



Supported Resolution 4 - 2021

In Support of an Adult Guardianship Court Improvement Program

WHEREAS, the National Association for Court Management recognizes the importance of protecting adults who lack the ability to meet essential requirements for physical health, safety, or self-care due to an inability to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision-making; and

WHEREAS, the National Association for Court Management has made guardianship and conservatorship reform a priority and have undertaken initiatives to strengthen court monitoring of guardianship and conservatorship cases; and

WHEREAS, the National Association for Court Management recognizes the need to increase the use of less restrictive options than guardianship and conservatorship when appropriate to protect individuals' rights; and

WHEREAS, the number of individuals at risk of guardianship or conservatorship due to severe mental illness, opioid & other addictions, traumatic brain injuries, intellectual and developmental disabilities, dementia, and other causes is increasing; and

WHEREAS, states bear the sole responsibility for judicial appointment, administrative cost, and monitoring of guardianships, and there is need for resources for state judicial leaders to bring state and federal stakeholders together, and to improve communication among states; and

WHEREAS, there is a need for a national approach to improve data collection and analysis, evaluation, and strategic planning, and to develop best practices and training for guardianships and conservatorships; and

WHEREAS, a Guardianship Court Improvement Program would offer states the opportunity to identify state-specific needs and apply for funding to meet those needs; and

WHEREAS, a Guardianship Court Improvement Program would provide state courts the opportunity to consult with national experts, and share successes, as done with the State Court Improvement Program for child welfare; and

WHEREAS, the National Association for Court Management has a long history of supporting



National Association *for* Court Management
Strengthening Court Professionals

the State Court Improvement Program for child welfare; and



National Association for Court Management
Strengthening Court Professionals

WHEREAS, the 4th National Summit on Guardianship overwhelmingly supported an Adult Guardianship Court Improvement Program, adopting the following language: “Congress should establish a Guardianship Court Improvement Program modeled on the successful Child Welfare Court Improvement Program, and provide funding directly to the highest court in each participating state in order to enhance the rights and well-being of adults subject to, or potentially subject to, guardianship by:

- Effectuating consistent and meaningful data collection.
- Improving oversight and accountability.
- Avoiding unnecessary or overbroad guardianship.
- Enhancing collaboration and education among courts, agencies, and organizations that have an impact on adults subject to, or potentially subject to, guardianship.”

NOW, THEREFORE, BE IT RESOLVED that the National Association for Court Management strongly urges Congress to create and fund a Guardianship Court Improvement Program for adult guardianship to support state court efforts to improve the legal process in the adult guardianship system, to improve outcomes for adults subject to or potentially subject to guardianship, to increase the use of less restrictive options than guardianship, and to enhance collaboration among courts, the legal community, and the aging and disability support systems.

Adopted as proposed by the CCJ/COSCA Elders and the Courts Committee at the CCJ/COSCA 2021 Annual Meeting on July 28, 2021.

Modified by the National Association for Court Management in September 2021.