

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Equitable Guardianship Reform: Recommendations for Advancing Equity in the Guardianship System

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Webinar Logistics

- All on mute. Use Questions function for substantive questions and for technical concerns.
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- Find materials for this training and past trainings by searching the [Resource Library](https://justiceinaging.org/resource-library), justiceinaging.org/resource-library. A recording will be posted to [Justice in Aging's Vimeo page](#) at the conclusion of the presentation, vimeo.com/justiceinaging.
- Enable closed captioning by selecting “CC” from the Zoom control panel.

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

Justice in Aging's Commitment to Advancing Equity

To achieve Justice in Aging, we must:

- Advance equity for low-income older adults in economic security, health care, housing, and elder justice initiatives.
- Address the enduring harms and inequities caused by systemic racism and other forms of discrimination that uniquely impact low-income older adults in marginalized communities.
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, and economic class.

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Join Our Network!

Go to justiceinaging.org and click “**Sign up**” or send an email to info@justiceinaging.org.



**Introduction:
Why?**

Why?

- Because guardianship is not like the Titanic.

Guardianship is Not Like the Titanic

- Guardianship isn't going anywhere anytime soon.
- Goal is to build the best system possible, a system that works for everyone.
- Guardianship is evolving, so we have the opportunity going forward to center equity and bake it into future reforms.

What We'll Talk About Today

- Basics: Guardianship and Equity
- Reforms and recommendations
 - Data and equity
 - Alternatives to guardianship and equity
 - Post-adjudication rights and equity
- Caveats
 - Likely just the tip of the iceberg.
 - Goal is to start a discussion and offer suggested solutions.
 - For more detail, read our [Equitable Guardianship Reform](#) issue brief series.

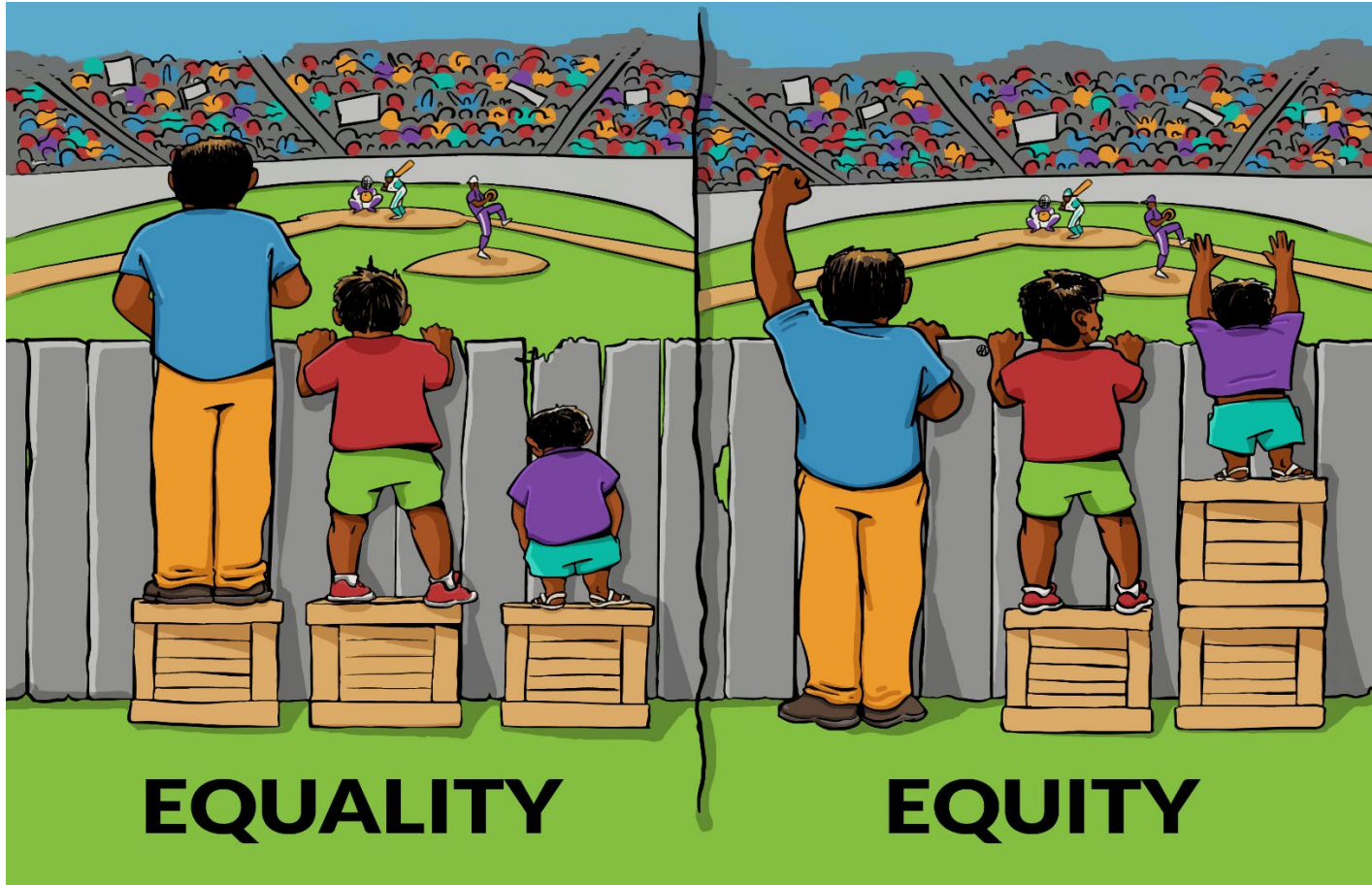


The Basics

The Basics: Guardianship

- Guardianship
 - A legal relationship created when a court gives one person the power to make personal and financial decisions for another person.
 - State laws vary and have different terminology, requirements, procedures.
 - “Guardianship system?”

