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California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102

Re: Conservatorship of the Person of Gregory D., Supreme Court No. S209942

To the Chief Justice and Associate Justices:

I am licensed by the State of California as a clinical psychologist and as a marriage and family therapist. This letter is being submitted to the Court in support of the Petition for Review filed by Linda D., Objector and Appellant.

I have read and considered the letter submitted by the Amicus Curiae, Disability and Abuse Project of Spectrum Institute and support their three requests: (1) to grant full review on the issue of the standing of Linda D. to appeal from an order of forced visitation of her adult son with his father; (2) to grant review with a summary order remanding the case to the Court of Appeal to reconsider the issue of standing; and (3) to issue an order depublishing the opinion of the Court of Appeal.

Over the past few decades I have devoted much of my clinical practice to providing therapy for adults with developmental disabilities who have been victims of abuse, sometimes committed by a parent. On occasion, I have also provided therapy to a parent of an adult with a developmental disability, including parents who are participating in conservatorship proceedings. Some of these situations have involved courts ordering an adult conservatee to scheduled visits with a parent that the conservatee does not want to visit or be with.

I am troubled by, and hope that this Court will also be troubled by, a court issuing an order that forces an adult with a developmental disability to spend time, often unsupervised, with a parent that the adult does not want to see, speak with, or associate with. In this case, my concern is heightened due to the fact that Gregory retained his right to make social decisions, but the court ordered him to have unsupervised two-day visits with his father even though Gregory had expressed to many people, on many occasions, that he did not want to visit with his father.

In my professional experience, court-ordered visitation such as this, can and usually does cause trauma to the conservatee. The conservatee often reacts by acting out in a negative manner, and sometimes in a manner that causes harm to the conservatee. The conservatee is at the mercy of others and when others force him or her to come into close contact with a person the conservatee does not like or is fearful of, this trauma can have adverse effects on the conservatee as well as others close to the conservatee.

Without any factual basis, the Court of Appeal concluded, as a matter of law, that a parent such as Linda D., is not “aggrieved” by an order of forced socialization requiring her son to have close and repeated contact with his father – someone whom the conservatee does not want to see.

By then ordering that the opinion be published in the official reports, the Court of Appeal made its factually unsupported conclusion precedent throughout the state. As a result, this opinion not only affects Linda D., it affects thousands of parents who have children with developmental disabilities and who are conservatees or limited conservatees.

In my professional experience, there is a “domino effect” of forced socialization. The order not only can, and often does, have a negative impact on the conservatee, but it has a negative affect on the relationship of the conservatee and the parent who objects to the order of forced socialization. It is difficult enough for a parent, such as Linda, to have a functioning relationship with an adult child with a developmental disability. There are many challenges that such a parent must meet in order to make the relationship as normal as possible. But this becomes even more challenging, often impossible, when the adult child is upset and traumatized because of a court order forcing the child to meet with, or go to church with, or have overnight visits with, a parent that the child does not want to see.

A parent, such as Linda, is “aggrieved” by an order of forced socialization. Synonyms for aggrieved include: harmed, injured, wronged, and pained. Since forced socialization harmed her son, and the trauma from this harm can and has adversely affected her ability to have a normal relationship with him, Linda is herself an aggrieved person. The unjust order of forced socialization has, if you will, caused an alienation of affections between Gregory and Linda.

Therefore, Linda, in her own right, should have standing to appeal from an order that has a direct impact on her ability to interact with her son in a normal manner. However, even if the Court were to hold otherwise, Linda should have standing to appeal, on behalf of her son, the unconstitutionality of an order of forced socialization – especially when her son’s court-appointed attorney fails to speak up or advocate on behalf of his client’s rights.

It is likely that the Legislature gave standing to parents to participate in conservatorship proceedings as a way to allow maximum input *on behalf of the conservatee*. Participating parents are often not arguing for their own rights, but for the court to consider and implement their views as to the rights of their child. By definition, participating parents are often secondary advocates for their child and what is in his or her best interest.

I am asking this Court to consider the impact of the conclusion of the Court of Appeal – that parents who participate in a conservatorship proceeding are not, as a matter of law, aggrieved by an order of forced visitation in which the adult child is required to spend time with the other parent against the will of the child. Such a conclusion does not have a reasonable basis in fact, and therefore violates due process. It is a conclusion that was formed by the Court of Appeal without any basis in fact. There is no evidence in the record as to whether or how Linda may be aggrieved by an order of forced visitation. Her own testimony, and expert opinion evidence, would show that she is aggrieved. Perhaps this Court should grant review and remand the case to the Court of Appeal for further proceedings to determine whether, *in fact*, Linda has been aggrieved by this trial court order or whether other parents, in her situation, would be likely to be aggrieved.

Respectfully submitted,

Nora J. Baladerian, Ph.D.