



June 26, 2012

The Honorable Senator Amy Klobuchar
United States Senate
302 Hart Senate Office Building
Washington, DC 20510-2305

Dear Senator Klobuchar:

AARP is pleased to support The Guardian Accountability and Senior Protection Act (S. 1744). Guardianship is a powerful legal tool for an increasing number of vulnerable adults. It provides necessary decision-makers for people with diminished capacity, and protects them from abuse—yet it also removes fundamental rights and may increase opportunities for abuse of the people we strive to protect. AARP is concerned about the threats posed to vulnerable older people under legal guardianship due to failure to screen guardians before appointment, inadequate monitoring after appointment and lack of specialized knowledge and interdisciplinary collaboration in state courts.

Because guardians have authority to make wide-ranging decisions about finances, health care and other personal decisions, they have the opportunity to misuse the trust given them by state courts, with potentially devastating consequences for vulnerable adults. Further, state courts face challenges in screening proposed guardians and monitoring these cases. Your bill will improve services in courts with guardianship jurisdiction and strengthen their ability to protect incapacitated adults by:

- Authorizing a Guardianship Court Improvement Program enabling state courts to improve guardianship proceedings by assessing the effectiveness of current procedures; implementing needed changes, and collecting data on existing and revised practices;
- Authorizing 25% of available grant funds to state courts to conduct background checks on prospective guardians and conservators and to improve monitoring of conservatorships through electronic filing systems; and
- Authorizing an evaluation and reports regarding the court improvements to Congress over 36 months at 18 month intervals after awarding of the first grant.

Based on AARP's work on guardianship court processes, existing monitoring practices and background check screening, we believe these authorizations can provide valuable information and encourage replication of promising practices around the country. As a result, they will help develop and enhance protections for adults who need court-appointed decision-makers but are vulnerable to exploitation.

We thank you again for your leadership in this area, and look forward to working with Congress, the Administration, and other stakeholders on these important legislative proposals. If you have any further questions, please feel free to call me or have your staff contact Ariel Gonzalez (202-434-3770) on our Government Affairs staff.

Sincerely,

Joyce A. Rogers
Senior Vice President
Government Affairs