

Strengthening Rights and Ensuring Accountability in Guardianship Systems and Practices

INFORMATION AND RESOURCE GUIDE • September 2022

Improvements to state court adult guardianship systems can include the promotion of less restrictive options, strengthening rights, and ensuring accountability. Making significant changes in practice and systems requires commitment and collaboration of many, including courts and the legal, aging, and disability communities.

Elder Justice Innovations Guardianship Grants

The Administration for Community Living's Elder Justice Innovation Grants program supports the development and advancement of knowledge and approaches in new and emerging issues related to elder justice. Projects assess and implement improvements in the handling of the adult guardianship and conservatorship process by state courts. This includes enhancing the fairness, effectiveness, timeliness, safety, and integrity of adult guardianship/conservatorship proceedings; addressing access to guardianship revocation and alternative pathways and proceedings that promote less restrictive means of supported decision-making; and developing innovations to improve the experiences of individuals at risk of guardianship/conservatorship. Learn more about three of the state court projects below:

The Maryland Court of Appeals

The Maryland Court of Appeals, in partnership with the Disability Rights Maryland, the ABA Commission on Law and Aging, and the National Center for State Courts, is conducting an assessment of the state's guardianship system and a study of the "healthcare-to-guardianship pipeline." Based on the results of the assessment and study, the project team is designing and implementing targeted education and outreach programs focused on alternatives to guardianship and examining how to more effectively use mediation to explore the alternatives and resolve conflicts. The project's goal is to reduce the number of unnecessary and overly broad guardianships.

The Judiciary Courts of the State of Minnesota

The Judiciary Courts of the State of Minnesota is designing and implementing a guardian/conservator complaint/investigation process to alert the court of potential maltreatment and fraud. The process will be designed to detect fraud and abuse of individuals subject to guardianship/conservatorship. The branch will expand its capacity to document and better track information received on abuse and fraud, by enhancing, where necessary, electronic record systems. Minnesota will expand and improve the review process on Personal Well-Being Reports (PWBR) to identify areas of concern by creating a specialized team and automatic flags in the record system. A court rule will be implemented to require guardians to use MyMNGuardian to file their PWBR for better data collection and monitoring. Minnesota is contracting with Volunteers of America to provide training in supporting decision-making to inform judges, guardians, conservators, attorney's, families, interested parties, and court visitors on topics that support and protect the interests of individuals under a guardianship/conservatorship.

The Oregon Office of the State Court Administrator

The Oregon Office of the State Court Administrator is conducting a comprehensive study of Oregon courts' guardianship and conservatorship case monitoring practices, and is establishing training processes that will enable courts to better detect financial mismanagement of protected persons' assets. A centralized accounting audit program and several other targeted interventions are underway to improve court supervision and management of protective proceedings, with additional strategies to be implemented following the completion of the assessment.

Additional Resources

- [Elder Justice State Court Grants](#)
- [Working Interdisciplinary Networks of Guardianship Stakeholders \(WINGS\)](#)
- [WINGS Replication Guide](#)
- [4th National Guardianship Symposium](#)
- [The Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act \(UGCOPAA\)](#)
- NCLER Trainings: [Guardianship & Alternatives](#)
- National Center on Elder Abuse: [Guardianship & Conservatorship Publications](#)

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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