RESOLVED, That the American Bar Association urges Congress to create and fund a Guardianship Court Improvement Program for adult guardianship (following the model of the State Court Improvement Program for child welfare agencies created in 1993) to support state court efforts to improve the legal process in the adult guardianship system, improve outcomes for adults subject to or potentially subject to guardianship, increase the use of less restrictive options than guardianship, and enhance collaboration among courts, the legal system, and the aging and disability networks.
Introduction. The resolution urges Congress to support improvement of state guardianship systems by investing federal funds and resources in a Guardianship Court Improvement Program. Adult guardianship is a drastic state intervention, removing an adult’s authority to make decisions and in some jurisdictions, such fundamental rights as the right to marry and vote, and delegating that authority to another decision-maker – a court appointed guardian. In the United States, an estimated one to three million people are subject to guardianship.

Currently states bear the sole responsibility for judicial appointment, administrative cost, and monitoring of guardianships, yet they lack the resources to do so adequately. A Guardianship Court Improvement Program will provide states with the necessary federal funding and support to improve the lives of individuals with guardians, improve outcomes for adults in the system, increase the use of less restrictive options than guardianship, and enhance collaboration among courts, the legal system, and the aging and disability networks.

There is an analogous precedent for the concept of a Guardianship Court Improvement Program for adults - the State Court Improvement Program (CIP) for child welfare agencies. In 1993, at the urging of the ABA Center on Children and the Law and other child welfare advocates, Congress authorized funding for a State Court Improvement Program to provide grants to state courts to assess areas of need and improve child welfare outcomes with state specific programs. After early successes, Congress increased funding for the State Court Improvement Program to provide technical assistance to state courts. The history and successes of the State Court Improvement Program have much to offer as a model for an adult Guardianship Court Improvement Program. A Guardianship Court Improvement Program would not regulate state court practices, it would offer courts the opportunity to apply for grant funding to address self-identified issues. In addition, federally funded technical assistance, as described in more detail in this report, would provide state courts the opportunity to consult with nationally renowned experts and each other.

This resolution advances the American Bar Association’s long-standing commitment to advancing guardianship reform, by ensuring guardians are appointed only when necessary, encouraging the collaboration of state courts and guardianship stakeholders, and recognizing the need for greater support and monitoring to protect the safety, well-being, and individual rights of millions of individuals in the United States who may be or have been appointed a guardian.

Section I of this report presents background information on adult guardianship and the need for reform, relevant demographic changes, and the State Court Improvement Program for child welfare agencies. Section II proposes a Guardianship Court Improvement Program for adults as a logical and effective next step in guardianship reform, Section III addresses the lack of relevant ABA policy. Section IV reviews the need for ABA policy.
Section I: Background Information

The following information about adult guardianship, guardian abuse and the role of courts, demographic changes, and the State Court Improvement Program for child welfare agencies is critical to understanding the need for a Guardianship Court Improvement Program.

Adult Guardianship. Adult guardianship is a relationship created by state/territorial law in which a court determines an individual lacks capacity to make his or her own decisions, and gives another person or agency (the guardian) the duty and power to make personal and/or property decisions on behalf of the individual.1 Guardianship is in many ways a “civil death,” severely curtailing the due process rights of an individual, and should only be used as a last resort when there are no available less restrictive options to address the individual’s specific circumstances.2

Guardianship is entirely a matter of state law. A state court is responsible for oversight of the guardianship for its duration, typically the lifetime of the individual for whom the court appointed a guardian. Currently, there is no federal funding for state guardianship courts, public guardians, or other services related to guardianship.

Lack of Resources for Guardianships in State Courts Lead to Violation of Due Process and other Individual Rights, Abuse, Neglect, and Exploitation. Most state courts are not equipped with the necessary resources to protect the individual rights and safety of the individuals who come before them in guardianship cases. The court may not have funds to compensate a professional for an independent comprehensive evaluation, or to pay a court investigator to gather information about the person’s abilities, limitations, and circumstances. State statutes may not guarantee the right to an attorney, much less a state funded attorney, for respondents in guardianship proceedings.