The Basics: Equity





Guardianship Data and Equity

Guardianship Data and Equity (1 of 3)

- The state of guardianship data is dismal.
 - Basic numbers are unknown: How many? Who? Why?
 - Ongoing calls for more and better data.
 - Current data reform efforts.
 - Lack of data hinders research and reform efforts – reform becomes a “best guess.”
- Without data, how can we understand guardianship’s impact on marginalized communities?

Guardianship Data and Equity (2 of 3)

Risk factors	Increased risk for marginalized older adults
<ul style="list-style-type: none"> • Advanced Age • Sex • Poverty • Cognitive Decline • Physical Decline • Chronic Health Conditions • Living Alone/Isolation • Nursing Home/Institutional Living 	<ul style="list-style-type: none"> • Racial/ethnic minorities 65+: 2010 20%, 2020 24%, 2040 34% • Poverty: American Indian/Alaskan 18.7%, Black 18%, Hispanic 17.1%, AAPI 9.3%, White 6.8% • Dementia: Hispanic 15.3%, Black 13.6%, White 6.8% • Disability: American Indian/Alaskan 47%, Black 38%, Hispanic 36%, all 34% • Institutional living: White ▼ 10.2%, Hispanic ▲ 54.9%, Asian ▲ 54.1%, Black ▲ 10.8% (1998-2008)

Guardianship Data and Equity (3 of 3)

- Recommendations
 - Establish and fund a guardianship court improvement program that requires courts to collect and provide data to a national repository.
 - Expand data elements to be collected.
 - Create and implement court rules and policies regarding data collection and use.
 - Create and utilize standardized court forms.
- What can you do?



Guardianship Alternatives and Equity

Guardianship Alternatives and Equity (1 of 3)

- What are “less restrictive alternatives?” (LRAs)
- Comparatively, one of the more successful reform efforts.
- Promotion and implementation of LRAs in marginalized communities lags.
 - No estate planning
 - Hispanic 82%, Black 77%, White 61%
 - No health care planning
 - Black 4x more than White

Guardianship Alternatives and Equity (2 of 3)

- Promising initiatives
 - Faith-based education initiatives in Black communities
 - Utilize existing ministries, involve faith leadership, exhibit cultural competency, build trust.
 - “Peer facilitators” in Black communities
 - Facilitators who share same race, class, culture, life experience, etc., serve as “bridge” between community and medical providers; increased capacity and sustainability.
 - Increased outreach and utilization of legal clinics in Black and Hispanic communities
 - Engagement and endorsement of local icons to build trust.

Guardianship Alternatives and Equity (3 of 3)

- Recommendations
 - Fund projects testing programmatic models that increase advance planning and alternatives.
 - Promote alternatives in marginalized communities utilizing community-based strategies, scale up successes, share best practices.
 - Develop targeted educational and outreach materials.
 - Study barriers and implement solutions.
- What can you do?



Post-Adjudication Rights and Equity

Post-Adjudication Rights and Equity (1 of 3)

- Push for protection of post-adjudication rights is relatively new.
 - State bills of rights
 - Model bill of rights
- Fundamental human right to maintain cultural identity and cultural participation is not new.
 - Universal Declaration of Human Rights (1948), UNESCO Universal Declaration on Cultural Diversity (2001), Convention on the Rights of Persons with Disabilities (2006), many others
 - International Covenant on Economic, Social and Cultural Rights (1977, multilateral treaty)
 - Ways of life, language, non-verbal communication, rites and ceremonies, food, clothing, customs and traditions, etc.
 - Need for special protection for women, older persons, persons with disabilities, minorities, indigenous peoples, and persons living in poverty

Post-Adjudication Rights and Equity (2 of 3)

- Strong cultural identity and participation protects mental health and well-being.
 - Increases sense of belonging, purpose, social support, and self-worth.
 - Increases resilience, enhances self-esteem, engenders pro-social coping styles, protects against mental health symptoms.
 - Buffers psychological stress associated with discrimination.

Post-Adjudication Rights and Equity (3 of 3)

- Recommendations
 - Include the rights to maintain cultural identity and cultural participation in state and model bills of rights as core human rights.
 - Enact/amend state statutory bills of rights.
 - Revise Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UCGOPAA) to include model bill of rights.
 - Include rights in court orders.
 - Train guardians on maintenance of culture, as well as cultural competency and humility.
- What can you do?

Conclusion

- Caveats
 - Likely just the tip of the iceberg.
 - Goal is to start a discussion and offer suggested solutions.
 - For more detail, read our [Equitable Guardianship Reform](#) issue brief series.
- What can you do?



Next Steps

We Want to Hear from You!

- Join us for an interactive **Guardianship Equity Roundtable**
 - January 30, 2025
 - Small group participatory discussion and peer-to-peer learning opportunity
 - Space is limited
 - Watch your email for registration information



Questions?

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