg lost 40 pounds in one month when he was removed from MyLife Foundation and received new support staff), and to making errors in general. You'll easily learn about his love for aviation- I'm sure he'll happily fill you in on any fighter planes if you ask and he could talk for days about them as his eyes light up with wonder and excitement. You'll also discover that his father is never one of his favorite topics of conversation- and when he does speak about his father, there is much worry and fear in Greg's voice and overall demeanor. This is not a result of others pressuring Greg to feel fear towards his father, which is virtually impossible for an autistic person to fake, but because the father has simply earned a place in Greg's mind as a stressful stimulus.

Greg doesn't wish to hurt or neglect anyone; he just wants to lead *his* own life and surround himself with the people *he* likes. Greg is a very caring and endearing to those *he* chooses to associate with. Those who are "acting in Greg's best interest" should pay more attention to what Greg is saying and less to court processes and formalities. Greg's wellbeing needs to be of chief concern and his feelings need to be respected.

In keeping with his honesty, he doesn't mask his emotions when speaking about his passions, and about what makes him nervous, and what causes him deep angst. As with any person, we have our likes and our dislikes, and Greg is no different. To think otherwise would be feeble-minded and completely dismissive.

Sincerely,



Matthew Berton



2100 Sautelle  
#204 90055

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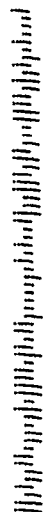
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APR 18 2014

PROBATE DEPT.  
DEPT. 29

Superior Court  
Department 29 Judge  
111 N. Hill Street  
Los Angeles, CA 90012

90012311554



# Spectrum Institute

Disability and Abuse Project

February 21, 2014

Hon. Daniel S. Murphy  
Hon. David Cunningham  
Department 29 – Superior Court  
111 N. Hill Street  
Los Angeles, CA 90012

Re: Conservatorship of the Person of Gregory D., SP006273  
Letter of Concern (Rule 7.10 (c), California Rules of Court)

To the Court:

I am writing out of concern that the constitutional rights of Gregory D., a limited conservatee under the protection of this court, are not being adequately defended or protected.

Any resident of the United States has constitutional rights to freedom of speech and freedom of association. These rights are guaranteed by the Bill of Rights, as made applicable to the states through the Fourteenth Amendment to the United States Constitution. They are also guaranteed by the California Constitution. Article I, section 1, of the California Constitution protects liberty as well as the right of individuals to pursue happiness and privacy. Article I, section 2 protects freedom of speech.

The co-conservators, by petitioning the court to take Gregory's right to make social decisions from him and to grant such authority to them, are seeking to restrict Gregory's constitutional rights. The father, who would benefit from such an order, is not objecting to the petition.

It is unknown whether Gregory's court-appointed attorney will oppose this petition, and whether she will vigorously defend Gregory's constitutional right to make his own social decisions, to choose not to associate with anyone on any given occasion, and not to be a "captive audience" and a "forced listener" during any unwanted visits.

As of this date, I am unaware of any pleadings filed by the current PVP attorney in opposition to the petition on social rights or any arguments advanced by her regarding Gregory's constitutional rights and why he should never be required to visit with anyone if he does not want to. I have sent emails and a considerable amount of legal information to the PVP attorney on these constitutional issues and have offered to brainstorm with her but she has not reached out to me. I am concerned that she has become an advocate for what she considers the best interests of Gregory. If Gregory's attorney is not arguing for his wishes, then he really is not receiving effective assistance of counsel. A "Marsden" hearing is appropriate if a conservatee's right to counsel is compromised. (People v. Hill, Fourth District Court of Appeal, E054823, 9-11-13.)

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I call the court's attention to three documents: (1) Declaration of William Freeman for the Regional Center; (2) Probate Investigator's Report from 2013; and (3) Reporter's Transcript from the proceeding on October 4, 2013.

