



BETTER GUARDIANSHIP OVERSIGHT IN MASSACHUSETTS

S888/H1573: A BILL TO ESTABLISH AN OFFICE OF ADULT DECISIONAL SUPPORT SERVICES

This bill would improve compliance with legal and ethical standards for Adult Decisional Support Services in the Commonwealth. The Office, established within the Trial Court, will improve training, guidance, record-keeping and oversight of guardians, conservators and supported decision-making volunteers. A primary aim is to prevent the kinds of abuses that have occurred in other states when oversight has been inadequate.

Current Needs

- The Commonwealth today has no requirements for training, experience or clinical supervision for court-appointed guardians and conservators.
- Courts are burdened by over 4,000 new guardianship and conservatorship filings annually, in addition to nearly 15,000 existing cases that require oversight.
- Massachusetts keeps no data or formal analysis of its unmet guardianship needs, leaving policy makers without basic information to respond to well known systemic problems.
- Existing best-practice standards for guardians are not uniform across agencies and counties.

Risks of Inaction

- Scandals involving embezzlement and emotional abuse by professional guardians were uncovered in 2016 in at least two states in other parts of the country.
- The Commonwealth is not well-equipped to detect and prevent these kinds of potential schemes by fiduciaries appointed by our own courts.
- The costs of the Office will be much less than the cost to investigate and prosecute even a modest incident of abuse by a fiduciary in Massachusetts.

Proposed Solution

- The proposed legislation would establish an Office within the Trial Court, dedicated to quality of services and accountability for court-appointed fiduciaries.
- The Office would review and deploy new tools and technologies for oversight that are developing in other jurisdictions nationwide.
- The Office would maintain records, strengthen supervision, respond to complaints, and support research into outcomes of guardianship and conservatorship.
- The Office will NOT provide guardianship services directly.

SPONSORS: SENATOR CYNTHIA CREEM AND REPRESENTATIVE PAUL TUCKER

CONTACT: PLEASE CONTACT CHARLES GLICK OR KATE SAVILLE-WORRALL
(617) 423-2231 ksaville@charlesgroupconsulting.com

Supported By:



MASSACHUSETTS
Guardianship Policy Institute



GUARDIAN
COMMUNITY TRUST

GREATER BOSTON
LEGAL SERVICES

