

Ethical Solutions

February 26, 2024

Re: Proposed Guardianship Legislation

To Whom it May Concern:

I am writing to share my expert perspective on guardianship, to recommend reconsideration of the proposed legislation regarding guardianship in the state of Minnesota, and to offer a solution, already created, tested and applied by experts in the guardianship field.

My name is Shannon Butler. I am the only Nationally Certified Master Guardian in the state of Minnesota, current President of the National Guardianship Association, and former President of the Center for Guardianship Certification. I have been a professional guardian for over 20 years and in that time, I have served on the Minnesota Association of Guardians and Conservators Board. I am the founder and owner of Ethical Solutions LLC, a guardianship/conservatorship agency in Minnesota.

While I wholeheartedly agree more can and should be done to regulate ethical guardianship practices in Minnesota, I fear the proposed legislation would be a step backwards for both our guardians, and for the clients they serve. The proposed legislation appears to be a reaction to one particular case in Minnesota. Since the time of this case, measures have already been put in place to prevent these issues from occurring again.

The proposed legislation would open Minnesotan's guardians up for unnecessary, costly litigation when other avenues are already available to address concerns. Guardians are often put into place due to neglect, exploitation and abuse by family members. The proposed legislation would give these same family members the ability to retaliate with frivolous lawsuits that could be prevented with other strategies in place. One litigated case could financially bankrupt a guardian unnecessarily. Many will wonder why they would put themselves in such risk. There is already a shortage of guardians and it is expected that this shortage will only grow as our population ages. I have no doubt the proposed legislation would cause many guardians to abandon the practice altogether.

507 327 9123

P O Box 22, MANKATO, MN, 56002

SBUTLER@ETHICALSOLUTIONSMN.COM

ETHICAL SOLUTIONSMN.COM

Minnesota has already begun taking measures to foster good guardianship practices. The My Minnesota Guardian and My Minnesota Conservator programs provide oversight of guardian's decisions and management of client funds. The guardianship complaint line allows those concerned about guardian decisions to have their concerns heard and addressed. Guardians must inform interested parties of moving a client and disposing of client property, and interested persons also receive annual accountings, person well-being reports, and are given the opportunity to take any concerns to the court. Guardians are also required to pass and provide evidence of DHS and BCA background checks. These are all great steps. But there is more we can do, without putting guardians in unnecessary legal risk.

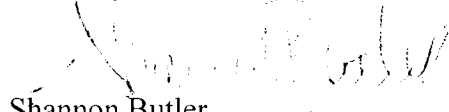
In 2021, I was a participant in the National Guardianship Summit. This Summit brought together experts and stakeholders from a myriad of backgrounds, all involved in some facet of guardianship. The purpose of this summit was to create national recommendations for guardianship practice and legislation across the United States. The National Guardianship Network supports all states adopting these recommendations to promote the highest standard of guardianship practice.

The National Guardianship Association has developed Standards of Practice and Ethical Principles which we believe every guardian/conservator should adhere to in their practice, and the Center for Guardianship Certification provides National certification to guardians who demonstrate the understanding of these standards and ethical principles. Certification requires experience in the field as well as ongoing education. There is also a disciplinary process in place for guardians found in violation of these standards. Requiring guardians to be certified and held accountable by peers in the field who know and understand these principles allows for a disciplinary process without frivolous or unnecessary lawsuits. It would allow guardians to protect their clients from familial and financial abuse, while holding them accountable.

The National Certification process has been in place for many years. It is a proven method of holding guardians accountable for ethical practice. There is no need to reinvent the wheel. Currently, 15 states require National Certification to serve as a guardian, and several other states have developed other, similar certification requirements for their guardians.

I ask that you consider legislation that is proactive rather than reactive. Review the expert recommendations from the National Guardianship Summit. These solutions have been made available to serve this very purpose. I welcome any further discussion on these matters and hope we can work together towards the improvement of guardianship practice in Minnesota.

Sincerely,



Shannon Butler

National Master Guardian

Ethical Solutions LLC, Owner/Director