Yet these individuals, who are elderly, have a disability, or due to other circumstances are alleged to lack the capacity to make their own decisions, may be among the least prepared litigants to navigate the judicial system and demand their right to due process. Ultimately, without adequate legal representation, investigative staff, and other resources, courts often lack sufficient evidence to make well informed determinations as to whether less restrictive options or a narrowly tailored guardianship would meet the needs of the individual.

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1 A note on terminology: Guardianship terminology varies by state. In this report, the generic term “guardianship” refers to guardian of the person as well as guardian of the property, frequently known as “conservator.” “Ward” is an outdated, although still frequently used statutory term, with a negative connotation. Other terms include “protected person,” and “respondent.”

Most state guardianship statutes require consideration of less restrictive alternatives prior to appointment of a guardian. Less restrictive options include traditional legal options such as powers of attorney, trusts, and advance directives in which the individual may delegate decision-making authority to another party. More recently, advocates, interest groups, state and federal policy, ABA policy, and individuals who are the subject of guardianship proceedings, have recognized and explored supporting rather than supplanting the individual’s decision-making with the concept of “supported decision-making.” According to ABA policy, “Guardianship practice involves a third party, the guardian, making decisions for the individual subject to guardianship, using a variety of standards. By contrast, supported decision-making focuses on supporting the individual's own decisions.”

In instances when less restrictive options are not available, courts should strive to limit a guardian’s authority to the areas in which an individual needs decision-making support. Although virtually all state statutes, and the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, include a strong preference for limited guardianship, empirical data suggests that most guardians appointed are given total power to substitute their decisions for those of the persons under guardianship.

Overly broad guardian powers are not only an infringement of an individual's fundamental rights; they provide opportunity for neglect, abuse, and exploitation. While most guardians are trustworthy fiduciaries, some use their authority to take advantage via financial exploitation, physical, emotional, or psychological abuse, and neglect of an adult. Most courts do not have the infrastructure and resources to facilitate an effective monitoring program that would prevent, detect, and address guardian abuse.

Without federal funding and support, there is no mechanism for collecting national data on the extent of guardian abuse, but anecdotal evidence and media accounts indicate it occurs with some frequency and devastating consequences. In 2018, the U. S. Senate Special Committee on Aging found that while data is lacking, “unscrupulous guardians acting with little oversight have used guardianship proceedings to . . . obtain control of vulnerable individuals and . . . to liquidate assets and savings for their own

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4 See ABA Policy 17A113 Report to House of Delegates at 5.
personal benefit.” In 2016, the U.S. Government Accountability Office profiled eight cases in which guardians financially exploited or neglected older adults subject to guardianship. Recent media accounts have revealed egregious cases of professional guardians exploiting hundreds of individuals in large scale operations, stealing millions of dollars in assets, overbilling, and public benefits. Some family guardians have also taken advantage of their position of trust to engage in exploitation.

Lack of Data, Demographic Changes, and the Number of People with Guardians in the United States. While some states collect data, without federal funding or support there is no means for collecting national data on the total number of adults under guardianship. A 2011 study estimated approximately one to three million people in the United States have a guardian, and presumably that number has increased in the last decade. As the National Council on Disability noted in a seminal report, “The lack of data on who is under guardianship or what happens to adults under guardians is a constant source of frustration for anyone attempting to understand guardianship, much less those urging policymakers that there is an immediate need for resources to address problems arising from it.”

State courts may not be prepared to handle an increase in guardianship cases as the population of individuals ages 65 and over grows. Between 2007 and 2017 the population aged 65 and over increased 34%, from 37.8 to 50.9 million people, and is

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projected to reach 98 million by 2060. The 85 and older population is expected to more than double from 6.5 million in 2017 to 14.4 million in 2040. Currently, approximately 5.8 million Americans ages 65 and older are living with Alzheimer’s disease and the annual number of new cases of Alzheimer’s and other dementias is projected to double by 2050.

The demand for guardianship for adults with intellectual/developmental disabilities and other cognitive impairments may also increase. Nearly 30 million families in the U.S. have a member with an intellectual disability. Adults of all ages may experience cognitive impairment due to brain injury, chronic illnesses, and substance abuse. As more individuals with disabilities live in the community instead of in institutions, there may be a rise in the appointment of guardians to manage support and services.

