

# U.S. SENATOR BOB CASEY

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CHAIRMAN Special Committee on Aging

## **Chairman Bob Casey's Opening Statement "Guardianship and Alternatives: Protection and Empowerment"**

The Senate Special Committee on Aging will come to order. This is the second hearing of the Special Committee on Aging of the 118th Congress. Senator Braun, thank you for your continued partnership on this committee as well as all the members.

Today, we will discuss a topic of growing national concern: guardianships of older adults and people with disabilities. The data we have suggests guardianships affect at least 1.3 million people in the United States who have a disability or who are an older adult. In many cases, guardianship is a blunt legal tool that transfers all decision-making power about the life of a person to someone else.

Guardianship can also put a person at risk for abuse, neglect, and exploitation. In 2018, this Committee documented a number of concerns with guardianship in a bipartisan report that called for the following: greater oversight of guardianship, better data collection, and the need to promote alternatives to guardianship. Often, people in guardianships need permission to make basic decisions about such matters as their living arrangements, health care, and education. Under some arrangements, a person living under a guardianship must consult with their guardian about voting. Unfortunately, many of our existing systems – such as our schools, health care agencies, and even courts – communicate to families that guardianship is the only way, the only way, to assist their loved ones to make important decisions.

However, there are less restrictive alternatives to guardianships that can increase protections for people needing assistance. These less restrictive alternatives enable a person to retain the power to make decisions that affect them and affect their lives directly. Alternative arrangements, such as supported decision-making, can provide people with the support they need to make the decisions for themselves with the support of a team. Today we will hear from experts and people with lived experience about how these alternative arrangements can help preserve the independence and autonomy of people with disabilities and older adults while ensuring they have the support they need to make key life decisions.

For the past three weeks, the Committee has asked for input about guardianships and their alternatives, specifically about how to improve protections and independence for people who live under guardianships. One individual from Pennsylvania wrote to the Committee saying, and I'm quoting, "the system is a sad commentary on how we treat our elderly...and in a word the system is disgusting." That's the view of one Pennsylvanian. I want to thank people for that kind of input that we have heard from many corridors and to them for taking the time to provide that kind of feedback. So without objection, I offer their statements for the record, and these are the

statements—312 statements from 40 states and territories, and you can see it's a pretty heavy volume of statements. So I appreciate those who shared their troubling experiences with fraud and exploitation, as well as those who offered ideas about how to promote alternatives to guardianship while protecting the rights of individuals.

Many of the experiences people shared contributed to the development of my new Guardianship Bill of Rights Act, which will be introduced today. Guardianship is a complex and personal issue. It is clear we need guardrails to protect the rights of people in protective arrangements. The Guardianship Bill of Rights Act will ensure that the civil rights of older Americans and people with disabilities are protected and that alternatives to guardianships are in fact promoted.

I look forward to hearing from our witnesses; we are thankful for their testimony, their experience and expertise that they bring to us, and with that, I turn to Ranking Member Braun for his opening remarks.