**Document #1 – Declaration of William Feeman** in Objection to Petition for Authority to Control Limited Conservatee's Social and Sexual Contacts and Relationships – is 2 pages long. This document was filed in response to the conservators' request to take control away from Greg over his social decision making. The Assistant Director of Westside Regional Center says that: (1) Gregory should be able to make his own choices about who he spends time with; (2) Gregory has never demonstrated behavioral issues which would justify termination of his right to make his own such choices; (3) Gregory has demonstrated an ability to create a rich social and work life; and (4) It would be sad if Gregory's social rights are taken away "simply to satisfy his parent's and conservators' need to control his social life."

**Document #2 – Original Probate Investigator's Annual or Biennial Review Report** – is 8 pages long. In this report, the Probate Investigator states that: (1) Gregory knows what he wants and that is to see less of his father; (2) The caregiver where Gregory lives says Gregory is intelligent and that the father is controlling; (3) the co-conservators have not attempted to develop a relationship with Gregory; and (4) The original PVP attorney for Gregory is not effectively advocating for him. The report recommends: (1) That the co-conservators be removed; and (2) a PVP attorney be appointed to advocate for Gregory's desire to have less visitation with his father.

**Document #3 – Reporter's Transcript of Proceedings on October 4, 2013.** On page 17 of this document, Gregory states in open court, in no uncertain terms, that he does not want to visit or be with his father. This document is attached to the letter of Nora J. Baladerian, Ph.D..

As the court is aware, the statutory scheme for limited conservatorships assumes that the proposed limited conservatee will be allowed to retain as many rights as possible and should be encouraged to live a life as independently as possible. (Conservator's Handbook, Judicial Council, p. 19) The conservator does not have authority to make social decisions for the conservatee unless a judge orders this. (Conservator's Handbook, Judicial council, p. 20)

While a conservator may seek to transfer authority from the proposed conservatee to the conservator, the conservator, as the moving party, has the burden of proof since the conservator is seeking to overcome the presumption that the conservatee should retain this right.

Because fundamental constitutional rights are involved in a transfer of authority to make social decisions from a conservatee to a conservator, the burden of proof should be heavy. The conservatee has a right of privacy – a right to be left alone. This right is infringed when he is pressured to leave his home and to go with a parent somewhere against his will.

The conservatee's freedom of association is infringed when a court order, or directives from a conservator (state appointed agent) pressures him to visit with a parent when he does not want to or under circumstances that he does not favor. The United States Constitution protects the freedom of choice in highly personal matters, including family relationships.

“[I]t is clear that among the decisions that an individual may make without unjustified government interference are personal decisions relating to marriage, procreation, contraception, family relationships, and child rearing and education.” *Carey v. Population Services International*, 431 U.S. 678, 684-85 (1977). Gregory has a constitutional right to decide which family members to associate with and which ones to avoid.

The freedom of association presumes a freedom not to associate with someone. “Freedom of association . . . plainly presupposes a freedom not to associate.” Justice Brennan, writing for the majority in *Roberts v. United States Jaycees* 468 U.S. 609, 622 (1984). As an adult citizen of the United States, Gregory has a federal constitutional right not to associate with his father.

A court order, or a conservator’s command, for a conservatee to go with or be with a visitor they do not want to be with, makes the conservatee a “captive audience” and forces them to listen to things the visitor says to them. This type of recurring “forced listening” for hours on end, and on repeated or scheduled occasions, violates the First Amendment rights of conservatees who are, in effect, being compelled by the government to listen to speech they do not want to hear and to associate with someone they do not want to be with. (Caroline Mala Corbin, “The First Amendment Right Against Compelled Listening,” 89 Boston University Law Review 939 (2009) <http://128.197.26.3/law/central/id/organizations/journals/bulr/volume89n3/documents/CORBIN.pdf>)

