

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

(2) in paragraph (2)—

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

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

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

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

“(E) subject to paragraph (3), programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background

checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the filing process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons; or”;

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

(4) by inserting after paragraph (2), the following new paragraph:

“(3) REQUIREMENTS FOR COURT-APPOINTED GUARDIANSHIP OVERSIGHT DEMONSTRATION PROGRAMS.—

“(A) AWARD OF GRANTS.—In awarding grants to the highest courts of States for demonstration programs described in paragraph (2)(E), the Secretary shall consider the recommendations of the Attorney General and the State Justice Institute, as established by section 203 of the State Justice Institute Act of 1984 (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.

○