

CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 4

**Encouraging Collaboration Between State Courts and Federal and
State Representative Payee Programs**

WHEREAS, the state courts are likely to experience a substantial increase in adult guardianship and conservatorship cases as a result of the large population of older adults, increased longevity, greater awareness of mental health and capacity issues, and an increase in the numbers of adults with disabilities; and

WHEREAS, the Senate Special Committee on Aging has requested a series of reports from the Government Accountability Office over the past nine years (GAO 04-655, GAO-06-1086T, GAO-10-1046, GAO 11-678, and GAO-13-110) and held a series of hearings detailing the lack of cooperation and coordination by the Social Security Administration and Department of Veterans Affairs with state courts regarding conservatorships, financial exploitation, and abuse and neglect of seniors by their guardians and conservators; and

WHEREAS, these Government Accountability Office reports have recognized a substantial federal interest in coordination of benefits, noting that "...the absence of a systematic means of compiling and exchanging pertinent information may leave many incapacitated people at risk and result in the misuse of benefits and increased federal expense" (GAO-04-655); and

WHEREAS, the 2010 Conference of State Court Administrators White Paper, *The Demographic Imperative: Guardianships and Conservatorships*, requested that the federal government partner with states to create an expanded and coordinated national response; and

WHEREAS, the 2013 National Probate Court Standards notes the importance of coordination between the courts and the Social Security Administration, other federal agencies, or a fiduciary appointed by the Department of Veterans Affairs to handle government benefits to determine less intrusive alternatives (Standard 3.3.10); and

WHEREAS, the Elder Justice Coordinating Council put forward a proposal to "reduce financial exploitation by fiduciaries through enhanced oversight and collaboration among federal and state court entities" at its May 2013 meeting; and

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators have passed a resolution in support of the proposed Guardian Accountability and Senior Protection Act (S. 975), which would promote greater coordination between state courts and governmental agencies that administer representative payment programs for benefits;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge improved coordination between state courts and state and federal governmental agencies that administer representative payment programs for the purpose of protecting vulnerable adults placed under a guardianship/conservatorship.

Adopted as proposed by the CCI/COSCA Committee on Elders and the Courts at the COSCA Midyear Meeting on December 5, 2013 and the CCI Midyear Meeting on January 29, 2014.