

Resolution 6

Encouraging Consideration of the Standards and Recommendations from the Third National Guardianship Summit

WHEREAS, the National Center for State Courts has estimated that there are at least 1.5 million guardianships and conservatorships in the United States; and

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, including guardianship and conservatorship proceedings, intended to protect vulnerable elderly persons; and

WHEREAS, the September 2010 report from the Government Accountability Office and research by the National Center for State Courts point out alarming instances of elder abuse and exploitation and the unique opportunities afforded to the courts to intervene in a variety of court settings to ensure justice for older Americans; and

WHEREAS, the highest courts of the several states and territories have established task forces, commissions, or committees to recommend policies, procedures, and services to strengthen the prevention, identification, response to, and redress of neglect, abuse, and exploitation of elders; and

WHEREAS, the ten national organizations, including the National Center for State Courts, that comprise the National Guardianship Network convened the Third National Guardianship Summit on October 13-15, 2011 in Salt Lake City, Utah to develop standards for guardians and conservators and recommendations regarding the oversight, training, compensation of guardians and conservators; and

WHEREAS, invited participants to this Summit included representatives of the Conference of Chief Justices and Conference of State Court Administrators; and

WHEREAS, the standards, recommendations, and background papers from the Summit will be published in the Utah Law Review; and

WHEREAS, many of the recommendations from the Summit specifically address best practices that courts should follow in conducting guardianship/conservatorship proceedings and monitoring guardianships/conservatorships, and call upon the courts to adopt standards for guardians and conservators by court rule or administrative order;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge each state court system to review and consider implementation of the standards and recommendations adopted at the Third National Guardianship Summit.

Adopted as proposed by the CCJ/COSCA Elders and the Courts Committee at the 2012 Annual Meeting on July 25, 2012.