March 14, 2019

The Honorable Susan M. Collins  
Chairman  
Special Committee on Aging  
United States Senate  
G-31 Dirksen Senate Office Building  
Washington, DC 20510

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

Dear Chairman Collins and Ranking Member Casey:

AARP is pleased to endorse the Guardianship Accountability Act (S. 591) that would help states improve guardianship oversight and data collection. We appreciate your bipartisan leadership on guardianship through hearings, the Committee’s investigation and report, and this legislation.

AARP is committed to advocating for comprehensive guardianship and power of attorney reforms to help provide vulnerable adults and their family caregivers with the tools they need to make important decisions as quickly as possible regardless of where they live. There are over 40 million family caregivers, some of whom are appointed legal guardians. Guardians may be family caregivers, friends, or neighbors, or they may be public or professional guardians. Court-appointed guardians step into the shoes of adults who can no longer make their own decisions, and make judgments about property, medical care, living arrangements, lifestyle and potentially all personal and financial issues.

After a guardian has been appointed, state courts are responsible for monitoring the guardian’s performance and ensuring that those under guardianship are cared for appropriately. The lack of proper monitoring in guardianship can often lead to abusive situations and/or the court losing track of an individual, their money, or the guardian. Most states have and continue to make improvements to their guardianship laws to provide parameters to prevent abuse including efforts to increase interstate collaboration through state Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) or similar groups, and developing professional standards and training for guardians, while also promoting the autonomy, basic rights, and dignity of the individual under guardianship.
Your legislation takes important steps to promote guardianship oversight and accountability, while also encouraging information sharing among state and federal government entities and other relevant organizations. The National Online Resource Center on Guardianship would collect and share important guardianship information, including model standards and best practices, state data, research, and training materials for guardians. Importantly, the Center would promote the use of less restrictive alternatives to guardianship and the restoration of rights of individuals subject to guardianship. The bill would also expand the availability of federal demonstration grants to include use for development of state guardianship databases, training for court visitors, and sharing information on appointed guardians. We appreciate that the bill incorporates feedback provided by AARP as part of your request for stakeholder input on guardianship last year.

Thank you again for your work on this important issue. AARP will continue to fight to ensure that individuals who rely on their guardians for vital decision-making are provided with proper care and support, as well as to make sure guardians have the necessary training and tools to take on their important responsibilities. We look forward to working with you to advance this legislation. If you have any questions, please contact me, or have your staff contact Rhonda Richards of our Government Affairs team at rrichards@aarp.org or 202-434-3770.

Sincerely,

David Certner
Legislative Counsel & Legislative Policy Director
Government Affairs