July 20, 2018

The Honorable Susan M. Collins  
Chair  
Special Committee on Aging  
United States Senate  
Washington, DC 20510

The Honorable Robert P. Casey, Jr.  
Ranking Member  
Special Committee on Aging  
United States Senate  
Washington, DC 20510

Re: Comments on Adult Guardianship

Dear Senator Collins and Senator Casey:

Thank you for providing an opportunity to respond to your June 20, 2018 letter requesting input on the issue of adult guardianship. The American Bar Association, through its Commission on Law and Aging, has played a leadership role in adult guardianship reform over the past three decades. We routinely work with recognized elder law experts and provide technical assistance to policymakers at all levels of government. We have sought to improve adult guardianship laws and practices through major national consensus conferences, research studies, legislative analyses, and advocacy efforts. In the process, the ABA has developed extensive guardianship policy that supports our comments below. We will begin our comments with basic premises about adult guardianship today (Section A), and then focus on the potential role of the federal government in guardianship reform (Section B) and the four issues specifically highlighted by your Committee letter (Section C).

A. Two Basic Premises About Adult Guardianship in the U.S.

Our comments are set in the context of two fundamental, underlying premises about adult guardianship in the United States:

1. **State vs. Federal Actions.** Guardianship is rooted in state statutory and case law, as well as in state and local court rules. It varies significantly from state to state, as well as from court to court. We have not one guardianship system, but 51 different systems. The first front of reform is at the state level. In 2017, a total of 25 states passed 49 adult guardianship bills and a substantial number have been approved or are pending in 2018, continuing to shape reform. By “reform” we mean approaches to: (1) promote less restrictive options instead of guardianship; (2) improve guardianship procedures that afford protection yet protect rights; and (3) address abuses in guardianship through court oversight and other means.
While states have the primary role in establishing adult guardianship processes, there are important potential roles for the federal government. The ABA recognizes that federal actions to influence state law and practice can make a difference in lives of people affected or potentially affected by guardianship. Our 2009 policy “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 and territorial standards regarding adult guardianship.”

2. **Law vs. Practice.** State guardianship law has markedly improved over the past three decades, but practice remains uneven. Although data are scant, it is evident anecdotally that on-the-ground guardian practice ranges from the heroic to the sufficient to the deficient to the abusive – it is the proportions we do not know. We do know there is a pronounced gap between law and practice, and we must increase efforts to improve the practices of judges, attorneys, professional and lay guardians, and other stakeholders. Changing practice must occur at the state level, but federal guidance and incentives could have an important impact.

B. **Promising Actions at the Federal Level**

With these two basic premises as background, perhaps the key question for the Senate Committee is: What could the federal government do to drive reform in policy and influence practice at the state level? In this section, we suggest three overarching actions the federal government could take to spark state changes.

1. **Recognize the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPAA).** In 2017, Congress passed the Elder Abuse Prevention and Prosecution Act (EAPPA). Section 505 of this Act provides that the Department of Justice must publish model legislation on guardianship. Later that year, the Uniform Law Commission (ULC) approved the UGCOPAA, which is a model act for adoption by state legislatures drafted by a ULC committee with extensive input over a two-year period from experienced guardianship judges, attorneys, and organizations that advocate for guardianship reform. The ABA adopted the new Uniform Act as policy in February 2018. While the development of the Uniform Act was not related to or in response to Section 505, the Department of Justice could recognize and promote UGCOPAA. In doing so, it would meet the requirement of Section 505 and significantly jump-start the state-by-state Uniform Act enactment process.

UGCOPAA “promotes person-centered planning to incorporate an individual’s preferences and values into a guardianship order, and requires courts to order the least-restrictive means necessary for protection of persons who are unable to fully care for themselves.” The Act includes a number of specific features that address the Senate Committee issues and that could inform state action. For instance, the Act:

- clarifies the role of counsel for the person said to need a guardian;
- clarifies guardian and conservator decision-making standards;
- requires a person-centered plan;
- creates new petition elements for needed information, and a model petition form;
- encourages the use of less restrictive options including supported decision-making;
- allows for protective arrangements instead of guardianship;
- identifies third parties such as family members to be given notice of key changes or events, in order to enhance monitoring;
- sets out factors for the court to consider in approving fees;
- makes bonding a default option for conservators;
- establishes a procedure for grievances against guardians and conservators; and
- addresses the individual’s right to communication and visitation and the role of guardians.

