

Shriver Project Helps Low-Income Families with Guardianship and Conservatorship Cases

What is the Shriver Program?

The Sargent Shriver Civil Counsel Act pilot program was legislatively established in 2009 (AB590) and expanded in 2019 (AB330) to provide legal services to low-income people in cases involving critical livelihood issues like housing, child custody, and family guardianship. This fact sheet describes the sole pilot project funded between 2011 and 2019 to help low-income Californians involved in guardianship or conservatorship cases. The pilot project involves a collaboration between a legal services agency and the local superior court. The project's goals are to improve access to the legal system, increase court efficiency, and improve the quality of justice dispensed by California's courts.

Why guardianship and conservatorship cases?

Guardianships are necessary legal arrangements that give an adult who is not the parent the authority to care for a minor child. Conservatorships are arrangements that give an adult the authority to care for a dependent adult (e.g., a person with intellectual or physical disabilities who cannot care for themselves). These cases are technically complex and involve substantial paperwork in probate court that can be very challenging for people without a legal background.

Traditionally, guardianships were needed in situations where both parents were deceased. However, this study found that most Shriver clients sought guardianship of children whose parents were alive but had abandoned them, had substance use or mental health problems, had a history of maltreatment, or were incarcerated.

What types of services are available?

- The legal services agency offers both **legal representation** (an attorney represents the client and manages the case) and **unbundled legal services** (help with discrete legal tasks such as brief legal advice and preparation of forms).
- The court offers **expanded self-help assistance** through a **Probate Facilitator** who provides help with filings and paperwork, as well as legal education (not legal advice).

Is the pilot project successful?

A multi-year evaluation of this Shriver pilot project used data from multiple sources and an analysis of court case file data comparing outcomes among three types of cases: (a) those receiving **representation by a Shriver attorney**, (b) those receiving **Probate Facilitator assistance**, and (c) those involving **self-represented litigants** who did not receive any Shriver services. The study found that Shriver services enhanced individuals' participation in the legal system and increased court efficiency. Details from the study results are shown on the reverse side.



Who received Shriver Services?

Between 2011 and 2019:

311

low-income litigants were served by the legal aid agency

670

low-income litigants were served by the Probate Facilitator

Of those served by the legal aid agency:

72%

were people of color

63%

were couples (grandparents seeking care of a grandchild)

46%

had a high school diploma or less

26%

had a disability or chronic health condition



73%

sought help with a guardianship



27%

sought help with a conservatorship

\$1,612/month

Shriver guardianship clients' median household income

\$1,778/month

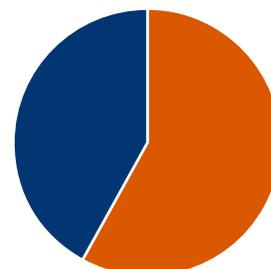
Federal Poverty Level (2019) for a household with two adults and one child



What legal services were provided by the legal aid agency?

42%

received representation by a Shriver attorney



58%

received unbundled legal services

Notable Impacts of the Shriver Guardianship Pilot Project

Petitions were Successfully Filed

The technical complexity and voluminous paperwork present a substantial hurdle for self-represented litigants seeking to establish a guardianship or conservatorship. Shriver services ensure that would-be guardians **understand their options for care arrangements** and are able to **file the necessary paperwork**.

Before the Shriver project, court staff estimated that it took litigants at least three attempts to file a petition and that many gave up in frustration before succeeding.

With help from the Probate Facilitator, litigants are often able to file successfully on the first attempt.

This increases litigants' access to the legal system, creates efficiencies for the court, and hastens stable care arrangements for dependent children and adults.



Increased Participation in the Justice System

Having an attorney enables litigants to more meaningfully participate in the legal system and provide more thorough information for the court. Compared with self-represented litigants, Shriver-represented litigants more often **called witnesses** and **entered declarations** to support their cases.



For more information, visit:
www.courts.ca.gov/shrivercommittee.htm

More Petitions Granted, Fewer Denied

Among those with completed petitions, more **Shriver-represented litigants had their petitions granted (and therefore a guardian appointed) and fewer had them denied** than did litigants without Shriver assistance.



Maximizing Court Resources

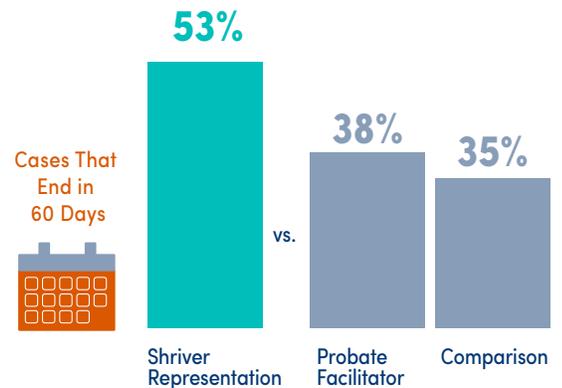
Shriver services **created efficiencies for the court** via the Probate Facilitator (e.g., reduced clerk time to process petitions) and via representation by Shriver attorneys (e.g., fewer hearings and continuances) which led to savings.



Taken together, these efficiencies reduced the average court costs to process a case by approximately 30%.

More Efficient Proceedings

Due to legal complexities, guardianship cases with self-represented petitioners often become protracted. Having an attorney speeds up this process. Cases with Shriver representation **resolved more quickly**: More than half of Shriver representation cases ended within 60 days, compared to about one third of cases with self-represented litigants.



SUMMARY

This Shriver pilot project assists people to create stable care environments for dependent adults and children, such as grandparents seeking the legal right to care for their grandchildren. Services enable litigants to correctly file complex and lengthy legal paperwork and to meaningfully participate in the justice system. Shriver services support more efficient proceedings, including fewer continuances and quicker case resolution. These efficiencies increase the rate at which families are able to establish legal care arrangements and notably reduce the court costs needed to process a case.