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# What Is a Conservatorship and Why Is Britney Spears In One?

By: [Sarah Gleim](#) | Jul 16, 2021



Britney Spears has been in a conservatorship controlled by her father, Jamie Spears, since 2008. Now she is pleading with the court to remove her father as conservator and to end the conservatorship altogether. [GABE GINSBERG/CONTRIBUTOR/VIA GETTY IMAGES](#)

Just three weeks after pop star Britney Spears begged Los Angeles Judge Brenda Penny to [end her 13-year conservatorship](#), Spears was granted the right to [hire her own lawyer](#) July 14, 2021. This comes after a separate judge declared the singer unfit to hire her own counsel when the conservatorship was imposed in 2008. Spears had been represented by [court-appointed lawyer](#) Samuel D. Ingham III ever since. Former federal prosecutor Mathew Rosengart will now represent her.

Spears said in court June 23 that she wants the conservatorship to end and that she wants her life back. "I shouldn't be in a conservatorship if I can work. The laws need to change," she told Penny [according to court transcripts](#). "I truly believe this conservatorship is abusive. I don't feel like I can live a full life."

## What Is a Conservatorship?

First, it's important to note that state laws use the terms "guardian," "guardianship," "conservator" and "conservatorship" differently, explains Laura Akins Smith, an attorney with [Nadler Biernath LLC](#), an Atlanta firm that specializes in planning needs of senior citizens and individuals with disabilities.

"In general, guardianships and/or conservatorships are legal proceedings in which a court deems a person incapacitated and appoints a legal representative to manage the personal and/or financial affairs of the incapacitated person," she says via email.

In California, (where Spears is) a conservatorship is a court case where a judge appoints an adult or organization — known as the conservator — to care for someone who can't care for themselves or manage their finances, according to the [Judicial Branch of California](#).

To establish a conservatorship, a petition is filed with the [probate court](#) by the person who believes the conservatorship is necessary, Akins Smith says. Once the petition is filed, the court usually orders an evaluation of the proposed conservatee, then appoints an attorney to represent them and holds a hearing to decide whether the conservatorship is appropriate.

Spears' conservatorship was [formed in 2008](#) when her father, Jamie Spears, petitioned the court after his daughter was hospitalized for [mental health issues](#). Jamie Spears and another person were named temporary co-conservators, putting them in legal control of Spears and her estate until a Los Angeles court made the conservatorship permanent.

Britney served as a judge on Fox's "The X Factor" alongside (l-r) judges L.A. Reid, Demi Lovato and Simon Cowell.

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## Do Conservatees Have Rights?

So when a person becomes a conservatee like Spears, does that mean they give up all of their rights? No. "In the California context, the conservator has the ability to make decisions about the conservatee's health, well-being and property," Akins Smith explains. "But a conservator cannot physically force a conservatee to take medication or otherwise take some action the conservatee does not wish to do. But a conservator can make decisions about living arrangements, social activities, how assets are managed and how money is spent."

The Judicial Council of California's [Handbook for Conservators](#) is very explicit on rights conservatees maintain, including the right to directly petition the court with questions and concerns about the conservatorship, something [Spears told the court June 23](#), she did not know she could do. The handbook also lays out 12 rights conservatees maintain:

1. directly control and receive their salary
2. the right to receive phone calls, mail and visitors (aka personal rights)
3. make or change a will
4. get married (unless a judge has deemed them unfit to do so)
5. have legal representation
6. request a judge to change conservators
7. request a judge end the conservatorship
8. vote
9. control their own spending money, known as an allowance
10. make their own medical decisions
11. make their own business transactions
12. engage in activities the court allows them to do at the time of the appointment

In court, [Spears accused her father](#) and co-conservators of refusing her medical treatment and not allowing her to get married, both violations of her rights as a conservatee. "... I deserve to have the same rights as anybody does by having a child, a family, any of those things," she said in court.

Since being placed in a conservatorship in 2008, Britney Spears has released four successful albums — two of which went platinum, grossed \$138 million during a four-year residency at Planet Hollywood Resort & Casino in Las Vegas, and performed live on numerous other occasions, including at the 2016 iHeartRadio Music Festival seen here.

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## How Is Spears' Case Different?

Spears' case is unique because conservatorships are most often used in cases where someone has significant cognitive impairment. Conservatees are typically older, sometimes with health issues like dementia or Alzheimer's. Conservatorships also are used in cases where people have considerable developmental disabilities.

"A conservatorship is only appropriate if a person cannot make responsible and safe decisions for themselves, and only if there are no other options available," Akins Smith says.

But since 2008, Spears has released four successful albums — two of which went platinum; she's been a judge on both "The X Factor" and "American Idol"; and grossed

\$138 million during a four-year residency at Planet Hollywood Resort & Casino in Las Vegas.

