

## **ABA House of Delegates Urges Congress to Invest in a Guardianship Court Improvement Program**

**Final resolution and report available [here](#).**

On August 3, the American Bar Association continued its long-standing commitment to advancing adult guardianship reform and adopted a resolution urging Congress to invest in a Guardianship Court Improvement Program. The resolution was co-sponsored by the ABA [Commission on Law and Aging](#), [Senior Lawyers Division](#), [Section of Real Property, Trust and Estates Law](#), and [Commission on Disability Rights](#). Now the work begins, as the ABA, along with states, advocates to secure funding for this important program.

A Guardianship Court Improvement Program will provide states with the necessary federal funding and support to improve their court processes and thus the lives of individuals with guardians by improving outcomes for adults in the system, increasing the use of less restrictive options other than guardianship, and enhancing collaboration among courts, the legal system, and aging and disability networks.

Adult guardianship is a drastic state intervention. Individuals alleged to need a guardian may lack the capacity to make their own decisions due to age related dementia, disability, or other circumstances. They are often among the least prepared litigants to navigate the judicial system. Despite these high stakes, state judicial systems are frequently ill equipped to safeguard the rights and well-being of litigants.

Professor Robert Dinerstein of American University, Washington College of Law, and a member of the ABA Commission on Disability Rights, spoke in favor of the resolution: “Adult guardianship laws and practices implicate important human rights and civil rights such as individual autonomy and legal capacity. For such a pervasive system to suffer from insufficient funding, inadequate data, lack of coordination, and conceptual confusion is highly problematic. This resolution’s recommendation of a Guardianship Court Improvement Program would aid in addressing these problems, and its emphasis on exploring alternatives to guardianship, such as supported decision making, is a critical component of a well-functioning guardianship system that respects individual rights.”

In the words of the Honorable Louraine Arkfeld, Chair of the Commission on Law and Aging, “A Guardianship Court Improvement Program has ... potential for wide reaching impact, providing state courts with the necessary resources to protect the safety, well-being, and individual rights of millions of individuals in the United States who may be or have been appointed a guardian.”

For more information, please contact Dari Pogach, Senior Attorney, at [dari.pogach@americanbar.org](mailto:dari.pogach@americanbar.org).

