_____ JOINT RESOLUTION NO. _____

INTRODUCED BY _____

(Primary Sponsor)

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF GUARDIANSHIP ISSUES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, Montana has established a system of guardianships and conservatorships to protect people and their property when they cannot protect themselves; and

WHEREAS, court-appointed guardians and conservators are often untrained and lack experience to perform their duties; and

WHEREAS, there have even been cases of experienced conservators committing acts of malfeasance; and

WHEREAS, the system established in Montana to protect people who need protection is often not protecting them; and

WHEREAS, Oregon has a Conservatorship Audit Program housed in the Attorney General's Office to assist courts to understand and assess guardianship and conservatorship case filings; and

WHEREAS, in 2011, Minnesota established a Conservator Account Auditing Program in the Judicial Branch to improve conservatorship oversight and reduce administrative costs; and

WHEREAS, several states provide licensing or certification and training of guardians and conservators.

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 or statutory committee, pursuant to section 5-5-217, MCA, to study guardianship issues in Montana, including but not limited to training, licensing, certification, and auditing of guardians and conservators.

BE IT FURTHER RESOLVED, that the study:

(1) review existing resources in Montana for guardians and conservators;

(2) examine programs other states use to train, license, certify, and audit guardians and conservators;

(3) identify potential costs of programs and funding sources;

(4) determine where a Montana program should be placed for administrative purposes; and

(5) involve input and feedback from stakeholders, including but not limited to guardians, conservators, family members of those needing assistance, organizations involved in supporting guardians and incapacitated individuals, judges, staff from the Department of Public Health and Human Services and the Department of Justice, and any other stakeholders considered relevant by the committee.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

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 69th Legislature.

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