

# Annual Update on Guardianship Laws and Practices

Guardianship or Conservatorship of adults is an evolving area of the law, with increased emphasis on individual empowerment and least restrictive help. The ABA Commission on Law and Aging has created a [2017 State Adult Guardianship Legislative Summary](#). The update includes information on the 49 state enactments on adult guardianship from 25 states last year.

As detailed in the summary, states were active on a variety of fronts:

- **Texas** introduced 45 guardianship bills—15 were passed and signed by the Governor—to shore up its adult guardianship system. The session showed marked involvement by the state Office of Court Administration, and more scrutiny of less restrictive alternatives. The bills represent important steps ahead—but the Governor vetoed a forward-looking guardianship compliance bill.
- **Nevada**, in the wake of its Supreme Court Commission to Study the Administration of Guardianships, passed seven comprehensive measures to protect individuals from abuse and improve oversight.
- **North Dakota** passed major changes recommended by a Guardianship Workgroup created by the Chief Justice.
- **South Carolina** overhauled its guardianship code, based on recommendations of a consensus-building task force. The amendments seek to promote uniformity and consistency in practice by state probate courts, ensure due process protections, promote limited guardianships, reduce costs, establish consistency between guardianship and conservatorship, and strengthen monitoring.
- **Colorado** enacted a pilot public guardianship program.
- **Connecticut** made significant advances in court monitoring and accountability of guardians.
- **Montana** became the first state to legislatively enact and fund a Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

2017 also marked the approval of a newly revised Uniform Guardianship, Conservatorship and Other Protective Arrangements Act. The new [uniform law](#) updates terminology and incorporates the supported decision-making model, and a focus on alternatives to modernize laws. State legislatures are starting to look at the updated uniform law, [more information is available here](#).

Here are more new resources created by the ABA Commission on Law and Aging’s Guardianship Law Practice:

1. **2017 State Adult Guardianship Legislative Summary.** This [annual statutory update](#) profiles the 49 state guardianship bills passed and signed by the Governor during the 2017 year.
2. **Updated State Certification Chart.** This updated chart by Sally Balch Hurme gives a state-by-state look at [guardian certification](#), through November 2017.
3. **Supported Decision-Making Resolution.** In August 2017, the ABA House of Delegates adopted a [resolution on supported decision-making](#) as a less restrictive alternative to guardianship.

4. **Updated State Guardianship Core Statutory Charts.** The ABA Commission and Sally Balch Hurme have updated the five guardianship “[core statutory charts](#)” to December 31, 2016. These charts cover capacity definition and initiation of proceedings, representation and investigation, notice, conduct and findings, and monitoring.
5. **Restoration of Rights in Adult Guardianship.** The ABA Commission, with the Virginia Tech Center for Gerontology, has released a new report with recommendations on [Restoration of Rights in Adult Guardianship](#).
6. **Supported Decision-Making Law and Practice Resources.** The ABA Commission’s web page on Guardianship now includes an updated section on [Supported Decision-Making](#) with links to key resources.
7. **New Guardianship Privacy and Confidentiality Chart.** This [new chart](#) provides a state-by-state look at privacy and confidentiality in guardianship statutes and court rules.
8. **New Power of Attorney Law Chart.** This [new chart](#) provides a state-by-state look at selected important issues in power of attorney law.

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