State Court Improvement Program for Child Welfare Agencies. In 1993, Congress created the State Court Improvement Program, for the first time providing federal funds to state child welfare agencies and tribes for services to families at risk or in crisis with three primary goals: (1) support state courts to improve the legal process in the child welfare system; (2) improve outcomes for children and families; and (3) enhance collaboration among courts, child welfare agencies, and tribes. The State Court Improvement Program is administered by the U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau.

For the last several years, Congress has funded a total of $30 million annually for distribution among all state courts, Puerto Rico, and tribal courts. The highest state courts may apply for funding for three kinds of grants: (1) A basic grant that enables state courts to conduct assessments of the role, responsibilities, and effectiveness of courts in carrying out state child welfare laws, as well as allowing courts to make improvements for the safety, well-being, and permanence of children in foster care; (2) A data grant that supports court data collection and analysis, and promotes data sharing among state courts, child welfare agencies, and tribes; and (3) A training grant to increase child

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14 Id.
19 In 2012, the Children’s Bureau initiated a new reporting requirement for state courts, initiating a major improvement in states’ collection of data. The collection of data was critical to continuous quality improvement and demonstrating progress or areas in need of improvement. “Monitoring these data will provide courts a point to begin identifying strengths and areas in need of improvement.” Child Welfare
welfare expertise within the legal community and facilitate cross-training opportunities among agencies, tribes, courts and other key stakeholders.\(^{20}\)

Since its inception, the State Court Improvement Program has achieved significant results, including: developing court projects that have improved court processes, playing a leadership role in broad child welfare system improvement efforts throughout the country, establishing close collaboration and data sharing between courts and child welfare agencies, and increasing collaboration with tribes.\(^{21}\) While every state program sets its own unique priorities, typical State Court Improvement Program activities include development of mediation programs, joint agency-court training, automated docketing and case tracking, linked agency-court data systems, one judge/one family models, time-specific docketing, formalized relationships with the child welfare agency, improvement of representation for children and families, and legislative changes.\(^{22}\)

Prior to and after the founding of the State Court Improvement Program, the American Bar Association Center on Children and the Law has played an instrumental role in its success.\(^{23}\) As a partner in the Capacity Building Center for the Courts, the Center on Children and the Law engages State Court Improvement Programs in system improvement work, including developing continuous quality improvement processes, providing direct support to state programs, and creating learning opportunities and resources to elevate legal and judicial practices.\(^{24}\)

Section II: Guardianship Court Improvement Program for Adults-- The Next Step in Guardianship Reform

Relevant history of guardianship reform, including Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). The ABA Commission on Law and Aging has been at the forefront of the guardianship reform movement since its inception in the 1980s. With partnering stakeholders, the Commission on Law and Aging has

\(^{20}\) Social Security Act, 42 U.S.C. §629h.

\(^{21}\) ABA Center on Children and the Law, “Fact Sheet for the State Court Improvement Program.”


\(^{23}\) The history of the State Court Improvement Program, is based on the report’s authors’ oral interviews with past and present Children and the Law staff and other stakeholders, and in particular, former Center staff Mark Hardin.

facilitated three landmark multidisciplinary conferences on guardianship reform. Commission staff served as observers to Uniform Law Commission guardianship model acts and provided feedback on standards established by the National College of Probate Judges and the National Guardianship Association. Finally, every year Commission staff publish a comprehensive analysis of new state guardianship legislation.

In 2011, the National Guardianship Network convened the Third National Guardianship Summit for 92 multidisciplinary participants. The Summit’s delegates adopted a set of recommendations, including the recommendation that the highest court in each state create a Working Interdisciplinary Network of Guardianship Stakeholders (WINGS). While every state WINGS is different, generally a WINGS is a court-stakeholder partnership, working towards improvement in guardianship policy and practice through “collective impact.” In 2016 the Administration for Community Living (ACL) of the U.S. Department of Health and Human Services funded the Commission on Law and Aging to establish, expand, and enhance WINGS, resulting in seven subgrants to state courts. Currently approximately 25 state WINGS or similar groups exist, including those funded by ACL.

Under the ACL grant, in April 2019, the Commission on Law and Aging convened an “Exploratory Meeting on Applicability of the Court Improvement Model for Adult Guardianship” for WINGS coordinators from more than twenty states across the nation. The discussion covered striking parallels between adult guardianship reform and child welfare reform. Participants agreed WINGS could serve as a launching pad for a Guardianship Court Improvement Program.

