

Britney Spears-Discussion with a Conservatorship Lawyer and Several Psychiatrists

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In this episode, we will be discussing the conservatorship of singer and mega-celebrity Britney Spears. A conservatorship lawyer and several psychiatrists discuss the limitations of the law and the potential for people who are highly famous and wealthy to be at increased risk of manipulation and abuse by others who desire to gain influence and money. We hope this discussion helps Britney Spears' case and similar cases in the future.

This PDF is a supplement to the podcast "Psychiatry & Psychotherapy" **Episode 121** found on [iTunes](#), [Google Play](#), [Stitcher](#), [Overcast](#), [PlayerFM](#), [PodBean](#), [TuneIn](#), [Podtail](#), [Blubrry](#), [Podfanatic](#)

If you don't know much about her situation, Ms. Spears has been under a probate conservatorship for 13 years. Throughout most of this time, the details of her conservatorship and the court proceedings surrounding her case had not been made public. Two recent events, however, have attracted widespread attention and have been covered prominently in the press. The first was an [audio recording](#) that surfaced of Britney Spears testifying on June 23, 2021, where she details the restrictions imposed on her as a result of her conservatorship and her desire to have this arrangement dissolved. Another recent development is July 14, 2021, court ruling that allows Ms. Spears to hire and retain her own legal counsel, a right that has been denied to her since the start of the conservatorship.

Brief Review of Conservatorships in California

- There are several types of conservatorships in California with Limited Conservatorships being the least restrictive type.
 - **Limited Conservatorship**
 - For adults with an intellectual or developmental disability, defined as a chronic impairment that began before the age of 18.
 - They are designed to be minimally invasive and the powers granted to the conservator should only be relevant to areas of life where the conservatee requires assistance.
 - A court may grant a conservative control of any of these seven domains:

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1. Right to choose a living arrangement
 2. Right to make medical decisions
 3. Right to contract
 4. Right to make educational and medical decisions
 5. Right to marry
 6. Right to confidential records
 7. Right to social and sexual relationships
- **General or Probate Conservatorship**
 - For adults that are considered completely incapacitated (generally the elderly) and who are usually not expected to regain function.
 - These conservatorships are indefinite and typically terminate upon death. Alternatively, one can petition for the termination of a conservatorship in court.
 - Additional powers, such as the ability to place the individual in a secured residential care facility and force medication, can be granted if the probate conservatee meets the criteria for a major neurocognitive disorder per the DSM.
 - **LPS Conservatorship**
 - Also known as a “mental health conservatorship.”
 - Allows treatment of individuals who are gravely disabled secondary to mental illness and require assistance in managing their affairs. In addition to the powers accorded to probate conservators, the conservator may place the conservatee in a mental health facility and mandate treatment.
 - This conservatorship terminates after one year but can be renewed indefinitely by the court if the person continues to be found gravely disabled. The conservatee can request rehearing to contest the conservatorship at any time.

It is rather interesting that Britney Spears is under a probate conservatorship rather than an LPS one. Per California courts, “if a conservatee’s main challenge stems from mental illness, a probate conservatorship may not be the best option.”

It appears she started with a 5150 (involuntary hospitalization up to 72hrs in California) and was placed into a temporary LPS conservatorship. Soon after this, however, she was moved into a probate conservatorship.

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Even under a conservatorship, a person has the right to say who they want to see, who they don't want to see, medical care that they want, medical care that they don't want. Specific legal orders from a court are required to have control over who an individual does or does not see or to enforce medical care against the individual's wishes.

Key Points on capacity and individual freedoms

- People are allowed to make bad decisions. If an individual has capacity, defined as the ability to understand the consequences of one's actions, they should be allowed to make bad decisions. If an individual does not have capacity, there is a reason to have a sort of parental oversight in care.
- One of the main principles in medical ethics is self-determinacy– the ability to make choices for yourself. There are exceptions to that, but just because you want to make a “bad decision” that others consider to be poor judgment, doesn't mean you are without capacity.

Key points discussed on treating wealthy or famous people:

- People with notoriety and money engage in extravagant living and spending that is foreign to the majority of the population.
- There are almost always going to be conscious and unconscious drives to benefit monetarily from someone like this. Therefore, keeping the frame of what is a professional relationship is so important.
- The majority of people have little understanding of the pressures of what constantly being followed and monitored entails.

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