2. Support State Demonstration Grants. Section 501 of EAPPA provides for HHS awards of demonstration grants to state courts –

including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons . . .

Section 501 has great potential and is especially strong on measures states could take to prevent, detect, and act on guardianship abuse and exploitation. Unfortunately, there is currently no funding to support these grants. Congress should provide appropriations to fund Section 501 so it can begin triggering much needed changes at the state level.

A key feature of the Section 501 demonstration grants is the requirement for courts to collaborate with the state unit on aging and the state adult protective services agency. Experts practicing in this area have long recognized that guardianship reform can best be accomplished by ongoing state court-stakeholder partnerships for problem-solving and action. In 2011, the Third National Guardianship Summit convened by the National Guardianship Network (NGN) urged states to develop collaborative working networks called WINGS—Working Interdisciplinary Networks of Guardianship Stakeholders—to advance adult guardianship reform and promote less restrictive options. The American Bar Association adopted policy supporting that resolution in 2012.

Following the Summit, the State Justice Institute supported WINGS pilots in nine states, and additional states independently developed WINGS. In 2016, the HHS Administration for Community Living (ACL) made an Elder Justice Innovation Grant to the ABA Commission on Law and Aging, with the National Center for State Courts, to “establish, enhance, and expand WINGS,” and the Commission made subgrants to seven state courts to launch or enhance WINGS. Currently, 26 states have WINGS partnerships or similar
collaborative groups to advance guardianship reform and promote less restrictive options (http://ambar.org/wings). While evaluation is still underway, many WINGS or similar groups show remarkable accomplishments, for instance:

- **Alaska** WINGS is working on changes in the guardian report form to improve monitoring, an online tool to assist the guardian in completing the report, and an app for tracking expenditures; as well as an online guardian education course available on a thumb drive to enhance use in rural areas without reliable internet.
- **Florida** WINGS sponsored a statewide, online survey of guardianship reform priorities, and analyzed 345 responses to inform its strategic action plan.
- The **Idaho** Supreme Court Guardianship and Conservatorship Committee, later WINGS, centralized financial review of conservatorship reports; developed online training for newly appointed guardians and conservators; conducted judicial and stakeholder training on less restrictive options and supported decision-making; and is evaluating its pilot “differentiated case management” tool to allocate monitoring resources to cases identified as high risk.
- The **Indiana** Adult Guardianship Task Force, later WINGS, secured state funding for volunteer advocate guardianship programs, and currently is engaged in a supported decision-making pilot.
- The **Maryland** Courts Guardianship/Vulnerable Adults Workgroup (a broad-based group similar to WINGS) developed and advocated for new court rules that established training and eligibility requirements for guardians and court appointed attorneys, and many other changes affecting how courts manage guardianship cases.
- **Oregon** WINGS is spearheading a “mapping project” to identify available less restrictive options and specific barriers to use of such options throughout the state. Oregon WINGS initiated recent successful legislation to require guardians to disclose to court any prior removals for cause in any jurisdiction.
- **Texas** WINGS played an important role in the 2015 passage of state supported decision-making agreement legislation, as well as launching of the state’s pilot Guardianship Compliance Program.
- **Utah** WINGS secured permanent funding for the state’s volunteer court visitor program; and trained a broad range of professionals on advance life planning and guardianship.

Just as important as these accomplishments, WINGS have forged communication paths among stakeholders, reduced silos, and prompted new synergies. As one stakeholder put it, “Connections were established between agencies that sometimes serve the same population, but do not communicate with each other or provide referrals.”

Federal funding is needed to support EAPPA Section 501 demonstration grants so more states can establish court-stakeholder partnerships such as WINGS, and so that existing WINGS can enhance their ability to improve guardianship systems nationwide.
3. Establish a Guardianship Court Improvement Program. Support for WINGS and for EAPPA Section 501 is critical. However, in the longer term, to solidify ongoing guardianship reform and promote less restrictive options, there is need for a permanent structure for federal funding to enable states to convene stakeholders, formulate priorities, and develop strategic plans; and coordinate improvements with outcome measures.

