



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A STUDY OF GUARDIANSHIP OPTIONS FOR ELDERLY AND DISABLED INDIVIDUALS.

WHEREAS, the U.S. Census Bureau projects that the number of Americans 65 years of age and older will increase by 50% between now and the year 2030; and

WHEREAS, the Montana Department of Public Health and Human Services says that by 2030, Montana is expected to rank at least fifth in the nation in the percentage of residents over 65 years of age; and

WHEREAS, national studies predict that a significant percentage of older Americans will suffer from mental illness, traumatic brain injuries, dementia, and other mental impairments that will diminish their ability to care for themselves or to make decisions related to their health and well-being; and

WHEREAS, the Montana Legislature has enacted the Montana Elder and Persons With Developmental Disabilities Abuse Prevention Act because these elderly and disabled individuals could be at greater risk for abuse, neglect, and exploitation; and

WHEREAS, Montana law allows for the appointment of guardians for individuals who are unable to understand, make, or communicate decisions about their care because of mental or physical impairments or chronic substance abuse; and

WHEREAS, no statewide training or standards exist for individuals appointed as guardians; and

WHEREAS, the availability and quality of guardianship services and programs may vary widely in different areas of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to study whether guardianship proceedings, programs, and services in Montana are adequate to meet the needs of elderly and developmentally disabled individuals who may be vulnerable to abuse,

neglect, or exploitation.

BE IT FURTHER RESOLVED, that the study review:

- (1) Montana's existing guardianship statutes to determine if changes to the statutes could improve protections for elderly and disabled individuals;
- (2) the guardianship services available to individuals through the Department of Public Health and Human Services;
- (3) efforts at the local level to provide guardianship services;
- (4) funding needs and availability for guardianship services, including an examination of existing and potential funding sources;
- (5) efforts in other states to establish uniform, statewide guardianship programs or otherwise improve guardianship services; and
- (6) recommendations of national groups that work on matters related to guardianship for vulnerable citizens.

BE IT FURTHER RESOLVED, that the study determine whether existing state and local programs provide adequate protections and services for individuals who may be at risk for abuse, neglect, or exploitation.

BE IT FURTHER RESOLVED, that the study include the Department of Public Health and Human Services, District Court judges, county attorneys, private attorneys, area agencies on aging, the Montana State Bar, and representatives of other statewide and local organizations that advocate on behalf of the elderly and individuals with intellectual and physical disabilities or that represent Montana hospitals, health care providers, mental health care providers, and family members of persons with diminished capacity.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2016.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

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