

**Joint Public Hearing**  
**Senate Judiciary Committee**  
**and the**  
**Senate Aging & Youth Committee**  
**Re: Strengthening Guardianship Laws & Preventing Elder Abuse in Pennsylvania**  
**Senate Bill 506**

**Tuesday, March 14, 2023**  
**Hearing Room 1**  
**North Office Building**



**Testimony**  
**Teresa Osborne**  
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**Director of State Advocacy**

Hello. My name is Teresa Osborne. I serve as the State Advocacy Director for AARP Pennsylvania. On behalf of our 1.8 million members and all Pennsylvanians 50 years of age and older, I am pleased to offer this testimony on the topic of our state's guardianship law.

For nearly a decade, AARP state offices throughout the country have played a key role in the enactment of hundreds of new bills to update state guardianship laws and practices so that guardians are aware of their roles and responsibilities. These efforts have led to reforms that include establishing standards and training for guardians, safeguarding the rights of those under guardianship, combating abuse, and strengthening court oversight of guardians and conservators. Other reforms encourage judges to make guardianships a last resort and to explore, when appropriate, less restrictive alternatives, including limited guardianships, power of attorney agreements, advance directives, or supported decision making agreements. While great strides have been made to update and improve adult guardianship systems across the country, there is still more to do. Studies continue to show that people are living longer and there will ultimately be more people in a system that is not prepared to serve these needs.

One solution is enacting the [Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act \(UGCOPAA\)](#), which was approved by the Uniform Law Commission in July 2017.

AARP was a key voice in its drafting. Additional portions of the UGCOPAA were passed in 2019 and 2021, which includes less restrictive alternatives to guardianship, the establishment of a [Working Interdisciplinary Network of Guardianship Stakeholders \(WINGS\)](#), and a post-adjudication court visitor pilot program in three judicial districts.

The Act modernizes state laws to address critical issues, including requiring a judge to explore and rule out other alternatives before appointing a guardian to ensure guardianship is a last resort. The Act has been enacted in its entirety in Maine and Washington, and partially in Iowa, Nevada, New Mexico, Mississippi, and South Carolina.

In May 2021, AARP joined 125 advocates, family guardians, judges, lawyers, scholars and other stakeholders at the [4<sup>th</sup> Annual Guardianship Summit](#), to discuss the country's adult guardianship system, with dual goals: maximizing autonomy and ensuring accountability. Summit delegates approved [22 recommendations](#) for reforms that can help states make improvements.

While full adoption of UGCOPAA is highly recommended to encompass all of these suggestions, Senate Bill 506 of 2023, as proposed, moves Pennsylvania towards the meaningful reform envisioned in its recommendations including:

- improving the right to and appointment of qualified counsel;
- directing counsel to follow the model professional rules of conduct with regard to representing individuals with diminished capacity;
- requiring counsel to file a certification of meeting the client;
- requiring specificity demonstrating that less restrictive alternatives were considered or tried and why those alternatives are unavailable or insufficient;
- requiring individuals seeking guardianship of three or more persons to require proof of certification; and
- urging that any supportive and substitute decision makers effectuate the client's decisions.

AARP recognizes that guardianship reform means that in addition to updating state laws, we must also work with state courts and other stakeholders - including our state's network of local Area Agencies on Aging - to improve the day-to-day practice of guardianship. We are poised to play a critical role in the fight to improve our law and enact reforms to protect vulnerable Pennsylvanians who rely upon guardians and others to help them make vital decisions which impact their health, wealth, and safety. We stand ready to work with you to strengthen Pennsylvania's guardianship system and elder abuse laws.

Please feel free to contact me at [tosborne@arp.org](mailto:tosborne@arp.org) or 717-237-6482. Thank you.