The Catherine Falk Story

The Roots of Catherine Falk Organization

The Catherine Falk Story



The Falk Family Story

Catherine Falk, the daughter of actor Peter Falk and Alyce Falk. Mr. Falk divorced Catherine's mother when she was 5 years old and remarried the following year. For 30 years, Mr. Falk maintained a loving relationship with Catherine despite constant interference by his second spouse, Shera Danise Falk. In 2008, Mr. Falk became completely incapacitated as a result of advanced dementia, possibly related to Alzheimer's disease. Mrs. Falk, however, failed to inform Mr. Falk's children of his condition and refused to allow his children to visit their ailing father. In December 2008, Catherine filed a petition for conservatorship of her father in the Los Angeles Superior Court in order to find out her father's medical condition and obtain the right to visit her father.

There is nothing within the Probate Code, however, that provides a child with the right to visit their ailing father, leaving it completely within the discretion of the court to grant such a right. After 7 months of very expensive litigation and two days of trial, the Court placed Mr. Falk in conservatorship, appointed Mrs. Falk as the conservator, and ordered the conservator to allow Catherine to visit her father. Although the Court found that Catherine's actions in bringing the conservatorship petition benefited the conservatee, it awarded Catherine only a fraction of her attorney's fees because she brought the conservatorship petition in part for her personal benefit in order to obtain the right to visit her father.

Even after the conservatorship proceeding was concluded, Mrs. Falk continued to interfere with the relationship between Mr. Falk and his daughters. Although Catherine fought for her right to visit Mr. Falk, his other daughter Jackie did not do so. As a consequence, she was unable to visit with her father for the last three years of his life. Further, Mrs. Falk did not notify Mr. Falk's daughters when he was hospitalized in June 2011. Mrs. Falk also did not notify Mr. Falk's daughters when Mr. Falk died. Instead, they learned of the death of their father from media reports and their attorney. Mrs. Falk buried Mr. Falk without notifying his daughters.

The Start of Peter Falk Bill

The Start of the Peter Falk Bill

There is a great deal of media coverage surrounding conservatorship/guardianship cases in the US which include Peter Falk, Glen Campbell, Mickey Rooney, Ray Price and several more.

Our Promise

Our promise is to provide the resources, the support and determination to go nationwide with the Peter Falk bill. Every voice, every letter, every word makes a difference to this foundation and it is a promise that each will be responded to with a clear vision of everyone making a difference state to state.

Our Vision

Our vision is your vision. Our vision is that every state across this country legislate such a worthy law called the Peter Falk Bill. Our vision is to provide a home environment of commonality, compassion, and tremendous support to all those in need.

Overview of the Legislation

Peter Falk Bill in Progress – Visitation Rights

BACKGROUND

As divorce and remarriage become more prevalent in today’s society, there is a greater possibility of conflicts between a second spouse and children from a first marriage, for any number of reasons. These conflicts can become very contentious when a parent is incapacitated, enters into a conservatorship and the current spouse cuts off access between the parent and children from a previous marriage.

Even more contentious are instances where there is no conservatorship in place. Current law provides all rights relating to the care of loved ones to spouses, which leaves

children no legal avenue to arrange visitations with their ailing parents, to receive notice of hospitalizations or the death of a parent, or to be provided information regarding the burial of a parent.

This was the case for Catherine Falk, the daughter of actor Peter Falk (well known for his role in “Columbo”). Mr Falk divorced Catherine’s mother when she was 6 years old and remarried the following year. For 30 years, Mr. Falk maintained a loving relationship with Catherine despite conflicts with his second spouse. In 2008, Mr. Falk became completely incapacitated as a result of advanced dementia. Mrs. Falk, however, failed to inform Mr. Falk’s children of his condition and refused to allow his children to visit their ailing father.

WHAT THE BILL DOES?

First, it provides for a conservator to notify relatives like children and siblings when a conservatee enters into acute medical care for a period of more than three days or dies. When the conservatee dies, the conservator would be required to notify the relatives of the funeral arrangements and place of burial. **Next**, the bill creates a legal process for the adult children of parents (proposed visitees) to petition the courts for a visitation in situations where no conservatorship exists and the caretaker of the parent is denying visitation for whatever reason, or the proposed visitee is unable to convey their wishes. This process, among other things, would determine whether or not the proposed visitee has the capacity to make a decision about proposed visitations. If the proposed visitee has capacity and would like a visit, the court would then grant a visitation. In cases where there is no capacity, the court would be tasked with determining whether or not the proposed visitee would want a visit and if so, if that visit would be in the best interest of the proposed visitee.

FOR MORE INFORMATION

For more information, please contact us. We are here to support YOU!

Peter Falk Bill Legislation



Written with Catherine Falk, 2013

Currently, the law does not provide any right to children to visit with their ailing parents. Although Catherine Falk was able to obtain an order for visitation from a court by filing for a conservatorship, that order was made at the complete discretion of the judge. Neither does the law place a duty upon spouses or conservators to keep loved ones reasonably informed regarding the health of an ailing parent, including providing notice of hospitalizations or death. Accordingly, the Proposed Bill would add a section to the Conservatorship Law that states:

Proposed Bill would add a section to the Conservatorship Law that states:

(a) A conservator shall have the duty to keep the parents and adult children of a conservatee reasonably informed regarding the health of the conservatee. A conservator must provide notice within 24 hours to any parent

or adult child of the conservatee of any hospitalization or death of the conservatee.

(b) Parents and children of conservatees have a right to reasonable visitation of the conservatee. A conservatee shall not reject visitation made upon reasonable request unless the conservatee determines that visitation would be harmful to the conservatee.

(c) Any parent or child of a conservatee may bring a petition to enforce the right of visitation in the Court that appointed the conservator. Such a petition may be brought in conjunction with a petition for appointment of a conservator.

(d) The court shall grant the petition for visitation unless the court finds, by clear and convincing evidence, that visitation would be harmful to the conservatee. The court may place any reasonable restrictions on such visitation that it determines to be in the best interests of the conservatee.

(e) If the court finds that a conservator rejects a reasonable request for visitation, the court shall award the petitioner his or her costs, including reasonable attorney's fees, unless the court finds that the conservator acted with a good faith belief that visitation would be harmful to the conservatee.

Further, the Proposed Bill would require cemeteries to open their records regarding interments to the public in order to allow persons to locate the graves of loved ones. Currently, Health and Safety Code § 8110 provides, "The person in charge of any premises on which interments or cremations are made shall keep a record of all remains interred or cremated and of the interment of remains on the premises under his charge, in each case stating the name of each deceased person, place of death, date of interment, and name and address of the funeral

director.” The Proposed Bill would amend this section to include that the records also include, “the location of interment.”