The State Court Improvement Program (CIP) developed for the child welfare system by the Omnibus Budget Reconciliation Act of 1993 could be a useful model to follow. State courts receive funding from the HHS Children’s Bureau to complete assessments and strengthen the court’s role in achieving stable, permanent homes for children in foster care—through strategies such as improving legal representation for children and families, reducing attorney and judicial caseloads, using technology and case management information systems, development of mediation programs, joint child welfare agency-court training, one judge/one family models, time-specific docketing, formalized court relationships with the child welfare agency, and legislative changes. The high-impact CIP has allowed state courts, child welfare agencies and advocates to collaboratively implement broad statewide initiatives to improve the well-being of children in foster care.

Using CIP as a viable long-term model for adult guardianship/decision-making reform is referenced in a 2013 Resolution of the Conference of Chief Justices/Conference of State Court Administrators (NCSC/COSCA); and recommended in the 2018 guardianship report of the National Council on Disability (Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination). An exploration of the viability and impact of the CIP (or similar permanent infrastructure models) as applied to adult guardianship would build on EAPPA and on the federal government’s investment in WINGS – and would signal that measures to improve court systems for adults with decisional limitations are of similar importance as such measures for children in need.

C. Specific Comments on the Four Identified Senate Committee Issues

1. Lack of Reliable Data. While the National Center for State Courts has stated there are approximately 1.3 million adult guardianship cases and an estimated $50 billion of assets under adult conservatorships nationally, these are informed extrapolations based on numbers from selected states with the most reliable data. Frequently, court data on guardianship at the state level is simply not available, and the barriers are substantial. For example:

   - State courts often do not receive guardianship data from lower courts;
   - Sometimes data of adults and minors is mixed;
   - Many states do not have distinct probate courts, and documenting guardianship cases in general jurisdiction courts may be problematic;
   - Terminology, case management practices and technology vary across states and within states;
Cases may not be tracked for years, and guardians may have failed to file reports, or individuals may have died or moved;

- Sometimes courts close cases at the appointment of the guardian, failing to track the “back end” of a guardianship case in which court oversight is critical; and
- Even if states have numbers of filings or dispositions, court databases generally don’t show demographics (including age), types of guardianship, or whether there were sanctions for cause including removal of a guardian for exploitation or abuse.

Calls for solid guardianship data have been loud and clear for well over a decade, by:


The urgency of these calls is twofold. First, without consistent case tracking and the ability to retrieve case-level information, courts cannot perform even the most basic oversight functions. Second, without broader statistics showing trends, we are working in the dark on trying to make changes in policy and practice.

Some states have begun to make inroads on data to allow for better monitoring and more informed policymaking. The Senate Committee has heard testimony about the unique Minnesota online conservator account reporting and auditing system called MyMNConservator and about the Texas Guardianship Compliance Pilot Project that conducted reviews and audits of selected counties, finding multiple deficiencies. State and local courts can take action to improve data — such as conducting basic file reviews to uncover outdated or closed cases; identifying uniform methods of collecting information; and adapting the Minnesota and Texas initiatives.

At the federal level, steps to enhance reliable guardianship data could include:

- **Grants and Technical Assistance to Enhance Court Data on Guardianship.** The Kohl/Smith Senate Committee report in 2007 recommended that the Administration on Aging should encourage development of data court systems by “supporting research to identify and publicize successful systems already in place and by hosting conferences to disseminate information on how to develop such systems.” Translated to 2018, the Department of Justice, the Administration for Community Living (ACL) and/or the State Justice (SJI) could make grants focused on the challenge of getting good guardianship data, to design and test model processes and to offer ongoing technical assistance.
Support for Collection of Non-Court Guardianship Data. Additionally, there are possible federal steps for collecting important guardianship data outside the court system. The Department of Health and Human Services has developed a voluntary national reporting system for state adult protective services programs – the National Adult Maltreatment Reporting System (NAMRS). NAMRS includes case component data showing whether the client had a guardian or conservator or other surrogate decision-maker, and whether they were perpetrators of abuse. Support for use of this component of NAMRS could yield valuable information on abuse and exploitation by guardians and conservators.

Additionally, the National Council on Disability report recommends that federal agencies such as the Social Security Administration, the Centers for Medicare and Medicaid Services, the Department of Veterans Affairs and the Substance Abuse and Mental Health Services Administration “should collect data on whether or not individuals they serve are subject to guardianship.”