Pressure, whether social or legal, is not permissible if it is instigated by the state and implicates First Amendment freedoms of an audience who cannot voluntarily leave to avoid the message. (*Lee v. Weisman*, 505 U.S. 577 (1992).) The current court order for scheduled visits, and the current methods of implementing the order, force Gregory to go with his father to places chosen solely by the father and to listen to and see visual and audio content that Gregory may not want to see or hear. This order and its implementation are tantamount to government compelled speech and association and therefore violate Gregory’s First Amendment rights. (David B. Gabler, “First Amendment Protection Against Government Compelled Expression and Association,” 23 Boston College Law Review 995 (1982))

The court should be very reluctant to give the co-conservators authority to make social decisions for Gregory, absent a showing that Gregory has made social decisions in the past that have harmed him or others. If the court does grant the petition, language should be included in the order that prohibits the conservators from ordering or directing or pressuring Gregory to visit with his father if, on any specific occasion, he does not want to. It should also be made clear that if Gregory voluntarily goes with his father, he should have the right to terminate such a visit at any time and should be returned, as soon as possible, to his home.

Finally, this is not about the father’s constitutional or statutory rights. The father’s right to make social decisions for his son ended when Gregory turned 18. This is about Gregory’s rights, and about people respecting the social decisions that he makes for himself.

Respectfully submitted:



Thomas F. Coleman  
Legal Director

# Nora J. Baladerian, Ph.D.

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February 21, 2014

Hon. Daniel S. Murphy  
Hon. David Cunningham  
Department 29 – Superior Court  
111 N. Hill Street  
Los Angeles, CA 90012

Re: Conservatorship of the Person of Gregory D., SP006273  
Letter of Concern (Rule 7.10 (c), California Rules of Court)

To the Court:

I am writing to share my concerns about the petition of the co-conservators to have the court enter an order taking away the right of Gregory D. to make his own social decisions and instead to grant the co-conservators the authority to make such decisions for him. I have serious concerns about the damage that could be caused to Gregory if such a request is granted, especially if an order restricting Gregory's right to make social decisions does not contain specific limitations on the authority of the co-conservators with respect to any social decisions they may make for Gregory.

This letter is being submitted pursuant to subdivision (c) of Rule 7.10 of the California Rules of Court. That provision allows a judicial officer to receive an ex parte communication from a person regarding a conservatee in an open proceeding. The court may take appropriate action in response to the communication, including setting a hearing to address the issues raised in the communication.

I am a licensed clinical psychologist in California and have been for several decades. Most of my professional work involves providing therapy for children and adults with developmental disabilities, as well as conducting research, education, training, and forensic consulting on issues involving abuse of people with developmental disabilities, including autism. You can learn more about my work, and about my credentials, at my professional website: [www.norabaladerian.com](http://www.norabaladerian.com). I also devote considerable time to these issues, pro bono, and you can find additional information about this nonprofit work at: [www.disabilityandabuse.org](http://www.disabilityandabuse.org).

I became aware of this case last year when I learned about the decision of the Court of Appeal denying parents standing to appeal from a trial court decision that infringed on the constitutional rights of an adult child. I wrote a letter to the California Supreme Court in support of the appellant's petition for review. I have been monitoring this case ever since.

After the case was returned by the appellate court to the Probate Court, I attended a hearing in the case on October 4, 2013. At that hearing, I witnessed an amazing spectacle. Gregory stepped forward and addressed the court and expressed his wishes with respect to the issue of visitation with his father. The fact that he initiated the presentation was amazing in and of itself, considering the limitations experienced by people with autism. But the clarity of his remarks and the deliberate focus of his presentation was even more amazing. I am attaching a copy of page 17 of the reporter's transcript for that proceeding, the page on which Gregory's remarks appear.

Gregory stated, and reiterated, in several different ways, that he did not want to see or be with his father. Gregory could not have been more clear about his wishes. What surprises me, however,

is that his court-appointed attorney did not follow up by making a motion to eliminate the order creating a schedule of visits, or seek a protective order clarifying that Gregory has a continuing right to veto any proposed visit with his father. Perhaps the attorney is engaging in "best interests" advocacy rather than "client's wishes" advocacy. But if that is the case, then Gregory has been left without an attorney to advocate for what he wants.

