

## **How to report on guardianship and conservatorship:**

Guardianship is a legally binding arrangement that gives an incapacitated person's decision-making authority to another person. Conservatorship gives financial decision-making to another person.

Reporting on guardianships can be a difficult task, because it often involves a person who may not be able to safely care for themselves due to age or disability. The court's decision to approve a guardian or conservator can have profound implications. Family members are far more likely than strangers to financially exploit or evict an elderly person.

It is easy to get distracted by family disputes, so instead look for larger trends and patterns. Find the systemic issue with specific anecdotes to illustrate it.

It is important to remember that young adults with intellectual or developmental disabilities are also routinely placed under guardianship. Nationally, there is a movement to consider less-restrictive alternatives to guardianship, such as "supported decision-making." You should check what laws your state has about less restrictive alternatives and verify if the probate court is adhering to those laws.

Questions to ask:

Does your state allow for private, for-hire guardians or conservators?

- Are guardians required to file any financial reports with the court?
- Are those financial reports audited or reviewed in any way?
- Does the probate court use a financial reporting software or paper records?

Does your state limit access to voting, marriage, drivers licenses, or hiring an attorney once a person is under guardianship?

Does your state's probate courts have a tip line or a way to report suspected physical or financial abuse of a person under guardianship?

Does the probate court do random well-being checks of people under guardianship?

Does your state require that the person subject to a guardianship request be represented by an attorney during the proceedings?

Does your area have a quasi-governmental guardianship program? Who's funding it, and does it get government audits?

What are guardians allowed to do with a ward's property in your state? Are they allowed to sell property? Is that tracked?