While state WINGS have advanced adult guardianship reform, their modestly funded efforts are not enough to improve outcomes for adults subject to, or potentially subject to, guardianship throughout the country. Some state courts and legislatures have committed modest amounts of funding primarily for the role of a WINGS coordinator. Other WINGS function entirely on a volunteer basis, driven by the passion and commitment of court staff and guardianship stakeholders. The continuous, significant funding of a Guardianship Court Improvement Program could serve to build upon and expand current state WINGS’ work or fill the void for states without a WINGS, providing every state with consistent, ongoing technical assistance and support.

A Vision of a Guardianship Court Improvement Program. A Guardianship Court Improvement Program would enable state courts, in collaboration with guardianship stakeholders, to conduct system assessments and make improvements that enhance the


27 For more information about WINGS, see ABA Commission on Law and Aging website, “WINGS Court-Stakeholder Partnerships,” https://www.americanbar.org/groups/law_aging/resources/wings-court-stakeholder-partnerships0/.
rights and well-being of adults subject to, or potentially subject to, guardianship. While such a program would have some parallels in objectives and processes with the current State Court Improvement Program for child welfare courts, the issues it faces are quite different. The court’s role in removing an individual’s rights and appointing a guardian to make decisions on his or her behalf differs from the role of child welfare courts intervening with respect to a parent’s authority to raise his or her children. The Guardianship Court Improvement Program would have its own unique processes, appropriate for state courts handling adult guardianship cases.

A Guardianship Court Improvement Program could improve state guardianship systems in several ways, including:

- **Directing courts to conduct a baseline self-assessment to determine priority guardianship reform areas for the state.** As with the early years of the State Court Improvement Program for child welfare courts, courts would have wide discretion to select priorities.

- **Providing funding and expertise to courts in data sharing, collection, and analysis.** As discussed throughout this report, lack of data is a major barrier to guardianship reform. Federal funding would provide both the financial resources and uniform expectations for courts to collect data on a state level that would tell a crucial story about guardianship throughout the nation.

- **Providing funding and technical assistance to support courts in strengthening the use of less restrictive options than guardianship, including supported decision-making.** A Guardianship Court Improvement Program could offer grants encouraging courts to develop a plan for expanding the use of less restrictive options and supported decision-making. Through technical assistance, courts could consult among states. For example, there are a growing number of published court decisions denying a motion to appoint a guardian, or terminating a guardianship, because a supported decision-making arrangement is available. A court capacity-building center, as described below, could provide a platform for judges to share their experiences with each other.

- **Supporting courts in developing a strategic plan and establish measures to evaluate the effect of their efforts, including a Continuous Quality Improvement (CQI) process to monitor and report progress.** CQI is a major component of state court improvement programs for child welfare courts, providing courts with an opportunity to examine their projects and activities to ensure efficient and effective use of resources and successful interventions.

- **Creating a national court capacity-building center.** Following the model funded by the State Court Improvement Program for child welfare courts (of which the ABA Center on Children and the Law is a partner), a court capacity-building center would provide expertise in best practices for courts. The center would maintain
contact with all state program directors and provide guidance for each requirement and step in the program.28

- **Providing expert training for state guardianship stakeholders including judges, court staff, lawyers, adult protective services, and social services agencies.** For example, child welfare State Court Improvement Program projects have focused on the quality of representation for parties in child welfare cases. There is a dire need for better training and resources for legal representation of individuals alleged to need a guardian, leaving the individual open to due process violations and in some cases unnecessary or overly broad guardianships. Attorneys who do represent respondents often lack training and resources to zealously represent their clients according to state statutory standards and possible less restrictive options. For one of the few examples of guidance for attorneys on guardianship related matters, see the Commission on Law and Aging’s well-known PRACTICAL Tool, a guide for attorneys to explore other decision-making supports before seeking guardianship.29

- **Enhancing collaboration between courts and other stakeholder agencies and organizations.** The success of WINGS is predicated upon the “collective impact” of “the commitment of a group of important actors from different sectors to a common agenda for solving a specific social problem.”30 Effective WINGS draw not only from the judicial but the legal, aging, disability, guardianship, and mental health communities, and more. Federal support for such collaboration would bring it to the next level, leading to greater statewide improvements.

