Position Statement on the Necessity of Collecting Data Regarding Guardianship
October 2024

BACKGROUND:

Membership consistently expresses concerns over the lack of information and data in the guardianship system. The National Guardianship Association (NGA), recognizing the significant lack of data within the guardianship system, met with industry experts and in discussion and research obtained valuable insight into the needs of a variety of stakeholders. NGA, the leading advocate for standards that protect and promote the rights and well-being of persons with a guardianship[1] , acknowledges that data collection is critical. Data will identify trends, promote compliance with established standards, and improve decision-making processes within the guardianship system including the development of funding sources.

OUR POSITION:

The National Guardianship Association (NGA) supports the development and implementation of standardized data collection practices related to guardianship across all states and territories. Comprehensive data collection is essential and urgent to create better systems to monitor and improve practices, support accountability, inform public policy, promote transparency, and uphold the rights of persons with a guardianship. Areas of data that can be effective include:

1. **Monitor and Improve Guardianship Practices:** Data collection will identify best practices and areas requiring improvement as outlined in the NGA Standards of Practice, so guardianship is used appropriately and effectively only when less restrictive alternatives are unavailable or insufficient to meet the needs of the person.

[1] The term guardianship is being used to simplify this document, but our definition includes any term used in the different states such as guardianship of the person or estate or conservatorship of the person or the estate.

2. **Improve Accountability:** Collecting data on guardianships helps stakeholders verify adherence with established standards.

3. **Inform Public Policy:** Comprehensive data will provide policymakers with the information necessary to make informed decisions regarding guardianship laws and regulations, leading to better protection and support for persons with a guardianship.

4. **Support Research and Education:** Data collection will facilitate research into the effectiveness of guardianship and alternative decision-making models, contributing to improved guardianship practices and the education of guardians and other stakeholders.

5. **Support allocation of resources and funding:** Data collection is essential for factual information that can assist stakeholders with decisions regarding prioritization and allocation of resources and support for appropriate funding.

RECOMMENDATIONS:

Building upon the recommendations from the NGA data collection task force in July 2024 and the Fourth National Guardianship Summit in May 2021, NGA proposes the following actions to support the development of a robust data collection framework:

• **Develop Relevant Data Collection Practices:** NGA believes it is vital to have a system that requires guardians, courts, and other appropriate entities to collect and report data on guardianship cases, including demographics, types of guardianship, duration, and outcomes. This data improves guardianship services and sets national practice standards.

• **Development of a Data Collection Hub or a Finder:** NGA supports efforts to consider NGA's bandwidth to provide data to its membership, either as a resource of this data or to direct its membership to the data resource's location. This hub will serve as a central resource or a finder for data research, materials related to guardianship, and information for affiliate members and other stakeholders.

• **Incorporation of Best Practices for Data Collection:** NGA supports aligning data collection practices with recommendations from the Fourth National Guardianship Summit, including adopting the National Open Court Data Standards and the Conservatorship Accountability Project standards. Including technology implementation that validates reports, flags potential problems, and tracks monitoring effectively (Fourth National Guardianship Summit 4.1).

• **Guardianship Court Improvement Programs:** NGA supports establishing a Guardianship Court Improvement Program, modeled after the Child Welfare Court Improvement Program, to enhance consistent and meaningful data collection, improve oversight and accountability, and avoid unnecessary or overbroad guardianship. This program should also

promote inter-agency and multi-disciplinary collaboration among guardianship stakeholders (Fourth National Guardianship Summit 6.1).

• **Continuous Evaluation and Policy Influence:** NGA supports efforts to continuously leverage collected data to evaluate and update NGA's national practice standards and advocate for policy reforms that reflect the best interests of persons with a guardianship. Data-driven insights will also help allocate resources more effectively to support quality guardianship services.

NGA is committed to collaborating with all stakeholders, including policymakers, legal professionals, guardians, courts, and the public, to develop and promote data collection practices that enhance the guardianship system and protect the rights and dignity of persons with a guardianship. A collaborative approach is essential for successfully implementing standardized data collection practices.