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# 92-year-old Southern California man forced into conservatorship, family says

By Gina Silva | Published April 21, 2025 10:09am PDT | Ventura County | FOX 11 |

## Family says man forced into conservatorship

A 92-year-old man with a clear wish—to spend his final days at home—is instead caught in a legal and emotional battle his family says they never saw coming.

**VENTURA COUNTY, Calif.** - A 92-year-old man has a clear wish to spend his final days at home. Instead, he's caught in a legal and emotional battle his family says they never saw coming.

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raising troubling questions about due process, medical decisions, and who truly gets to decide what's best for the vulnerable.

"It's hard because he begs to come home, and I'm powerless. There's nothing I can do right now because the decisions aren't mine to make," said Andrew Ros Howard's only son.

Ventura County has placed a conservatorship over both Howard's person and finances—even as his family pleads to care for him at home, as they've done before.

"We had no civil rights; he had no due process," said Cynthia Rose, Howard's wife.

Cynthia and Andrew allege that the county unlawfully placed Howard under conservatorship to cover up medical negligence and gain control of his finances. They say the process was set in motion after a hospital visit led to false accusations that the family had abandoned him—claims they firmly deny.

"These people can just gang up on you and take your loved one—your dad, your grandma, your mom, anyone. It can happen to anyone, and usually, money is involved. That's what they look for," said Andrew Rose.

The Rose family contends that Ventura County has been racking up unnecessary medical bills by transferring Howard between nursing facilities, despite the family being fully capable of caring for him at home. "What floored me was when I saw the first bill. The nursing home was more expensive than the one we used in Santa Barbara, and the care was appalling—they had 129 cases of elder abuse

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## Statement from Ventura County

"The conservatorship over Mr. Howard Rose's person and property was established by the Ventura Superior Court after hearing testimony and reviewing other evidence about his condition and situation. His family was represented by an attorney, who was permitted to cross-examine witnesses and could have presented evidence to the court. The conservatorship and all actions taken by the conservator have been and continue to be under the court's supervision. The County denies the family's allegations—there is no cover-up.

Andrew Rose and his mother have recently filed a series of claims with the Court seeking financial compensation for themselves and for Howard Rose. The Court is reviewing those claims."

## Andrew Rose's response

The Ventura Superior Court established a conservatorship over my father, Howard Rose, after testimony and evidence were presented about his condition. But on September 24, 2024, Judge Roger L. Lund denied my request to speak during a hearing where Assistant County Counsel Mitchell Davis—appearing via Zoom—admitted he had never reviewed my father's file but still expressed intent to pursue conservatorship if Howard returned to the hospital. A follow-up hearing was set for December 13. Dr. Yudelevich, our patient advocate, attended via Zoom and can corroborate this.

Then on October 18, Judge Lund held another hearing with only County witnesses. Although he claimed to have reviewed the documents, he omitted Dr. Yudelevich's testimony. County witness Dr. Daniel Cox, who forcibly placed my

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then granted a temporary conservatorship and suspended my mother's 1999 power of attorney.

The County continues to deny any wrongdoing, but multiple agencies are now reviewing potential fraud. Judge Lund—at the County's request—conserved my father over his objections. He remains confined to County-affiliated nursing homes and doctors, denied access to outside evaluations.

The County has justified a contested feeding tube based on "failed" tests—though only one test was administered, and Howard passed it. For six months, we've requested independent evaluations (at institutions like Cedars-Sinai and UCLA) but the County refuses, despite listing affiliations with them on official letterhead.

Public Guardian Supervisor Ontiveros admitted to not knowing the details of Howard's file and rejected our transfer requests, citing only Judge Lund's authority. Witness Tony Chicotel of California Advocates for Nursing Home Reform documented failures by public defenders, including ignored appeals. Judge Lund's pattern of granting conservatorships without reviewing powers of attorney or ensuring due process echoes similar complaints from other families.

The County has repeatedly forced palliative care, misrepresented the need for feeding tube (as shown in emails between Conservator Araceli Reyes and me), and denied us in-person meetings. Their 2022 pledge to end fraudulent billing appears to contradict premeditated conservatorship plans and questionable nursing home charges.

Our family seeks three things:

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2. An independent medical evaluation, as required by conservatorship guidelines
3. Transparency regarding the County's financial arrangements with nursing homes and physicians.

Public records requests for these documents have been delayed or ignored. We call on anyone else affected by the Ventura County Public Guardian or the Superior Court's Probate Division to come forward.

Howard—who survived forced palliative care after being deemed "too old" for treatment—still begs to come home. The County's silence, lack of oversight, and denial of records only reinforce our concerns. We challenge them to meet with us publicly, show documentation of Howard's care, and end this pattern of harm toward the elderly.

On Easter, we plead for grace: return Howard to his family and stop using the court system to exploit the vulnerable. Justice for Howard—and for all victims—demands that Ventura County's corruption and secrecy be brought to light.

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