

# Guardianship of Adults

Topic Selection Background Information

March 2024

<p><b>Program Overview</b></p>	<p>Guardians are appointed by courts to make personal decisions—such as those related to medical care, living arrangements, and education—for adults who lack the capacity to make or communicate decisions about their needs. Individuals subject to guardianship may also have a conservator, who is appointed to make financial, rather than personal, decisions for individuals. Guardians must submit reports at least annually on individuals’ well-being to the courts. Interested persons with complaints about guardians may submit those complaints to the Judicial Branch for review.</p>
<p><b>Original Evaluation Questions</b></p>	<p>To what extent do appropriate minimum qualifications, screening procedures, resources, communicated standards of care, and training requirements exist for guardians? To what extent are the procedures for processing and responding to complaints about guardians transparent, comprehensive, and consistently applied? To what extent are guardian activities subject to effective and appropriate oversight on behalf of the adult under guardianship?</p>
<p><b>Revised Questions</b></p>	
<p><b>State Resources</b> <i>Unclear</i></p>	<p>The Judicial Branch provides online training and a manual for guardians and conducts complaint investigations about guardians. Courts are responsible for appointing guardians and receiving guardian reports, among other duties. It is unclear how much of the Judicial Branch’s funding is dedicated to these activities.</p>
<p><b>State Control</b> <i>High</i></p>	<p>State law governs guardianship. Minnesota statutes establish procedures for appointing guardians, the rights of persons subject to guardianship, and the responsibilities of guardians.</p>
<p><b>Impact</b> <i>Medium-High</i></p>	<p>The Judicial Branch recorded about 2,800 guardianship/conservatorship cases in Fiscal Year 2023. Because guardians make decisions integral to the lives of persons under guardianship, they have a profound impact on those persons’ day-to-day experiences.</p>
<p><b>Timeliness</b> <i>Medium-High</i></p>	<p>The Legislature made several changes to state guardianship laws in 2020. Additionally, the complaint process was established at the beginning of Fiscal Year 2023. While these changes are still fairly new, it may be a good time to look at their initial impact.</p>
<p><b>Feasibility</b> <i>Medium</i></p>	<p>OLA could complete this evaluation using standard evaluation techniques, but we would likely need to focus some research activities on a sample of courts.</p>
<p><b>Balance</b> <i>High</i></p>	<p>OLA has never evaluated adult guardianship.</p>
<p><b>Discussion</b> <i>Good topic</i></p>	<p>Minnesota’s laws on guardianship for adults have existed for decades without a formal review by OLA. It may be a good time to evaluate the state’s approach to guardianship for some of its most vulnerable members.</p>