Kristin J. Lieb, author of "[Gender, Branding, and The Modern Music Industry: The Social Construction of Female Popular Music Stars](#)" and associate professor in the marketing communication program at Emerson College says Spears hardly seems like someone who can't take care of herself, and her case shows how easy it is to strip women — even incredibly powerful and high-profile women — of their rights if they are declared mentally unwell.

"She's well enough to make albums, tour and establish Vegas residencies, but not make personal decisions? You can't have it both ways," Lieb says via email. "She's unwell and you scale back her obligations to protect her, or she's better, and you return her decision-making authority accordingly."

Attorney Akins Smith says she doesn't know of any cases similar to Spears.' "Britney Spears' case is unique because she is young, working and earning significant income, and she obviously has some capacity to make decisions based on her social media engagement," she says. "To play devil's advocate, it's possible Britney Spears has a mental health condition, making it difficult for her to consistently make healthy, safe, responsible decisions for herself."

The Atlanta lawyer says she has seen conservatorships for young people in those types of situations. However, she says, they are less common than typical conservatorships established for people with intellectual or developmental disabilities and those created for elderly people.

## How Do You End a Conservatorship?

Conservatorships are usually permanent arrangements, according to the [Judicial Branch of California](#). However, they can be terminated in certain cases, including when the conservatee is able to handle their own affairs again after a period when they were unable to.

The conservatee must petition the court to terminate the conservatorship. "What usually happens is the conservatee must prove to the court that they have capacity to make significant, responsible decisions about their health, safety, well-being and property," Akins Smith says.

Spears has never publicly acknowledged she wanted her conservatorship terminated, [but The New York Times reported](#) she had expressed that desire to her former attorney Samuel Ingham as far back as 2016. And as early as 2014, Ingham told the court she wanted her father removed as conservator.

Lieb says she believes Spears' statements in court June 23 were alarming. "She clearly wants this to go public in hopes of being heard rather than discounted as unwell and unreliable," she says. "It is entirely possible that she needed a different level of assistance or looking after when she was 26. That this was carried out in secrecy despite Spears' requests to the contrary shows how wrong it is."

Before her conservatorship in 2008, Britney Spears (seen here with her cousin Alli Sims) was stalked relentlessly by the paparazzi. In this image Spears reacts as photographers block her car from moving outside the Family Court house in LA where she was due for a hearing regarding the custody of her children.

VALERIE MACON/AFP VIA GETTY IMAGES

## Money and Conflict of Interest

In a case like Britney Spears' where there's a lot of money involved — her estate is worth a reported \$60 million — there is always a possibility there's a conflict of interest. As conservator, Jamie Spears is paid about \$16,000 per month, plus \$2,000 a month for office space rent, by Britney Spears, and he also gets a percentage of her deals, [according to The New York Times](#).

That's a lot of money to give up if the court grants Spears' wishes to either remove her father as conservator or to end the conservatorship altogether. Bessemer Trust, the wealth management firm that was to serve as co-conservator of Spears' estate with her father, [resigned July 1](#), leaving Jamie Spears in total control.

"Very often the parent is appointed conservator of their child because the parent is otherwise providing care for their adult child," Akins Smith says. "Having a parent or a close family member serve as conservator is typical." What's not typical is a conservatee with the kind of money Spears has.

"While the amount of assets or property owned by the conservatee should not factor into the question of capacity, it likely does in Spears' case," Akins Smith says.

Lieb agrees and says she thinks Spears' 2008 breakdown could have been [postpartum depression](#). "And her response to the paparazzi [at that time] struck me as human. She was basically being hunted and she reacted," she says. "She might have looked crazy, but the paparazzi hunt people for a living. I loved when she shaved her head. To me it looked like she was liberating herself from her image and all of the criticism and chaos it brought into her life."

We will have to wait and see if Spears will soon be liberated from her conservatorship, as well.



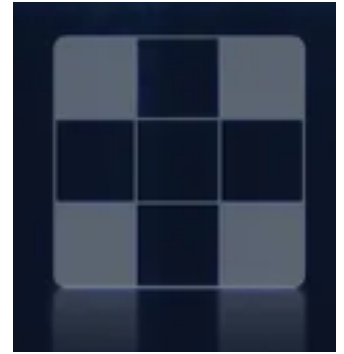
Protesters attend a #FreeBritney rally outside Stanley Mosk Courthouse July 14, 2021, in Los Angeles. The group is calling for an end to the 13-year conservatorship.

CHELSEA GUGLIELMINO/GETTY IMAGES

## Now That's Interesting

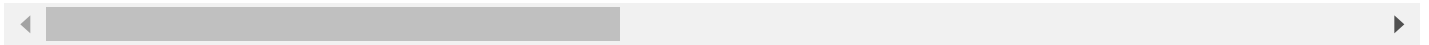
A massive movement of Britney's fans used the hashtag #FreeBritney on social media to bring attention to the case. Hordes of Britney's fans holding signs saying "Free Britney" have stood outside the courthouse in L.A. to show their support.

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