

HOUSE JOINT RESOLUTION NO. 26

INTRODUCED BY B. CLOSE, S. FITZPATRICK, A. GRIFFITH, K. SULLIVAN, B. MERCER, A. NICASTRO, G.
OVERSTREET, J. REAVIS

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:

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