



Date: March 5, 2024

RE: Support for HF3483/SF3438 – Jean’s Law Addressing Guardian Immunity

To: House Judiciary Finance and Civil Law Committee and Rep. Sandra Feist  
Senate Judiciary and Public Safety Committee and Sen. Scott Dibble

Dear Judiciary Committee Members:

Elder Voice Advocates strongly supports HF3483/SF3438, which aims to limit blanket immunity for guardians in Minnesota. As a nonprofit organization dedicated to protecting the rights vulnerable adults and improving the care given, we know how critically important it is to have accountability for wrongdoing.

Minnesota is believed to be an outlier in its recent guardian immunity interpretation that a guardian is not liable for their own acts of negligence when performing their core functions. This bill seeks to rectify this issue by restoring essential rights to individuals under guardianship.

The existing position of granting guardians complete immunity for their core responsibilities is illogical. Elders and vulnerable adults rely on us to safeguard them from harm, yet the current system poses a threat to their well-being. It's unreasonable that guardians are exempt from any consequences, even in cases of neglect or direct harm inflicted on those they are supposed to protect.

People under guardianship should not have fewer rights to pursue claims of negligence than others. If a guardian causes harm, the affected individual should have the right to seek recourse without encountering immunity barriers.

The legislature did not intend to grant guardians blanket immunity. Other professionals do not enjoy such broad immunity, so there's no reason why guardians, who oversee our most vulnerable citizens, should be exempt.

Given the significant power guardians wield over vulnerable individuals, it's crucial to implement additional safeguards to prevent abuse. Allowing guardians complete immunity puts those under their care at risk of harm.

With approximately 35,000 people under guardianship in Minnesota, the stakes are high. These individuals are relying on the legislature to safeguard their interests, and blanket immunity fails to provide adequate protection. It's imperative to support HF3483/SF3438 and address this issue promptly.

Thank you for your attention to this matter and for your dedication to improving the quality of care in our community.

Kristine Sundberg, Executive Director  
Elder Voice Advocates

A handwritten signature in black ink, reading "Kristine Sundberg". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.