

Minutes
Legislative Audit Commission
April 2, 2025

Members Present:

Senator Calvin K. Bahr
Senator D. Scott Dibble
Senator Steve S. Drazkowski
Senator Mark W. Koran
Senator Ann H. Rest
Representative Patti Anderson
Representative Rick Hansen
Representative Steven Jacob
Representative Fue Lee
Representative Duane Quam

Members Absent:

Senator Tou Xiong
Representative Emma Greenman

Senator Ann H. Rest, Chair, called the Legislative Audit Commission (LAC) meeting to order at 9:00 a.m. A quorum was present. Chair Rest said she would be leaving at 9:30 a.m. and turning the meeting over to Vice Chair Quam. Chair Rest said the meeting's purpose was to hear key findings and recommendations on the evaluation, *Guardianship of Adults*. She then introduced Jodi Munson Rodríguez, Deputy Legislative Auditor, and Caitlin Badger, Evaluation Manager, from the Office of the Legislative Auditor (OLA).

Ms. Munson Rodríguez said that Minnesota has taken steps in recent years to provide more oversight of guardianship, but that the state's system relies heavily on people under guardianship, service providers, or families to alert the court of guardianship issues. She said that overall, it would be in the best interests for people under guardianship if the state were to take a more proactive approach to overseeing guardianship. She then introduced Caitlin Badger to present further.

Ms. Badger listed three key findings: there is inadequate oversight of guardianship in Minnesota, there is insufficient training for people with key roles in the guardianship system, and the process for people to register complaints about guardian performance with the Judicial Branch is not established in law. She further explained what adult guardianship is, how guardianship is established, the requirement to consider less restrictive alternatives to guardianship, who can be a guardian (such as family members or professionals), and the powers and duties the court can grant to a guardian. She then discussed the roles of the Judicial Branch, judicial officers, court staff, and the State Court Administrator's Office (SCAO) in adult guardianship.

Ms. Badger said OLA found that statutes have only minimal oversight requirements for guardianships, and the Branch's primary approach to monitoring is to have court staff review the annual personal well-being reports that guardians are required to submit. She said the reports have limited usefulness for monitoring, because in many of the cases OLA reviewed, guardians put only limited information in their reports. She added that often guardians did not fill out the reports in a timely manner, and there are few consequences for guardians that are not fulfilling their lawful responsibilities.

Ms. Badger said OLA believes the Legislature should take steps to bolster guardianship oversight by establishing a centralized entity in statute to administer and oversee adult guardianships and by establishing specific duties for the oversight and enforcement of adult guardianship requirements, while the Judicial Branch should establish a process for systematically reviewing adult guardianships. She said there are more recommendations and findings within the report, including that the Legislature should require all guardians to complete training prior their appointment as a guardian, the judicial

districts should require all judicial officers who preside over adult guardianship hearings to complete training on guardianship, and the Legislature should establish a guardianship complaint process in law.

Vice Chair Quam opened the meeting to member discussion. Discussion took place regarding how guardians were paid, what number of guardians were family members as opposed to professional guardians, if guardians were reviewed to see if they were working with the people under guardianship to help them find less restrictive alternatives, and the Branch's authority to act in certain types of cases, among other issues.

Vice Chair Quam invited Dawn Torgerson, Deputy State Court Administrator, Minnesota Judicial Branch; and Jamie Majerus, Judicial Branch Internal Audit Manager, to address the commission. Ms. Torgerson said the Branch takes seriously ensuring adults subject to guardianship are protected and treated with dignity. She said the Branch is proud of the role it has taken in reform and innovation in oversight, such as the development of MyMNConservator and MyMNGuardian, online platforms to streamline reporting for conservators and guardians to submit their reports to the courts. Ms. Torgerson briefly covered the two federal grants awarded to the Branch for their Minnesota Vulnerable Adult Care Project and their new complaint and investigation process. She said the Branch agreed with OLA's recommendations to increase information sharing; and improve standards, qualifications, and training for guardianship; but added that the courts must remain neutral decision makers as court staff are not investigators and cannot provide legal advice or determine legal sufficiency.

Members discussed how far the federal funding would go and future funding for Branch initiatives related to adult guardianship, as well as how to provide oversight of adult guardianship both within the judicial system and possibly outside of it if a separate oversight body were to be created, and the complaint investigation system the court uses.

With no further discussion, Vice Chair Quam adjourned the meeting at 10:14 a.m.

Representative Duane Quam, Vice Chair

Maureen Garrahy, Recording Secretary