

Will Britney Spears' dramatic testimony affect other cases, laws on conservatorship?

By Maria Puente

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Now that Britney Spears has declared her loathing of her [conservatorship](#) to the world, family-law lawyers, disability activists, mental health professionals and others are hoping her impassioned plea will eventually echo in state legislatures throughout the country.

"But we have a saying in the law that 'hard cases make for bad laws,' so hopefully advocates (of reform) will realize that guardianships and conservatorships play an important role in protecting elderly and dependent adults from elder abuse and undue influence," says Troy Martin, a Los Angeles lawyer with a conservatorship practice who examined Spears' case file for USA TODAY in 2019.

It may turn out Spears gets what she says she wants: The probate judge in her case may say yes to her demand to be freed from the conservatorship that has controlled the 39-year-old ex-pop star's finances and intimate life decisions for the last 13 years.

Maybe. A win for Spears is not automatic, the judge may require medical advice (even though Spears insisted she wouldn't submit), and Spears' comments in court on Wednesday, despite their undeniable power and poignancy, may not have helped her cause, according to some estate attorneys.



"Clearly she has issues but nowhere near the conservatorship (standard)," says Neema Rahmani, a civil attorney in Los Angeles who represents clients in conservatorships. He thinks the judge is likely to rule in Spears' favor.

"The judge would have to find she is incapable of taking care of herself and her finances and she's not anywhere near that. And there are less intrusive ways (of supporting her)," he says.

What about everyone else living under conservatorships?

Meanwhile, there's an unknown number of people far older, less famous and with fewer resources than Spears who are under conservatorships, whose cases receive no public attention.

Critics of California's conservatorship system hope the global preoccupation with the Spears case will help move lawmakers to make conservatorships harder to impose and easier to escape – under the principle that such restrictions violate the civil rights of people with disabilities.

"The conservatorship over Britney and the #FreeBritney movement has brought conservatorships into the spotlight," and that's a good thing, says [top family law attorney](#) Christopher C. Melcher, a partner in Walzer Melcher LLP, which was named one of the [best family law firms](#) in Los Angeles.

"The point of a conservatorship is to protect vulnerable people who cannot protect themselves, and that creates a potential for abuse by the ones placed in charge of protecting them."

However, no one knows how many people there are in California (or anywhere else) chafing under state control over their lives and finances against their will. Many experts have tried to produce an accurate count in recent years, including AARP, the National Center for State Courts and the U.S. Senate Committee on Aging, but these efforts have largely failed.



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A 2013 AARP report put the “best guess” estimate of people in conservatorships nationally at 1.5 million. A 2011 study by the NCSC estimated the number nationally could range from less than 1 million to as high as 3 million.

The Senate committee's 2018 report found that an oft-cited figure of 1.3 million people and \$50 billion in assets under guardianship is based on data only from selected states with the most reliable data.

The National Guardianship Association, which recommends national standards in care, has no data on the number of people in guardianships in America, according to spokeswoman Sally Hurme.

What is the potential for conservatorship changes in state law?

Martin says the litany of shocking allegations Spears poured out in court will "hopefully" spur reforms. "All states need to institute assisted decision-making procedures into their guardianship laws, but eliminating guardianship is not the answer," Martin says.

"I wouldn't be surprised if there are reforms because this has generated a lot of attention and elected officials see that," says Rahmani.

Zoe Brennan-Krohn, a leader of the Disability Rights Project of the American Civil Liberties Union, which has long challenged conservatorship law, says the Spears case could be an "important turning point" in the public awareness of the potential harms of conservatorships.

"These are concerns we see every day across the country, of how people can really get trapped in the system ... where they can't get out," Brennan-Krohn says. "If people recognize that someone as privileged as Britney Spears is experiencing this, it really sheds light on what many, many people experience."

Is there a way to better care for vulnerable people in conservatorships?

The inability to say with some certainty how many people are under guardianship illustrates one of the problems with states' systems, say critics. They say there should exist better methods of tracking people who have lost the right to control such intimate matters as removing a birth control device in order to become pregnant and getting married, as Spears pleaded she wants to do.

"Courts should be assessing conservatorships on a regular basis anyway and seeing if the person is actually meeting the criteria to be in one, even if they're not protesting," Brennan-Krohn says. "But especially as soon as the person states clearly and unequivocally that she does not want to be in this situation, we would expect the courts to take that extremely seriously."



Mona Edwards, AFP Via Getty Images

Possible changes in the law, according to Melcher, could include more frequent oversight of conservatorship cases; assigning someone independent of the conservator to check on the person and provide input to the court; and placing a time limit on conservatorships.

"So the burden is on the proponent of the conservatorship to continue it – rather than requiring the person under conservatorship to convince the court to end it," says Melcher.

[Why did Spears wait until now to object to her conservatorship?](#)

Because Spears' case file is heavily redacted, it's hard to tell whether she challenged her conservatorship over the last 13 years. What is clear is that there is no formal petition from her or her lawyer seeking to terminate the conservatorship entirely. In her *cri de coeur* Wednesday, Spears said she didn't know she could file such a petition.

But mental health professionals say this response is not surprising because people in her situation often feel traumatized, paralyzed, embarrassed and demoralized – all feelings Spears talked about in her statement Wednesday.

"She said she didn't speak because she didn't feel she would be heard or believed," says Amanda Falk, head of clinical services at The Dorm, which offers therapy for young adults in New York and Washington D.C. "Shame and embarrassment are common experiences for individuals diagnosed with mental illnesses, especially when struggles have been so public" as in Spears' case.

People feeling powerful shame often shut down, Falk says. "Britney has also stated that she feels she has been abused. Many survivors of abuse don't speak out."

The people who would meet the criteria for a conservatorship are those who aren't aware of their inability to manage their lives, nor able to understand the consequences of that, Falk says, adding she does not think this applies to Spears. "You don't often see conservatorships for individuals who are working and successful in their careers – success in domains of life such as work or school suggests a level of capacity that seems incongruent with legal incapacity," Falk says.

What happens now in Spears' case?

First, she and her lawyer, Samuel Ingham III, have to file a petition to terminate her conservatorship. The next hearing in the case is set for July 14.

Next, the judge could ask Spears to be evaluated by a mental health professional, even though Spears said she wouldn't submit to that. Martin believes the judge is likely to seek one anyway.

"The court cannot force her to be evaluated, but it can consider her refusal in deciding whether to end the conservatorship," Melcher says.

If Spears' father, co-conservator James "Jamie" Spears, his lawyers and her family challenge her petition, which is likely, there would be a civil trial where each side will be able to call witnesses to testify for or against her. It could be a long, expensive legal process.

"Britney will need to show that she is able to manage her own affairs and that the conditions that led to the necessity for the conservatorship (in 2008) no longer exist," Martin says. "That may be very difficult for her to do, particularly in her situation. As a performer, she works in an industry notorious for taking advantage of its talent. That may cause the bar to be set very high for the termination of the conservatorship."