



EXECUTIVE SUMMARY

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MASSACHUSETTS GUARDIANSHIP POLICY INSTITUTE

REPORT ON PUBLIC GUARDIANSHIP Ten Year Review & Recommendations

REPORT OF THE MASSACHUSETTS GUARDIANSHIP POLICY INSTITUTE
The First Ten Years: Review and Recommendations

EXECUTIVE SUMMARY

The Massachusetts Guardianship Policy Institute was established in 2014 to address the critical lack of decision-making support for Massachusetts' most vulnerable and indigent individuals, often referred to as "unbefriended" or "unrepresented, at risk." This report reviews the first phase of our work. The individuals at risk, estimated to number between 3,000 and 4,000 statewide, face significant risks to their health, safety, and well-being due to decisional incapacity and a lack of financial or social resources.

The Institute's initial focus was on advocating for the creation of a Public Guardian in Massachusetts. This report examines various models of public guardianship implemented in other states, including government-operated programs (e.g., Illinois, California, Colorado), privatized systems (e.g., Florida's non-profit network), private appointments originated by public agencies (e.g., Washington, and limited programs in Massachusetts' DDS and DMH), and privately funded initiatives (e.g., Public Guardian Services in Braintree).

The report argues for the establishment of a Public Guardian in Massachusetts, highlighting the significant individual and societal benefits demonstrated by successful programs in other states. Case studies, such as that of Richard D., illustrate how professional guardianship can stabilize individuals experiencing homelessness and severe mental illness, leading to improved quality of life and substantial cost savings in emergency services and institutional care. Economic analyses from Connecticut and New York further support this, showing potential savings of tens of thousands of dollars per person annually through effective guardianship programs.

Drawing a sharp contrast, the report critiques the current guardianship system in Massachusetts, which heavily relies on an underfunded and often unsustainable volunteer/*pro bono* model. This reliance frequently results in limited commitment and inadequate support for unrepresented individuals, leading to instability, repeated crises, and costly short-term placements. The procedural complexities introduced by the Massachusetts Uniform Probate Code (MUPC), while intended to protect vulnerable individuals, have inadvertently exacerbated the shortage of *pro bono* guardians.

The authors emphasize the need for "person-centered" guardianship, characterized by understanding the individual, involving them in decisions, utilizing planning tools, spending meaningful time, adhering to court oversight, and seeking continuous improvement. It outlines the multifaceted roles of a guardian (decision-maker, advocate, quasi-social worker, and even friend) and how the specific circumstances of an individual's incapacity significantly impact the guardian's approach.

Looking to the future, the report notes the historical challenges of achieving consensus and reform in Massachusetts guardianship policy. It also acknowledges emerging international human rights perspectives that advocate for a "social model" of disability, emphasizing societal responsibility in providing supports to enable individuals to make their own decisions.

The report identifies hopeful signs that guardianship policy is moving forward in Massachusetts, including the opening of the Office of Adult Guardianship and Conservatorship Oversight (OAGCO), which is providing crucial data on the scope of guardianship in the state. The report also highlights the work of Public Guardian Services (PGS), a privately funded pilot program sponsored by the Institute, which has demonstrated for several years the effectiveness of a professional, social-work model of guardianship for unrepresented individuals.

Findings

The primary conclusions of the report are that the current system for providing guardianship for unrepresented, at-risk individuals in Massachusetts is inadequate, and that the poor outcomes are unaffordable, both financially and in terms of human well-being.

The report strongly recommends the establishment of a robust, publicly funded Public Guardian, that will bring professionally qualified, trained and supervised personal, and much-needed leadership, to the complex issues of guardianship statewide. This system should:

- Adopt a professional, "social-work" model of guardianship that prioritizes person-centered care and comprehensive support.
- Secure dedicated and sufficient long-term funding to ensure the sustainability and effectiveness of the program, recognizing the significant potential for cost savings in other areas of public expenditure.
- Learn from successful models in other states and adapt best practices to the specific needs of Massachusetts.
- Foster collaboration and leadership among guardianship stakeholders to promote a unified and effective approach to policy reform.
- Consider the long-term implications of policy decisions, avoiding unintended consequences that could further disadvantage vulnerable individuals.

The Institute believes that establishing a well-designed Public Guardian system in Massachusetts is a crucial step towards ensuring the dignity, safety, and well-being of our most vulnerable citizens. It also represents a fiscally responsible and morally compelling investment in our people and our communities.

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