

Resolution 14
Endorsing the Report of the CCJ/COSCA Joint Task Force on Elders and the Courts

WHEREAS, the number of vulnerable elderly persons will increase rapidly over the next twenty years; and

WHEREAS, this demographic trend is likely to result in a substantial increase in the number of cases intended to protect vulnerable elderly persons, including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, most state court systems are not currently able to determine accurately the number of guardianship, conservatorship, and elder abuse cases that are filed, pending, and closed each year; and

WHEREAS, recruiting and retaining family and friends to serve as guardians and/or conservators is problematic in a significant number of states; and

WHEREAS, the courts in most states do not have programs, training, and materials to support family members who could serve as a guardian and/or conservator, including assistance in navigating the array of governmental processes required to obtain needed services for the incapacitated person; and

WHEREAS, there is an insufficient number of public and/or professional guardians in many states; and

WHEREAS, most courts do not have staff to review the reports and accountings submitted by guardians and conservators, much less to assess periodically the condition of persons under guardianship or conservatorship; and

WHEREAS, in 2008, the Conference of Chief Justices and the Conference of State Court Administrators established a joint Task Force on Elders and the Courts to identify and define the most critical problems facing courts as a result of the increasing number of vulnerable elderly persons, and to encourage the development of practices, procedures, guidelines, and programs that courts may use to address these problems; and

WHEREAS, that Task Force has conducted surveys and other research and has prepared a set of recommendations to address the most critical problems based on promising practices established by state court systems and individual courts;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators commend the work of the Task Force on Elders and the Courts, endorse the findings contained in its report, and urge each state to implement the Task Force's recommendations.

Adopted as proposed by the CCJ/COSCA Task Force on Elders and the Courts at the 2010 Annual Meeting on July 28, 2010.