It appears that the co-conservators believe that Gregory lacks the capacity to make social decisions. The argument seems to be based on the notion that a person must be able to make well informed decisions in order to have a capacity for social decision making. Such an argument overstates the role of intelligence and cognitive judgments in social decisions.

We are not talking about the capacity for entering into contracts, making medical decisions, engaging in sexual relations, or whether someone will marry or not. These are more difficult decisions and ones that may have consequences, not only to the conservatee, but to others, as well as to society. In contrast, a decision to visit someone or not, or to engage in conversation with them, or to participate in recreational activities with them, is quite a different matter.

Social decisions, such as these, are premised largely on subjective emotional choices. They are usually determined by likes and dislikes. An adult with autism knows whether he likes cartoons or cowboy movies or not. He knows whether he likes to walk in the park or go bowling or not. He knows whether he feels good or bad when he is in the presence of a particular person. He is the definitive expert when it comes to his own feelings, his likes and dislikes. It takes very little to have the capacity to make such choices.

Many adults have mixed feelings when it comes to one or both of their parents. These feelings may be based on experiences from childhood or adolescence. They may both love and hate a particular parent. The dominant feeling – love versus hate – may fluctuate or change from day to day or week to week. The person may schedule a visit with a parent for a particular date in the future, but when that date arrives or is about to arrive, they may change their mind, based on their current feeling. Adults in the generic population have a right to have mixed feelings. They have a right to schedule a visit, only to cancel at the last minute. They may even start a visit, only to decide, half way through, that they want to terminate the visit. If someone forced them to visit against their will, or stopped them from leaving midway through a visit, the person doing the forcing or the stopping could be prosecuted for false imprisonment or kidnapping.

Imagine the feeling, and emotional harm, done to a victim of such false imprisonment or kidnapping. Imagine how the harm would be amplified if it were done repeatedly, on a regular schedule. Imagine the despair if the victim knew that others were aware of the emotional trauma they were experiencing and did nothing to help them. Worse yet, imagine the mental distress to the victim if they knew that someone participated in a scheme to force such unwanted associations on them.

This is what occurs when one parent is prohibited from protecting an adult child from forced or pressured visitations and the adult child does not understand why that parent is not stopping the process from happening. This is what occurs when a court allows, or even orders, people "in authority" to require or pressure an adult into visiting with someone against their will. It is quite likely that the adult who is manipulated into such forced visitations must feel abandoned by the parent or victimized by the judge who is supposed to be there to protect them from abuse.

Adults with developmental disabilities are supposed to be encouraged to live as independently as possible. They are supposed to retain as many rights as possible. Of course, if there is clear evidence that they have harmed themselves by making rash or bad decisions, and that a protective order is necessary to prevent harm to them or to others, then their rights may be curtailed.

There is no evidence that I am aware of that Gregory has made social decisions that have caused

harm to himself or to others. In contrast, he has made decisions to protect himself from emotional harm. For example, he has sometimes decided not to be at home when his father was scheduled to pick him up. That is a rational decision to prevent emotional harm to himself. He has also, on occasion, verbally expressed his refusal to go with his father for a scheduled visit. Again, this is his way of protecting himself. Such a decision causes no harm to anyone.

I am very concerned about the psychological harm that may be done to Gregory by: (1) learning that the court does not trust his ability to make social decisions; (2) knowing that the co-conservators have created a schedule of visits between Gregory and his father; and (3) being forced or pressured to be with his father, and listen to his father's communications for hours on end, on occasions when he does not want to do so. Item #1 could cause serious damage to Gregory's self esteem. Item #2 has already put Gregory under stress and has likely caused trauma as dates for scheduled visits got closer. Item #3 may have felt like torture, almost like a person in captivity being forced to listen to propaganda for hours at a time. This should not continue.

