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**Highlights**

Highlights of [GAO-04-655](#), a report to the Chairman, Special Committee on Aging, U.S. Senate

## Why GAO Did This Study

As people age, some become incapable of managing their personal and financial affairs. To protect these people, state laws provide for court appointment of guardians to act on their behalf. In many cases federal programs provide these incapacitated people financial benefits. GAO was asked to examine: (1) what state courts do to ensure that guardians fulfill their responsibilities, (2) what guardianship programs recognized as exemplary do to ensure that guardians fulfill their responsibilities, and (3) how state courts and federal agencies work together to protect incapacitated elderly people.

## What GAO Recommends

GAO recommends that (1) the Social Security Administration lead an interagency/state court group to study options for prompt and systematic information sharing for the protection of incapacitated elderly people and that (2) the Department of Health and Human Services provide support to states and national organizations involved in guardianship programs in efforts to compile national data on the incidence of abuse with and without the assignment of a guardian or representative payee and to review state policies for interstate transfer and recognition of guardianship appointments. HHS, Office of Personnel Management (OPM), and VA agreed with the recommendations. SSA disagreed, citing privacy issues.

[www.gao.gov/cgi-bin/getrpt?GAO-04-655](http://www.gao.gov/cgi-bin/getrpt?GAO-04-655).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Barbara Bovbjerg at (202) 512-7215 or [bovbjergb@gao.gov](mailto:bovbjergb@gao.gov).

# GUARDIANSHIPS

## Collaboration Needed to Protect Incapacitated Elderly People

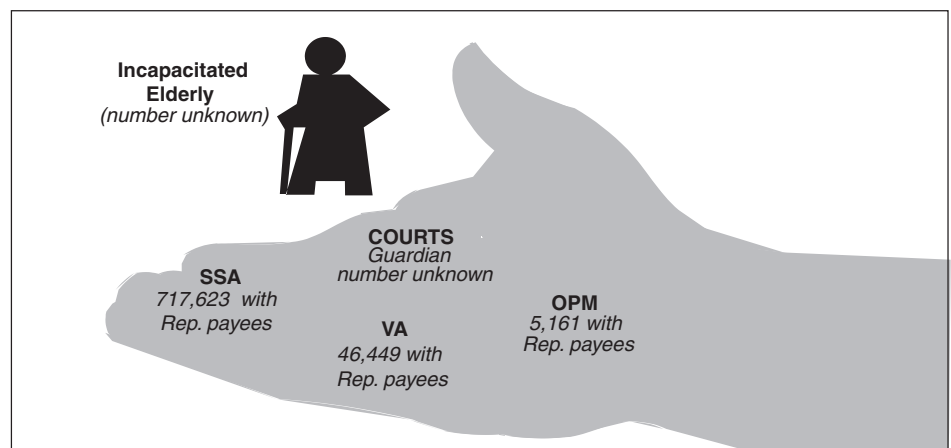
### What GAO Found

All states have laws requiring courts to oversee guardianships, but court implementation varies. Most require guardians to submit periodic reports, but do not specify court review of these reports. Interstate jurisdictional issues sometimes arise when states do not recognize guardianships originating in other states. Most courts responding to our survey did not track the number of active guardianships, and few indicated the number of incapacitated elderly people under guardianship.

Four courts recognized by members of the National Guardianship Network as having exemplary guardianship programs devote staff to strong programs for guardianship training and oversight. Three of these courts offer training to guardians even though state law does not require it. Three also have programs in which volunteers or social work student interns visit people under guardianship and report on their condition.

Although state courts and federal agencies are responsible for protecting many of the same incapacitated elderly people, they generally work together only on a case-by-case basis. Some courts send notices of guardianship to the Department of Veterans Affairs and the Social Security Administration, but generally coordination among federal agencies and courts is not systematic. Federal agencies and courts do not systematically notify other agencies or courts when they identify someone as incapacitated, or when they discover that a guardian or a representative payee is abusing the incapacitated person. This lack of coordination may leave incapacitated people without the protection of responsible guardians and representative payees.

### Courts and Federal Agencies Have Responsibilities for Protecting Incapacitated Elderly People



Source: SSA, VA, and OPM data and GAO analysis.