





**Guardianship Court Improvement:
Effectuating Improved Processes and
Outcomes in U.S. Guardianship Systems**


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**Introductions:
Who are we and how we work together**



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Recent Guardianship Reform Efforts Across the Nation



Safeguarding the rights of individuals under guardianship

Promoting guardianship as a last resort

Promoting less restrictive options

Increasing training of all guardians

Addressing abuse

Improving court monitoring

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State Highlights: Florida



On June 24, 2022 Governor DeSantis signed the “Guardianship Data Transparency Act” to create greater transparency across Florida’s guardianship process.

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State Highlights: Maryland



The Maryland legislature enacted a bill that authorizes the use of supported decision-making and establishes a process for entering a supported decision-making agreement versus guardianship.

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State Highlights: New Mexico



New Mexico WINGS worked to reform to New Mexico's emergency temporary guardianship and conservatorship provisions.

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State Highlights: Utah



The Utah legislature enacted a bill to create a guardianship bill of rights to ensure individuals under guardianship are treated with dignity and respect and will continue to have a voice in their own care.

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State Highlights: Alabama



Alabama Gov. Kay Ivey signed “Shirley’s Law” that creates a registry for nursing homes and other elder care agencies to check if a person has been convicted of elder abuse.

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Build Coalition and Strategy

- State Bar Associations
- State and District Courts
- State Aging/Elder Departments
- Disability Rights Organizations
- Guardianship Organizations (Family, Public and Professional)
- State Attorney General
- Elder Rights Attorneys
- Elder Civil Legal Services Organizations
- Alzheimer's Association Chapters
- Behavioral Health Organizations
- Uniform Law Commissioners
- Adult Protective Services



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The Uniform Guardianship, Conservatorship, and other Protective Arrangements Act (UGCOPAA)

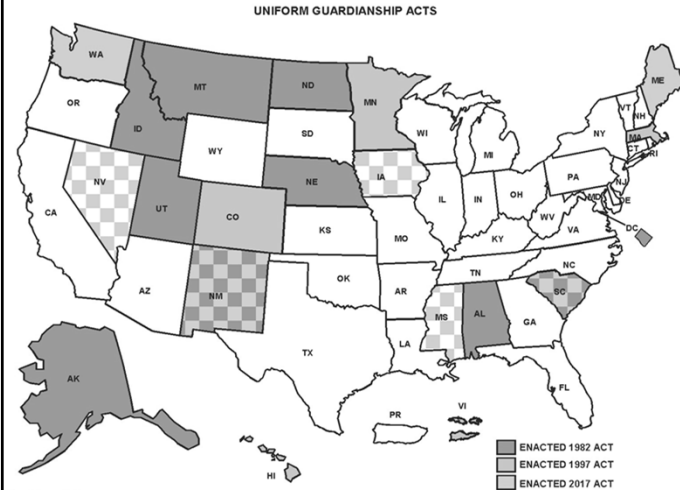


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Uniform Guardianship Laws



- The pace of guardianship law reform is frustratingly slow
- The most recent uniform guardianship law (UGCOPAA) gives courts additional duties, which requires additional funds
- Federal GCIP grants could make a real difference – IF they are tied to real reforms

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A 21st Century Guardianship Statute



- UGCOPAA was drafted by guardianship experts:
 - Guardians
 - Advocates for children, elderly and developmentally disabled persons
 - Judges
 - Attorneys
- Codifies recommendations from the 3rd National Guardianship Summit

<ul style="list-style-type: none"> ▪ Person-centered terminology ▪ Expanded procedural rights ▪ Least-restrictive alternative ▪ Individualized plans ▪ Clear roles for attorney/GAL 	<ul style="list-style-type: none"> ▪ Community monitoring ▪ Informal grievance procedure ▪ Substituted-judgment standard ▪ Right to socialize ▪ Other protective arrangements
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Enacting UGCOPAA in Your State



