

# Shriver Pilot Project Helps Low-Income Families with Guardianship Cases

**WHAT IS SHRIVER?** The Sargent Shriver Civil Counsel Act (AB590; 2009) established pilot projects 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 one project focused on guardianship and conservatorship, launched in 2011, that involves a collaboration between a legal aid agency and the local superior court. Project goals are to increase access to the legal system, increase court efficiency, and improve the quality of justice dispensed by California's courts.

**WHAT ARE GUARDIANSHIP AND CONSERVATORSHIP CASES?** Guardianships are necessary legal arrangements giving an adult who is not the parent the power they need to care for a minor child, especially concerning education and healthcare. Conservatorships involve the care for a dependent adult (e.g., a person with intellectual 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.

## WHAT TYPES OF SERVICES ARE AVAILABLE?

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

## ARE THE PILOT PROJECTS SUCCESSFUL?

NPC Research was hired by the Judicial Council of California to conduct a comprehensive, multi-year study of the Shriver pilot projects. The evaluation collected data from multiple sources over 6 years and included an analysis of court case file data from this project that compared outcomes among cases that: (a) received **representation by a Shriver attorney**, (b) received **Probate Facilitator assistance**, and (c) involved **self-represented litigants** who did not receive any Shriver services. Study results are shown on the reverse side.

## Who Received Shriver Services?

**242** litigants were served by legal aid between 2011 and 2016

**286** self-represented litigants were helped by the Probate Facilitator between 2013 and 2015

Of these those served by legal aid:



66% were couples (e.g., grandparents)



59% were people of color



21% had a disability

**\$1,600/month**

Shriver guardianship clients' median household income

**\$1,674/month**

2016 Federal Poverty Level for a household with two adults & one child

## What Services Were Provided?

Of those eligible and served by legal aid:

**70%** sought help with a **guardianship**

**30%** sought help with a **conservatorship**

**40%** were **represented** by a Shriver attorney

**60%** received **unbundled services**

## Why Were Guardianships Sought?

Guardianships were initially developed for situations where both parents are deceased. However, this study found that **the basis for many guardianships has changed**. Most Shriver clients sought guardianship of children whose parents had abandoned them, had substance use or mental health problems, had a history of maltreatment, or were incarcerated.

# Notable Impacts of the Shriver Guardianship/Conservatorship Pilot Project

**PETITIONS WERE SUCCESSFULLY FILED:** The technical complexity and voluminous paperwork involved in probate cases render most self-represented litigants unable to successfully file petitions for guardianship or conservatorship, leaving dependent children and adults without stable care environments. Shriver attorneys ensured that would-be guardians **understood their options** and were able to **file the necessary paperwork**.



**94%** of Shriver legal aid clients either successfully filed petitions or pursued other legal arrangements (e.g., Caregiver's Affidavit).

## PROBATE FACILITATOR HELPED FILINGS SUCCEED:

Before the Shriver project, court staff estimated that it would take litigants three attempts to file a petition and that many would give up rather than follow through. Litigants who received help from the Probate Facilitator were usually **able to successfully file on the first attempt**. This change increased litigants' **access to the legal system**, hastened resolution for families, and created notable **efficiencies for the court**.

## INCREASED PARTICIPATION IN THE JUSTICE SYSTEM:

Shriver representation enabled litigants to more **meaningfully participate in the legal system** and **use appropriate legal strategies**. Shriver-represented litigants more often **called witnesses** and **entered declarations** to support their cases.

## MORE PETITIONS GRANTED, FEWER DENIED:

More **Shriver-represented litigants had their petitions granted and fewer had them denied** than did litigants without Shriver assistance.

Shriver-represented:



Probate Facilitator:



Self-represented:



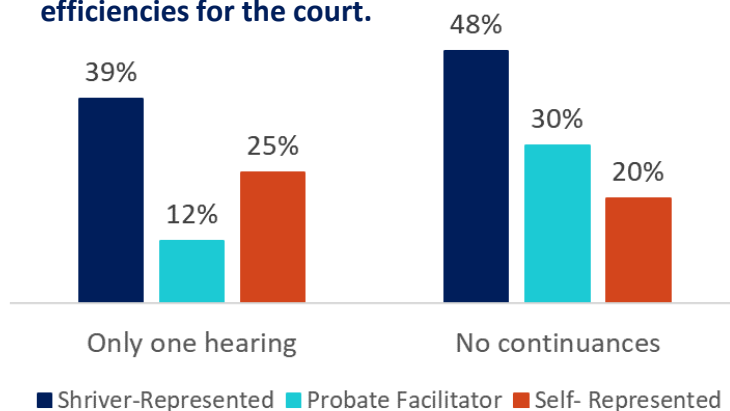
■ Petition Granted ■ Petition Denied ■ Petition Withdrawn

**MORE EFFICIENT PROCEEDINGS:** Cases with Shriver representation were **resolved more quickly**.



**53%** of Shriver representation cases ended within 60 days, vs. **38%** of Probate Facilitator cases and **35%** of self-represented cases.

Case with Shriver representation more often **resolved with one hearing and zero continuances**, thus creating **efficiencies for the court**.



**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%.**



**SUMMARY:** The Shriver project assisted people to create stable care environments for dependent adults and children, such as grandparents seeking the legal right to care for their grandchildren. Shriver clients were more often able to submit complex and lengthy paperwork correctly and to meaningfully participate in the justice system. Shriver services facilitated complete filings and more efficient proceedings, including fewer continuances. These efficiencies increased the rate at which children's care stabilized and notably reduced the court costs needed to process a case.



For more information about the Shriver pilot projects, visit: [www.courts.ca.gov/15583.htm](http://www.courts.ca.gov/15583.htm)