

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 1

Encouraging Consideration of the Revised National Probate Court Standards

WHEREAS, the number of Americans age 65 or older will increase by 50 percent, from nearly 40 million to about 60 million within the next decade; and

WHEREAS, this demographic trend is likely to result in a substantial increase in the number of cases filed in courts with probate jurisdiction; and

WHEREAS, in order to handle this caseload efficiently and address these sensitive cases fairly, it is essential that courts with probate jurisdiction utilize the most effective and up-to-date approaches possible; and

WHEREAS, on November 16, 2012, the National College of Probate Judges unanimously adopted a revised set of National Probate Court Standards following a two-year development effort; and

WHEREAS, the revised National Probate Court Standards reflect the many changes in probate law and practice since the original standards were adopted in 1993 including:

- the widespread use of automated case management systems that enable courts to exercise greater control over their dockets;
- The growing availability of electronic filing systems and the resulting greater use of electronic records, that provide courts with not only the capability of operating more efficiently, but also of more easily analyzing the information contained in those records to identify patterns and anomalies that may indicate abuses;
- The promulgation of new and revised uniform acts;
- The issuance of additional national recommendations regarding guardianship and conservatorship including those of the 2011 Third National Guardianship Summit and the 2010 Conference of State Court Administrators White Paper;
- The expanded services being provided directly to court users by probate courts;
- The increased use of volunteer programs to monitor guardianships and conservatorships and the development of collaborative programs to improve the quality, delivery, and coordination of services to persons under the jurisdiction of probate courts;
- The advent of State Supreme Court Commissions on elders and the courts, and, more negatively;
- The increasing instances of financial abuse in conservatorships/ guardianships, in decedent's estates, in trusts under court supervision, and in guardianships of minors; and

WHEREAS, the revised National Probate Court Standards set forth aspirational goals for both specialized probate courts and general jurisdiction courts with probate jurisdiction that are intended to promote uniformity, consistency, and continued improvement in the operations of probate courts; and

WHEREAS the revised National Probate Court Standards provide many references to promising practices developed by specific courts to bridge gaps of information, provide organization and direction; and

WHEREAS these Standards may be used by individual probate courts and by state court systems as:

- A source of ideas for improving the quality of justice, the effectiveness of operations, and efficient use of resources;
- A basis for requests for needed budgetary support in those instances in which implementation of Standards-based improvements require additional resources;
- A tool for charting the path toward greater excellence and measuring the progress;
- A template for state standards reflecting state statutory requirements, rules of procedures, and demographic, geographic, organizational, and fiscal factors.

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators encourages each state court system and the courts with probate jurisdiction in each state to review and consider implementation of the revised National Probate Court Standards.

Adopted as proposed by the CCI/COSCA Elders and the Courts Committee at the 2013 Annual Meeting on July 31, 2013.