

115TH CONGRESS
1ST SESSION

S. 182

To provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2017

Ms. KLOBUCHAR (for herself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Court-Appointed
5 Guardian Accountability and Senior Protection Act”.

6 **SEC. 2. COURT-APPOINTED GUARDIANSHIP OVERSIGHT AC-**
7 **TIVITIES UNDER THE ELDER JUSTICE ACT OF**
8 **2009.**

9 Section 2042(c) of the Social Security Act (42 U.S.C.
10 1397m–1(c)) is amended—

1 (1) in paragraph (1), by inserting “(and, in the
2 case of demonstration programs described in para-
3 graph (2)(E), to the highest courts of States)” after
4 “States”;

5 (2) in paragraph (2)—

6 (A) in the matter preceding subparagraph
7 (A), by inserting “(and the highest courts of
8 States, in the case of demonstration programs
9 described in subparagraph (E))” after “local
10 units of government”;

11 (B) in subparagraph (D), by striking “or”
12 after the semicolon;

13 (C) by redesignating subparagraph (E) as
14 subparagraph (F); and

15 (D) by inserting after subparagraph (E),
16 the following new subparagraph:

17 “(E) subject to paragraph (3), programs
18 to assess the fairness, effectiveness, timeliness,
19 safety, integrity, and accessibility of adult
20 guardianship and conservatorship proceedings,
21 including the appointment and the monitoring
22 of the performance of court-appointed guard-
23 ians and conservators, and to implement
24 changes deemed necessary as a result of the as-
25 sessments such as mandating background

1 checks for all potential guardians and conserva-
2 tors, and implementing systems to enable the
3 annual accountings and other required con-
4 servatorship and guardianship filings to be com-
5 pleted, filed, and reviewed electronically in order
6 to simplify the filing process for conservators
7 and guardians and better enable courts to iden-
8 tify discrepancies and detect fraud and the ex-
9 ploitation of protected persons; or”;

10 (3) by redesignating paragraphs (3), (4), and
11 (5) as paragraphs (4), (5), and (6), respectively;

12 (4) by inserting after paragraph (2), the fol-
13 lowing new paragraph:

14 “(3) REQUIREMENTS FOR COURT-APPOINTED
15 GUARDIANSHIP OVERSIGHT DEMONSTRATION PRO-
16 GRAMS.—

17 “(A) AWARD OF GRANTS.—In awarding
18 grants to the highest courts of States for dem-
19 onstration programs described in paragraph
20 (2)(E), the Secretary shall consider the rec-
21 ommendations of the Attorney General and the
22 State Justice Institute, as established by section
23 203 of the State Justice Institute Act of 1984
24 (42 U.S.C. 10702).

1 “(B) COLLABORATION.—The highest court
2 of a State awarded a grant to conduct a dem-
3 onstration program described in paragraph
4 (2)(E) shall collaborate with the State Unit on
5 Aging for the State and the Adult Protective
6 Services agency for the State in conducting the
7 demonstration program.”;

8 (5) in paragraph (4) (as redesignated by para-
9 graph (3) of this section), by inserting “(and, in the
10 case of demonstration programs described in para-
11 graph (2)(E), the highest court of a State)” after “a
12 State”; and

13 (6) in paragraph (5) (as so redesignated), by
14 inserting “(or, in the case of demonstration pro-
15 grams described in paragraph (2)(E), the highest
16 court of a State)” after “State” each place it ap-
17 pears.

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