

1 HOUSE JOINT RESOLUTION NO. 26
 2 INTRODUCED BY B. CLOSE, S. FITZPATRICK, A. GRIFFITH, K. SULLIVAN, B. MERCER, A. NICASTRO, G.
 3 OVERSTREET, J. REAVIS

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

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

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

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

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

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

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

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

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

25 That the Legislative Council be requested to designate an appropriate interim committee or statutory
 26 committee, pursuant to section 5-5-217, MCA, to study guardianship issues in Montana, including but not
 27 limited to training, licensing, certification, and auditing of guardians and conservators.

28 BE IT FURTHER RESOLVED, that the study:

- 1 (1) review existing resources in Montana for guardians and conservators;
- 2 (2) examine programs other states use to train, license, certify, and audit guardians and
- 3 conservators;
- 4 (3) identify potential costs of programs and funding sources;
- 5 (4) determine where a Montana program should be placed for administrative purposes; and
- 6 (5) involve input and feedback from stakeholders, including but not limited to guardians,
- 7 conservators, family members of those needing assistance, organizations involved in supporting guardians and
- 8 incapacitated individuals, judges, staff from the Department of Public Health and Human Services and the
- 9 Department of Justice, and any other stakeholders considered relevant by the committee.

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

12 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
13 comments or recommendations of the appropriate committee, be reported to the 70th Legislature.

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