

Guardianship is when the court gives an individual or organization legal authority to make personal decisions for an individual who the court has deemed unable to provide for their own basic needs.

Guardianship is an important option for some people with significant support needs, but the process can be burdensome, expensive, and restricts individuals' civil liberties. It has been used more broadly than it needs to be, even when less restrictive alternatives are available.

Minnesota's guardianship statute is also outdated and hasn't been updated in more than ten years.

Since 2017, advocates and legal experts have worked together to update Minnesota's guardianship law, recommending improvements in three key areas:

Align statute with recommendations from the national Uniform Law Commission

- o Update terminology and definitions
- o Incorporate supported decision-making as an alternative to guardianship
- o Clarify individuals' rights to, and restrictions for, visitors

Reflect current guardianship practice in Minnesota

- o Identify "interested parties" in guardianship cases
- o Establish a timeline for emergency guardianships
- o Ensure transparency in guardianship proceedings

Promote autonomy and independence for people with disabilities, individuals with mental health challenges, and older adults

- o Protect individuals' data privacy
- o Update the guardianship bill of rights
- o Promote time-limited guardianship

It is time to update Minnesota statute to reflect current practices, streamline the guardianship process, and capture cost savings.

With this bill, Minnesota legislators have an opportunity to embrace progress toward less restrictive alternatives for individuals with disabilities, mental illness, and older adults, and to help ensure they retain their civil liberties and ownership over important life decisions.