I am concerned that the co-conservators and their attorney, and the PVP attorney as well, are not understanding the gravity of the situation involved in stripping a high functioning adult on the Spectrum of his right to make social decisions. Hopefully, the court, in its role as ultimate defender of constitutional rights, will give this matter the careful attention that it deserves.


The decision of this court will not only affect Gregory, but will create a precedent in Department 29 that will affect other adults with developmental disabilities in future cases. Because the court's decision implicates fundamental constitutional rights of an extremely vulnerable litigant – one who has no control over whether his own attorney is effective or not – the court should require the moving party to show clear and convincing evidence that a restriction of Gregory's social rights serves a compelling state interest and is the least restrictive means of serving such an interest.

At this point in time, it appears that the power of the court is being employed to serve a private interest – the desire of a father to make a son visit with him. The co-conservators have also argued that the preservation of money and court time would be served by an order stripping Gregory of his right to make social decisions. They seem to blame the mother for the endless litigation around visitation. However, from what I have seen in the court records, the mother has said that she does not need or want a court order on visitation. She does not need a schedule. She is happy to allow Gregory to make his own decisions, on an ad hoc basis, as to whether to visit with her or the father. So the endless litigation seems to be caused by the father's never-ending demands to have the power of the court, or of the co-conservators, used to pressure Gregory into visiting him.

This entire matter could be resolved by simply allowing Gregory to do what comes naturally to him, and to any adult child, namely, to decide for himself, on a case by case basis, whether to visit with his mother or his father or anyone else for that matter. If the father wants to invite Gregory to visit with him, the father can email Gregory with a request to visit. Gregory can reply by email and say yes or no, and his decision should be respected as final for that occasion. Gregory can always initiate a request to visit with his father by sending an email. This is really a matter of ordinary social decision making – one in which the conservatee should always be in control.

I am willing to make myself available to the court, should the court have any questions pertaining to anything I have said in this letter. I would just need advance notice so that I can arrange my schedule accordingly.

Respectfully,

  
Nora J. Baladerian, Ph.D.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 29

HON. ROY PAUL, JUDGE

IN RE:

GREGORY R. DEMER CONSERVATORSHIP ) NO. SP006273  
\_\_\_\_\_) )  
\_\_\_\_\_)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

OCTOBER 4, 2013

1 INTERESTS ARE.

2 AND THAT'S ONE OF THE THINGS, WE HAVEN'T GOTTEN ANY  
3 SUBSTANTIVE ISSUE, BUT I'M GOING TO ASK YOU TO MAYBE MEET  
4 AND CONFER AND SEE IF YOU CAN SOMEWHAT WRAP THIS INTO A  
5 PACKAGE THAT WE CAN ALL AGREE UPON.

6 AND, IF NOT, THEN WE'RE GOING TO HAVE TO --

7 MR. GREGORY DEMER: NEVER MIND, YOUR HONOR, I WANT TO  
8 HAVE MY FRIENDS PROTECTED SO I HAVE THE RIGHT TO SAY NO TO  
9 DAD, AND I'LL DO IT BY MYSELF, YOUR HONOR.

10 NO, I DON'T WANT TO SEE YOU, DAD. I DON'T WANT TO  
11 GO FLYING WITH YOU ANYMORE AND I DON'T WANT TO GO TO  
12 CATALINA ISLAND WITH YOU AND I DON'T WANT TO BE WITH YOU. I  
13 WANT TO WALK OFF FROM YOU. AND I WANT TO USE MY LEGS AND GO  
14 SEE MY MOM AND I DON'T WANT TO SEE -- DAD, I DON'T WANT TO  
15 SEE YOU ANYMORE.

16 YOUR HONOR, I DON'T WANT TO SEE MY DAD AND GO  
17 FLYING WITH HIM ANYMORE AND I DON'T WANT TO SEE MY DAD AND  
18 GO TO CATALINA ISLAND WITH HIM ANYMORE.

19 THE COURT: OKAY. THANK YOU.