

HOUSE No. 4456

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a special commission on adult guardianship and conservatorship practices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding any special or general law to the contrary, there shall
2 be a special commission established pursuant to section 2A of chapter 4 to conduct a study on
3 adult guardianship and conservatorship practices in the commonwealth. The commission shall
4 consist of 13 members, 1 of whom shall be the secretary of elder affairs or the secretary’s
5 designee; 1 of whom shall be the commissioner of the department of developmental disabilities
6 or the commissioner’s designee; 1 of whom shall be the chief justice of the probate and family
7 court or the chief justice’s designee; 2 of whom shall be members of the house of representatives
8 to be appointed by the speaker of the house; 1 of whom shall be member of the house of
9 representatives to be appointed by the minority leader of the house; 2 of whom shall be members
10 of the senate to be appointed by the senate president; 1 of whom shall be a member of the senate
11 to be appointed by the senate minority leader; 1 of whom shall be appointed by Guardianship
12 Policy Institute; 1 of whom shall be appointed by the Center for Public Representation; and 2 of
13 whom shall be appointed by the governor, 1 of whom shall be from among at least three names

14 submitted to the governor for consideration by the National Association to Stop Guardianship
15 Abuse, and 1 of whom shall currently serve as a guardian.

16 (b) The study shall include, but not be limited to:

17 (i) the identification of unmet needs in the commonwealth's adult guardianship and
18 conservatorship systems, including how best to meet the needs of adults of diminished capacity
19 who lack financial resources or family or friends;

20 (ii) the identification, prevention and, remedying of guardianship and conservatorship
21 abuses;

22 (iii) when and how it is appropriate for guardians and conservators to collect fees;

23 (iii) a review of alternatives to guardianship, including supportive decision-making, and
24 how the system and our laws can encourage use of these alternatives, where appropriate; and

25 (iv) a review of the most recent Uniform Law Commission's Adult Guardianship and
26 Protective Proceedings Jurisdiction Act, and whether the special commission established under
27 this act would recommend the adoption and implementation of some or all of the uniform law's
28 provisions in the commonwealth.

29 (c) The commission shall file the findings of its study by July 31, 2019, with the clerks
30 of the house and the senate, who shall forward a copy of the report to the chairs of the house and
31 senate committees on ways and means and the house and senate chairs of the joint committee on
32 the judiciary.