- Build a coalition for reform
 - WINGS or WINGS-like group of local advocates
- Contact the ULC
 - Ben Orzeske
 - Direct: (312) 450-6621
 - borzeske@uniformlaws.org
- Apply for GCIP
- Find a legislator who cares about persons subject to guardianship/conservatorship
- Acknowledge and answer the tough questions honestly
- Prepare a bill draft
- Keep at it! Guardianship reform is a multi-year undertaking

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Adult Guardianship Court Improvement Program (GCIP)



Generate consistent and **meaningful data collection**

Improve **oversight and accountability**

Avoid unnecessary or overbroad guardianship, convene & enable collaboration and education among courts, agencies, and organizations that have an impact on adults subject to, or potentially subject to, guardianship

Create a National Center Providing Capacity Building, Training and Technical Support

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2021-2022 Projects & Trends: Adult Guardianship Legislation Across the Country



- ❑ **Federal: Legislation Introduced *only***
 - **Freedom and Right to Emancipate from Exploitation (FREE) Act** (July 2021)
 - **Conservatorships Immoral Relationship with Contraception in the United States (CIRCUS)Act** (July 2021)
 - **Guardianship Accountability Act** (Sept. 2021)
- ❑ **Adult Guardianship Court Improvement Program** (GCIP, August 2020 - ongoing)
- ❑ **Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act** (UGCOPPA, 2017 - ongoing)
- ❑ **Adult Guardianship and Protective Proceedings Jurisdiction Act** (UAGPPJA, 2007 –ongoing)
- ❑ **4th National Guardianship Summit Recommendations** (May 2021 – implementation ongoing)
 - Bill of Rights (1.1), Meaningful Due Process (1.2), and Collection of Data (4.1)
 - GCIP (6.1)

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The Need for a National Adult Guardianship CIP



- Poor and widely uneven implementation
- Lack of relevant data, training, and expertise
- Resource limitations preclude greater achievements where cost is a factor
- Time limitations: Systems change needs long-term sustained support for capacity building.
- Guardianship still overused & inadequate attention to alternatives
- Continuing reports of overbroad or abusive guardianship

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Engaging Lawmakers and Other Guardianship Stakeholders in Capacity Legislation



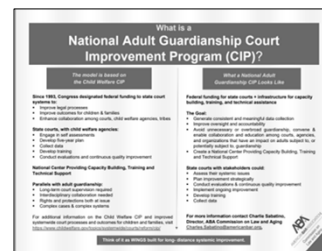
- Create talking points, strategies for contacting (issue briefs, etc.), identify partners (ABA, AARP, DD Council, State Agencies)
- Highlight models of ACL EJI Grants
- Engage with a wide range of multi-disciplinary stakeholders
- Engage both local and state legislators, as well as congressional reps
- Provide your story, written and live testimony
- Engage with your state court administration office, judges, clerks
- Special events, identify and invite GCIP champions (joint events)

Consider asking your legislator to...

- Visit events, people, and places in the community that relate to your issue
- Participate in an online discussion, webinar, or conference
- Give a speech on the House or Senate floor about your issue
- Attend an advocacy or strategic planning meeting about your issue
- Hold a town hall or community meeting on your issue
- Meet with you and other supporters in their home office or online meeting

Additional GCIP Information

- WINGS Briefing Paper: *Advancing Guardianship Reform and Promoting Less Restrictive Options* (Nov. 2020), https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-wings-briefing-paper.pdf
- ABA Resolution urging Congress to create and fund a Guardianship Court Improvement Program for adult guardianship, Aug. 3-4, 2020, <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2020/105-annual-2020.pdf>
- ABA Journal Article: *ABA pushes for a federal guardianship court improvement program*, by Amanda Robert (Feb. 1, 2021), <https://www.abajournal.com/magazine/article/aba-pushes-for-a-federal-guardianship-court-improvement-program>





Questions?

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