### Section III: Current ABA Policy and Involvement.

ABA Resolution 111A(09M111A) encourages the federal government to provide funding and support for training, research, exchange of information on practices, consistent collection of data, and development of state, local, territorial and tribal standards regarding adult guardianship. This general policy on improving adult guardianship has enabled the ABA Government Affairs Office to voice support for resources and improvement strategies under the Older Americans Act and in new legislation, but there is no policy specifically identifying and prioritizing a Guardianship Court Improvement Program.

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ABA policy also supports the formation of Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS), indicating support for encouraging court/stakeholder collaboration to advance guardianship reform. Resolution 106B (12A106B) adopts the standards and recommendations of the 2011 National Guardianship Network’s Third National Guardianship Summit, including recommendations that states develop Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) to advance adult guardianship reform and serve as an ongoing problem-solving forum.

Finally, Resolution 113 (17A113) urges state, territorial, and tribal legislatures, as well as courts, to recognize supported decision-making as an alternative to guardianship. As described in this report, increased use of alternatives to guardianship is fundamental to guardianship reform. A Guardianship Court Improvement Program would provide state courts with training and other resources to enhance consideration of less restrictive options, including supported decision-making.

Section IV. Need for ABA Policy for Funding of Guardianship Court Improvement Program

Now, more than ever, federal funding and support is urgently needed to ensure courts can continue to protect the rights, safety, and well-being of individuals in guardianship proceedings during the COVID-19 pandemic. Few courts will have the infrastructure, resources, and institutional knowledge to address pressing issues such as determining which hearings can be held remotely, how to effectively hold remote hearings, continuing existing monitoring of guardianship proceedings, and providing guidance to guardians on fulfilling their duties. A Guardianship Court Improvement Program would be enormously useful in providing funding and disseminating accurate and vital information to state courts and guardians.

The ABA Commission on Law and Aging has played a major role in the national discussion on guardianship reform, sponsoring and facilitating major guardianship conferences and authoring several relevant publications and educational materials for attorneys. Millions of individuals in the United States have guardians, but state courts simply lack the resources to safeguard their well-being and protect their individual rights. Governmental and media reports continually highlight instances in which guardians have breached their fiduciary duties to the individuals they were appointed to protect.

The ABA Commission on Law and Aging has played a central role in supporting state WINGS to create innovative approaches to state guardianship issues, but additional funding for state WINGS is uncertain. WINGS make a large difference with minimal funding, but more funding and support is necessary to truly impact guardianship systems. A federally funded Guardianship Court Improvement Program could provide

resources for current WINGS to expand or collaborate with or develop into state guardianship court improvement programs. A federally funded program would also motivate states that currently do not have a WINGS or similar group to initiate a local guardianship reform effort.

ABA policy in support of a Guardianship Court Improvement Program will demonstrate the ABA’s commitment not only to guardianship reform, but to the dignity and self-determination of millions of Americans.

Respectfully submitted,

Honorable Louraine C. Arkfeld
Chair, Commission on Law and Aging
August 2020
1. **Summary of Resolution.**

The proposed resolution urges Congress to create and fund a Guardianship Court Improvement Program for state guardianship courts (following the model of the State Court Improvement Program for child welfare agencies created in 1993).

2. **Approval by Submitting Entity.**

The Commission on Law and Aging approved the proposed policy recommendation on April 17, 2020.

The Senior Lawyers Division approved the proposed policy recommendation on April 23, 2020.

The Commission on Disability Rights approved the proposed policy recommendation on April 27, 2020.

The Section on Real Property, Trust, and Estate Law approved the proposed policy on May 6, 2020.

3. **Has this or a similar recommendation been submitted to the ABA House of Delegates or Board of Governors previously?**

   No.

4. **What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?**

   This resolution would demonstrate the ABA’s continued and evolving commitment to guardian reform by building on previous resolution in support of federal funding for state adult guardianship systems and WINGS. ABA Resolution 111A (09M111A encourages the federal government to provide funding and support for training, research, exchange of information on practices, consistent collection of data, and development of state, local, territorial and tribal standards regarding adult guardianship. This general policy on improving adult guardianship has enabled the ABA Government Affairs Office to voice support for resources and improvement strategies under the Older Americans Act and in new legislation, but
there is no ABA policy that specifically supports a Guardianship Court Improvement Project for adult guardianship.

