

Calendar No. 277

113TH CONGRESS
1ST SESSION

S. 975

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

MAY 16, 2013

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

DECEMBER 19, 2013

Reported by Mr. LEAHY, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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”.

1 **SEC. 2. COURT-APPOINTED GUARDIANSHIP OVERSIGHT AC-**
 2 **TIVITIES UNDER THE ELDER JUSTICE ACT OF**
 3 **2009.**

4 Section 2042(c) of the Social Security Act (42 U.S.C.
 5 1397m–1(c)) is amended—

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

10 (2) in paragraph (2)—

11 (A) in the matter preceding subparagraph
 12 (A), by inserting “(and the highest courts of
 13 States, in the case of demonstration programs
 14 described in subparagraph (E))” after “local
 15 units of government”;

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

18 (C) by redesignating subparagraph (E) as
 19 subparagraph (F); and

20 (D) by inserting after subparagraph (E),
 21 the following new subparagraph:

22 “(E) subject to paragraph (3), programs
 23 to assess the fairness, effectiveness, timeliness,
 24 safety, integrity, and accessibility of adult
 25 guardianship and conservatorship proceedings,
 26 including the appointment and the monitoring

1 of the performance of court-appointed guard-
 2 ians and conservators, and to implement
 3 changes deemed necessary as a result of the as-
 4 sessments such as mandating background
 5 checks for all potential guardians and conserva-
 6 tors, and implementing systems to enable the
 7 annual accountings and other required con-
 8 servatorship and guardianship filings to be com-
 9 pleted, filed, and reviewed electronically in order
 10 to simplify the filing process for conservators
 11 and guardians and better enable courts to iden-
 12 tify discrepancies and detect fraud and the ex-
 13 ploitation of protected persons; or”;

14 (3) by redesignating paragraphs (3), (4), and
 15 (5) as paragraphs (4), (5), and (6), respectively;

16 (4) by inserting after paragraph (2), the fol-
 17 lowing new paragraph:

18 “(3) REQUIREMENTS FOR COURT-APPOINTED
 19 GUARDIANSHIP OVERSIGHT DEMONSTRATION PRO-
 20 GRAMS.—

21 “(A) AWARD OF GRANTS.—~~The Secretary~~
 22 ~~shall award grants~~ *Any grants the Secretary*
 23 *awards* to the highest courts of States for dem-
 24 onstration programs described in paragraph
 25 (2)(E) *shall be* based on the recommendations

1 of the Attorney General and the State Justice
2 Institute, *as established by section 203 of the*
3 *State Justice Institute Act of 1984 (42 U.S.C.*
4 *10702).*

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

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

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

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