



Date: January 30, 2020

To: Chair Ott, Vice-Chair Horlacher, and Members of the Assembly Committee on Judiciary

From: Janet L. Zander, Advocacy & Public Policy Coordinator

Re: **Support for AB 786** – relating to: guardian training requirements and making an appropriation

The Greater Wisconsin Agency on Aging Resources, Inc. (GWAAR) is a nonprofit agency committed to supporting the successful delivery of aging programs and services in our service area consisting of 70 counties (all but Dane and Milwaukee) and 11 tribes in Wisconsin. We are one of three Area Agencies on Aging in Wisconsin. We provide lead aging agencies in our service area with training, technical assistance, and advocacy to ensure the availability and quality of programs and services to meet the changing needs of older people in Wisconsin. Our mission is to deliver innovative support to lead aging agencies as we work together to promote, protect, and enhance the well-being of older people in Wisconsin.

Thank you for this opportunity to share testimony on AB 786. In addition to providing training and technical assistance to county and tribal aging units/aging and disability resource centers (ADRCs) regarding Older Americans Act and other aging service programs, GWAAR also operates a number of other programs including the Wisconsin Guardianship Support Center (GSC) - <https://gwaar.org/guardianship-resources>. The GSC serves as a statewide resource for information and assistance on issues related to adult guardianship, protective placement, advance directives, and supported decision-making. Through a toll-free helpline or by e-mail, the GSC received nearly 1,800 contacts (2018) from guardians or persons under guardianship (24%), concerned family members or friends (25%), and a variety of professionals (16%). Common questions received by the GSC relate to alternatives to guardianship, resources for prospective guardians, questions about guardian duties and ward rights, concerns about guardians exceeding their role and legal authority, and inquiries about how to maintain financial records and file annual accountings. Though contacts to the one full-time attorney serving the GSC came from people in 89% of Wisconsin counties, we know there are many more people across the state who would avail themselves of the resources available if they knew about them.

Adult guardianship is a serious intervention that transfers fundamental rights away from a person (the ward) to a court appointed guardian. A guardian of the person is responsible for decision-making related to major life decisions such as where to live, medical care, service options, and other choices related to meeting daily wants and needs. A guardian of the estate manages a ward's property and financial affairs. As of 2015, over \$500 million was overseen/managed by guardians (family, volunteer and corporate) in Wisconsin (WINGS, 2015). Guardians are responsible for making decisions in such a way as to place the least restrictions on the ward's

personal liberty and exercise of his/her constitutional and statutory rights, promote the highest level of integration into the community, and honor the ward's individual wishes and preferences (Wis. Stats. Ch. 54.20 & 54.25). Depending on the circumstances, a court may name one person both guardian of the person and guardian of the estate, or name one person the guardian of the person and another the guardian of the estate. Though guardians (who are often family members, close friends, or community volunteers) are responsible for carrying out these roles and responsibilities in accordance with the Wisconsin Guardianship statutes, there is little support currently available for prospective guardians. **To ensure guardians are fully aware of their role and responsibilities and to improve the well-being of people under guardianship, AB 786 proposes training *before* someone becomes a guardian.**

Presently, the Department of Health Services (DHS) requires Corporate Guardians – a private nonprofit corporation or an unincorporated association appointed by a court to serve as guardian of the person, or of the estate, or both, of an individual who is found by a court to be in need of a guardian - DHS 85.03(2) – to complete continuing education requirements - 85.10(2). Wisconsin does not, however, have any training requirements or formalized training program for family or volunteer guardians. Most family guardians are every day, upstanding people trying to do the right thing to help a family member. Volunteer guardians are community members who reach out to help a fellow community member who does not have family or close friends to serve in this role. Family and volunteer guardians are often caught off guard by the complexities of the guardianship system and their associated responsibilities. When problems arise, they are often the result of not knowing or misunderstanding the rules and not malicious intent. AB 786 proposes training for potential guardians on topics specific to the guardian of the person and guardian of the estate statutes. We believe training people before they are appointed as a guardian will help ensure all decision-making options have been explored, those agreeing to be appointed as a guardian will do so after making a better informed decision, and appointed guardians will better understand how to carry out their roles and responsibilities while respecting their ward's rights and the limitations of their own power. Additionally, this training will ensure going forward that guardians will be informed about where to go for information and resources should there be a need.

Appropriations included in this bill will be used to develop the training materials (both online and paper copy), implement the training, expand outreach and increase capacity to provide needed information and support services.

We appreciate the interest in and efforts of policy makers to address growing concerns related to the impact of guardianships on older adults and people with disabilities. We look forward to continuing to work with you on policies that improve the quality of life of older people in Wisconsin.

Thank you for your consideration of these comments supporting AB 786.

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