

Addressing Guardianship Abuse: Court Oversight – WINGS Forum Backgrounder

Objective: Enable WINGS to strengthen court monitoring practices to prevent, detect, and act on abuse, neglect and exploitation by guardians and conservators



Examples of WINGS Action:

- Alaska – Revisions in report forms and required documentation
- DC – Development of complaint form
- Idaho – Differentiated case management evaluation
- Oregon – Legislation requiring proposed conservators to state whether they have been sanctioned in other cases regardless of jurisdiction
- Texas – Court compliance project (assistance especially for rural courts in reviewing files and investigating actions needed)
- Utah – Expansion of post-appointment volunteer court visitor program



Challenges & Questions: -- How Can WINGS:

- Advocate for court monitoring resources; both through court and other stakeholders
- Have input into larger issues of court technology & databases
- Address selected monitoring needs without substantial funding
- Address problems of aggrieved family members
- Address possible conflicts of judges in WINGS advocacy for appropriations for monitoring
- Avoid losing engagement of non-court stakeholders by focusing on court procedures
- Use pilots vs statewide legislative or rule changes to boost oversight
- Avoid waiting for a press expose to focus on better monitoring
- Use a published press expose to focus on better monitoring
- Find “low-hanging fruit in improving monitoring”
- Measure progress in monitoring as a result of WINGS actions

Resources

- Center for Elders and the Court, National Center for State Courts, <http://eldersandcourts.org>
- National Association for Court Management, *Adult Guardianship Guide*, https://nacmnet.org/sites/default/files/publications/AdultGuardianshipGuide_withCover.pdf
- AARP Public Policy Institute/ABA Commission on Law and Aging, *Guarding the Guardians: Promising Practices for Court Oversight*

This action tool is supported by grant No. 90EJIG0007- 01-00 from the Administration for Community Living, U.S. Department of Health and Human Services (DHHS). Grantees carrying out projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration for Community Living or DHHS policy.

Under the ACL grant, the American Bar Association (ABA) Commission on Law and Aging coordinates and provides technical assistance to establish, expand and enhance state Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). The views expressed in this Action Tool have not been approved by the ABA House of Delegates or the Board of Governors and should not be construed as representing the policy of the American Bar Association.