ABA policy also supports the formation of Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS), indicating support for encouraging court stakeholder collaboration to advance guardianship reform. Resolution 106B (12A106B) adopts the standards and recommendations of the 2011 National Guardianship Network’s Third National Guardianship Summit, including recommendations that states develop Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) to advance adult guardianship reform and serve as an ongoing problem-solving forum.

Finally, the proposed resolution notes federal support for state courts would increase use of less restrictive options than guardianship, including supported decision-making. ABA Resolution 113 (17A113) urges state, local, territorial, and tribal legislatures, as well as courts, to recognize supported decision-making as an alternative to guardianship.

5. **If this a late Report, what urgency exists which requires action at this meeting of the House? If your Report is not late, then the answer to this question is “N/A.”**

   N/A.

6. **Status of Legislation.**

   No current legislation.

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates**

   Advocacy and support of any proposed legislation in Congress and in state legislatures consistent with the policy; promote exploration of pilot programs through “Working Interdisciplinary Networks of Guardianship Stakeholders” (WINGS); submission of law review article on a Guardianship Court Improvement Program at the Fourth National Guardianship Network Summit planned for May 2021.

8. **Cost to the Association.**

   None.

9. **Disclosure of Interest. (If applicable.)**

   N/A
10. Referrals.

The recommendation has been or is being referred to the following ABA entities:

- Civil Rights and Social Justice
- Commission on Disability Rights
- Commission on Domestic and Sexual Violence
- Commission on Hispanic Legal Rights and Responsibilities
- Commission on Homelessness and Poverty
- Government and Public Sector Lawyers Division
- National Legal Aid & Defender Association
- Section of Administrative Law and Regulatory Practice
- Section of Dispute Resolution
- Section of Family Law
- Section of Real Property, Probate and Trust law
- Section of State and Local Government Law
- Senior Lawyers Division
- Standing Committee on Legal Aid and Indigent Defendants
- Standing Committee on Pro Bono and Public Service
- Standing Committee on the Delivery of Legal Services
- The Judicial Division
- Young Lawyers Division
- Solo, Small Firm and General Practice Division

11. Contact Name and Address. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

Charles Sabatino, Executive Director
ABA Commission on Law and Aging
1050 Connecticut Ave, NW Fourth Floor
Washington DC 20036
(202) 390-8447
charles.sabatino@americanbar.org

12. Contact Name and Address. (Who will present to the House? Please include name, address, telephone number, cell phone number and e-mail address)

The Honorable Louraine C. Arkfeld, Chair
Commission on Law and Aging
480-250-5044
louraine.arkfeld@gmail.com
EXECUTIVE SUMMARY

1. Summary of the Resolution. The proposed resolution from the Commission on Law and Aging and others urges Congress to create and fund a Guardianship Court Improvement Program for adult guardianship systems (following the model of the State Court Improvement Program for child welfare agencies created in 1993).

2. Summary of the Issue that the Resolution Addresses. The proposed resolution requests the ABA urge Congress to support improvement of state guardianship systems by investing federal funds and resources in a Guardianship Court Improvement Program. Adult guardianship is a drastic state intervention: a court removes the authority of an adult to make most decisions and delegates that authority to a guardian. An estimated one to three million people living in the United States have a guardian.

Currently states bear the sole responsibility for judicial appointment, administrative cost, and monitoring of guardianships. A federally funded Guardianship Court Improvement Program could drastically improve the lives of individuals with guardians by supporting state courts, improving outcomes for adults in the system, increasing the use of less restrictive options than guardianship, and enhancing collaboration among courts, the legal system, and the aging and disability networks.

This resolution advances the American Bar Association’s long-standing commitment to advancing guardianship reform, by ensuring guardianships are appointed only when necessary, encouraging the collaboration of state courts and guardianship stakeholders, and recognizing the need for federal support of state courts to protect the safety, well-being, and individual rights of millions of individuals in the United States who may be or have been appointed a guardian.


The proposed policy position will bring attention to the argument for funding for a pilot Guardianship Court Improvement Program. The ABA’s support of such a program will lend credence to the concept as an innovative, viable, and much needed step in guardianship reform.

4. Summary of Minority Views

None identified.