

United States Senate

SPECIAL COMMITTEE ON AGING

WASHINGTON, DC 20510-6400

(202) 224-5364

June 20, 2018

Dear Friends:

As the Chairman and Ranking Member of the United States Senate Special Committee on Aging, we work together to examine issues that are particularly relevant to the needs of older Americans. The outcome of these examinations is an annual report that seeks to inform policymaking in the Congress. This year, the Committee's report will focus on the issue of guardianship.

According to the National Center for State Courts, approximately 1.3 million adult guardianship cases exist in the United States, and an estimated \$50 billion of assets are under the care of a guardian. Despite the prominence of guardianship, very little data on the subject exist. Over the next several months, our Committee will examine best practices and models for supporting persons subject to guardianship. We will look at the role of the federal government and will consider how state and judicial professionals can be better trained to identify, create and monitor appropriate guardianship arrangements. We will evaluate what steps policymakers might consider to better support the needs of guardians and those under their care. We will also review the alternative arrangements to guardianship and the best ways to ensure that they are utilized, where appropriate, in the states.

To help guide our efforts, we are seeking your input. We request comments, including data, policy analysis and options, model programs and other relevant information from older Americans, academics, advocacy organizations, and others who have experiences related to guardianship. Specifically, we are requesting input on the following issues:

1. A lack of reliable data on guardianship cases has posed problems for some policymakers attempting to understand and address issues related to these types of arrangements. What recommendations do you have for collecting information about these cases in order to better inform federal, state, and local officials?
2. Stories of guardian misconduct resulting in physical, emotional, and/or financial harm to the protected individual have raised questions related to the need for enhanced guardian oversight. What recommendations do you have for actions that can be taken to ensure that individuals subject to guardianship are protected from exploitation and abuse by their guardians?
3. Although guardians play an essential role in protecting many individuals who do not possess the capacity to make certain decisions, guardianship may be inappropriate for individuals who have regained capacity or whose needs are limited to only certain functions. What recommendations do you have for ensuring that guardianship is

imposed only when necessary and that it is removed if it becomes no longer necessary?

4. Procedures and practices related to guardianship can differ greatly from jurisdiction to jurisdiction, but many of the factors that influence the success of these relationships are the same. What best practices or other policies would you recommend to policymakers considering guardianship reforms?

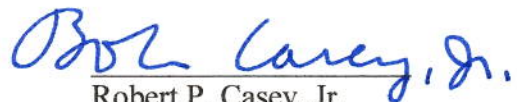
Please submit all written comments to the Special Committee on Aging via email at comment@aging.senate.gov. The deadline to respond is July 20, 2018. All submitted comments will be considered part of the official public record.

Thank you for your engagement on this important issue. We hope that this effort will continue the long-standing commitment of the U.S. Senate Special Committee on Aging to serve the needs of older Americans.

Sincerely,



Susan M. Collins
Chairman



Robert P. Casey, Jr.
Ranking Member