2. Protection From Exploitation and Abuse. In November 2016, the Government Accountability Office found that “the extent of elder abuse by guardians nationally is unknown due to limited data…” (GAO-17-33), but profiled eight egregious cases as examples, showing abuse by both family and professional guardians. Following the GAO report, national media attention has brought high visibility to the issue.

States have a panoply of tools at their disposal to address abusive guardianship practices. Some of these tools are enacted into state law, while others are mandated or encouraged in court rules, professional guidelines, or pilot programs, including for example:

- Making report and accounting forms easily available, in plain language, and offering assistance to family guardians in timely completion;
- Developing court systems for e-filing of guardianship inventories, accounts and reports;
- Developing protocols for case management, as well as regular court review and audit of the filings;
- Training judges and judicial staff in monitoring practices;
- Developing impartial rotating systems for the selection of non-family guardians, attorneys, guardians ad litem and similar roles;
- Other procedures to ensure court integrity and impartiality, such as specific judicial ethical guidelines for guardianship, an independent ombudsman office, and accessible complaint processes;
- Requiring background and credit checks of proposed guardians;
- Requiring bonding of guardians of property; or using restricted accounts when needed;
- Requiring that selected third parties, such as family members receive copies of the filings, as well as information about key changes in the individual’s condition or life (as provided in the new Uniform Act);
- Adopting clear guardian standards of practice; requiring training on the law and standards;
- Establishing clear guidance for judges on review and approval of guardian fees;
- Using trained volunteer visitors as “the eyes and ears” of the court, to visit the individual and report back to the judge;
- Establishing guardian certification/licensure programs; and
- Encouraging a protocol of regular communication between courts, adult protective services and law enforcement.

Using a combined menu of these tools, states could make marked inroads on guardian abuse and exploitation. However, state courts (1) may not be fully informed about the tools or recognize the need; (2) may not have – or may not perceive they have – statutory authority for some of the tools; and (3) frequently lack financial resources for implementation. The federal government could take steps such as the following to bolster state efforts:

- **Provide Resources for Court Oversight.** The State Justice Institute, the Department of Justice and/or the Administration for Community Living (as set out in EAPPA), could provide courts with: (1) grants for assistance in case management technology and procedures; (2) federal guidance on principles of case review and auditing; and (3) guidance on effective judicial responses to signs of abuse – as well as (4) means through which states can exchange monitoring ideas and practices.

- **Include Guardianship when Enforcing the Elder Abuse Prevention and Prosecution Act.** In addition to Section 501 of EAPPA as described above, EAPPA offers other opportunities for protection from abuse and exploitation by guardians. For example, Section 101 sets out requirements for the Department of Justice concerning investigating and prosecuting elder abuse crimes – and this should include elder abuse crimes through the guardianship system. Section 201 requires the Department of Justice to establish best practices for data collection on elder abuse – and this should include data on elder abuse through the guardianship system.

- **Support Volunteer Visitor Programs.** In the early 1990s, AARP pioneered court programs to train and supervise cadres of community volunteers to visit individuals subject to guardianship and report findings to the judge. In 2011, with funding from the State Justice Institute and permission from AARP, the ABA Commission on Law and Aging modernized the AARP handbook for development of these court volunteer visitor programs, and made it available online. We know that some courts have active volunteer visitor programs – for example, in Utah, Oregon, Texas, Washington, and the District of Columbia. While such programs are low-cost, maximizing community resources, they require funds for a part-time coordinator. Federal incentives and visibility for volunteer visitor programs could galvanize their development.
Develop a Court-Appointed Special Advocate (CASA) Program for Adult Guardianship. In the child welfare system, CASA volunteers are appointed by judges to watch over and advocate for abused and neglected children. Unlike a volunteer visitor program, the volunteers stay with each case, developing a long-term relationship with the child until the child is safe and the case is closed. Each year, thousands of volunteers have helped thousands of children in programs throughout the country. The CASA program receives its primary funding from the federal government, through the Office of Juvenile Justice and Delinquency Prevention. Funding for similar programs for adult guardianship could make a real difference. A beginning step would be pilots to test and evaluate the concept.

Support Multidisciplinary Team Case Review Processes for Guardianship Abuse. In the elder abuse field, elder abuse fatality teams review deaths from or related to elder abuse to learn about and improve responses of various stakeholders. The Department of Justice Office for Victims of Crime has supported work on this important concept. Similarly, federal funds could provide guidance and technical assistance for states and localities in developing guardianship abuse case review processes.

Exchange Information Between State Courts and SSA. The Government Accountability Office has highlighted the lack of coordination and information sharing between the Social Security Administration’s representative payee system and state courts with guardianship jurisdiction (GAO-04-655). In 2013, the ABA adopted policy recognizing the need for such coordination. For example, if a guardian also serves as representative payee, there should be a way for Social Security to alert the court if the payee has misused the funds and conversely for the court to alert SSA if the guardian has exploited the estate and has been removed for cause. The 2014 report by the Administrative Conference of the U.S. (SSA Representative Payee: Survey of State Guardianship Laws and Court Practices) surveyed courts about the need for SSA-court coordination and found that over 40% of courts said such coordination would be useful on particular cases. For instance, one court indicated that:

SSA may benefit from receiving notice when a conservator of the estate is appointed, suspended, removed, or surcharged. Our court may benefit from similar notice from SSA when they appoint, suspend, remove, or obtain a conviction against a rep payee who is or was appointed as conservator.

The April 2018 Strengthening Protections for Social Security Beneficiaries Act requires the Social Security Administration to contract with the Administrative Conference of the United States for a study on opportunities for and barriers to information sharing with state courts and to provide the results to Congress by June 2022. The study is a critical step in prompting the needed two-way
information sharing and overcoming any barriers presented by the federal Privacy Act – and should involve key administrative and state judicial stakeholders at each stage, as well as public input, to evaluate specific approaches.

3. Guardianship as a Last Resort; Less Restrictive Options. Guardianship is a double-edged sword. In the name of needed protection, it removes fundamental rights, transferring many powers from the individual to the court-appointed guardian. Thus, guardianship should be viewed as a last resort, after less restrictive options have been tried. A total of 37 states have explicit statutory language providing for the examination of “less restrictive alternatives” before the appointment of a guardian, and additional states have similar language. Moreover, almost every state statute has language allowing or stating a preference for limited guardianship orders.

The new Uniform Act, UGCOPAA, requires courts to find that “the respondent’s identified needs cannot be met by a protective arrangement instead of a guardianship or other less restrictive alternative,” and to grant the guardian “only those powers necessitated by the demonstrated needs and limitations of the respondent…” (Section 301). All states and the Uniform law provide for the termination of guardianship and restoration of rights when a person no longer meets the statutory criteria for appointment of a guardian. Some specify that courts should regularly review cases to determine whether guardianship continues to be necessary.

In practice, however, while there is little or no data, it appears that some or many courts fail to consistently screen for less restrictive options and limit guardianship orders to only those powers necessary. A 2017 ABA Commission study on the restoration of rights in guardianship examined data in four states and found that restoration was very rare, concluding that “it appears that an unknown number of adults languish under guardianship beyond the period of need – and that others may never have needed the guardianship in the first place, as a less restrictive option could have sufficed” (Restoration of Rights in Adult Guardianship: Research and Recommendations).

States can promote less restrictive options, limit orders, regular review of the continued need for a guardianship order, and restoration of rights through:

- Judicial education;
- Continuing legal education;
- Improved petition forms stating what less restrictive options have been tried;
- Guardian ad litem and court visitor practices to inquire about less restrictive options;
- Ensuring counsel for individuals alleged to need a guardian; and
- Vigorous public education campaigns on advance planning and less restrictive options.
The federal government could take steps to make guardianship more of a last resort in reality – not just on paper. Support for EAPPA Section 501 demonstration grants and for WINGS can bolster state actions to reduce unnecessary guardianships. Moreover, the 2018 report of the National Council on Disability outlines steps such as: guidance on the applicability of the Americans with Disabilities Act to guardianship; guidance on less restrictive options for transition age youth who might otherwise enter the guardianship system; funding for state adult protective services systems to develop greater awareness of less restrictive options; a greater focus on less restrictive options through the federally funded disability rights network; and an expansion of demonstration grants through the federally funded National Resource Center for Supported Decision-Making.

Additionally, as stated above, EAPPA Section 505 requires the Department of Justice to publish model guardianship legislation. The UGCOPAA highlights the use of supported decision-making and other less restrictive options, limited orders and restoration of rights. The Department should adopt the UGCOPAA and promote its passage by states.

4. Best Practices

Many key best practices and policies for guardianship reform at the state and local level are described above, and the Senate Committee has heard testimony about the MyMNConservator program and the Texas Guardianship Compliance Project. There is a broad array of additional exemplary state and local initiatives that daily affect lives of vulnerable individuals. Federal support could highlight these programs as models for replication, for instance:

- The Utah Courts operate a Guardianship Reporting and Monitoring Program (GRAMP) that assigns trained volunteer court visitors to investigate guardianship and conservatorship cases, bringing information back to court so the judge can make informed decisions about any actions needed (https://www.utcourts.gov/visitor/index.html).

- In Oregon, Guardian Partners operates in four counties to provide a potent combination of education and training for guardians with court monitoring by trained volunteers (http://www.guardian-partners.org).

- In New York City, the Vera Guardianship Program serves as court-appointed agency guardian for a mostly indigent population without family or other supports, combining a priority on helping clients live as independently as possible, often in home and community-based settings, with saving public dollars in Medicaid funds (https://www.vera.org/centers/guardianship-project). Also, the New York City Guardianship Assistance Network (GAN) helps families or friends who have been appointed by the court to serve as guardians. GAN offers support, practical advice and training in carrying out guardianship responsibilities (http://ww2.nycourts.gov/ip/gan/index.shtml).
• In Palm Beach County Florida, the County Clerk’s Office has a specialized Audit and Investigation program and sponsors a guardianship fraud hotline program, which has investigated hundreds of cases of fraud missing assets (https://www.mypalmbeachclerk.com/uploadedFiles/PDFs/Clerk%20Column%20-%20Caregivers%20-%20Month.pdf).

• In Indiana, the Indiana Supreme Court operates a Volunteer Advocates for Seniors or Incapacitated Adults (VASIA) program, through which some 18 county-based programs provide guardianship and ongoing advocacy through trained volunteers (https://www.wfyi.org/news/articles/for-some-concerned-with-deficient-guardianship-programs-volunteers-can-fill-the-void).

• In Florida, the Developmental Disabilities Council supported a project to educate individuals, families, and legal and other professionals about opportunities and processes for termination of unnecessary guardianships and restoration of rights (Developing Abilities and Restoring Rights, https://www.fddc.org/sites/default/files/media/2016LegalManual_cjm_0.pdf).

• Other examples of best practices are highlighted on the Elders and the Court website of the National Center for State Courts (http://eldersandcourts.org); throughout the National Probate Court Standards (see below); and in the Guardianship Guide developed by the National Association for Court Management (https://nacmnet.org/sites/default/files/publications/AdultGuardianshipGuide_withCover.pdf).

• Legislation or court rules in state such as New York, Florida, Texas, Illinois, Maryland, and Connecticut provide for or require family guardian training. See for example the recently completed Connecticut Standards of Practice and courses offered at http://www.ctprobate.gov/Pages/Conservators.aspx.

There are also important national guardianship models and standards of performance that are beacons of reform at the state and local level—and for which federal recognition and support would be valuable. In addition to the UGCOPAA, these include:

• The 2013 National Probate Court Standards. In 2013, a Task Force led by the National College of Probate Judges and staffed by the National Center for State Courts published a revised version of the National Probate Court Standards (https://www.superiorcourt.maricopa.gov/SuperiorCourt/ProbateAndMentalHealth/docs/Probate_National_Standards.pdf), including Section 3.3 on guardianship. The Standards aim to promote consistency and improvement in probate court operations by setting out guiding principles. Although only some 15 states have specialized probate courts, the Standards are applicable as well to general jurisdiction courts that handle guardianship cases. The Standards include examples of promising practices throughout the guardianship section.

D. Conclusion

The American Bar Association commends the Senate Committee for its focus on adult guardianship and we appreciate your consideration of these comments. We would be glad to assist the Committee in moving forward to promote less restrictive options and to make needed changes at the state and federal level to improve guardianship policy and practice and address guardianship abuse and exploitation. Should you have any questions or want additional information concerning these comments, please contact David Eppstein in the ABA’s Governmental Affairs Office at 202-662-1766 or david.eppstein@americanbar.org.

Sincerely,

Holly O’Grady Cook