



## COUNCIL ON DISABILITY

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**Date:** March 6<sup>th</sup>, 2024

**RE:** SF3438 – Guardian Immunity & Task Force on Guardianship Reform

**To:** Senate Judiciary & Public Safety Committee

Honorable Chair Latz and members of the Senate Judiciary & Public Safety Committee:

**The Minnesota Council on Disability (MCD) strongly supports SF 3438**, which seeks to eliminate blanket immunity for guardians and establishes a Task Force on Guardianship Reform. Over the last several years, MCD has heard countless stories of those under guardianship who have faced abuse, neglect, and the violation of their basic human rights. Many individuals under guardianship are at risk of exploitation and neglect due to inadequate safeguards and alternative pathways.

It's our duty as a state to protect the rights and dignity of the most vulnerable, and when we get reports of abuse, we must act. A Task Force on Guardianship Reform is a necessary first step in convening the multitude of stakeholders and advocates to produce a cohesive policy proposal that will update our guardianship system for the 21st century as well as explore alternatives to guardianship, like **supported decision-making**.

Under existing legislation, individuals under guardianship may suffer from neglect or direct harm without recourse for accountability. It is imperative that individuals under guardianship possess the same rights to pursue claims of negligence as any other individual. If a guardian perpetrates harm against an individual under guardianship, the affected individual must have the opportunity to seek recourse without the impediment of immunity. It is evident that the legislature did not intend to confer blanket immunity upon guardians; however, rectification of the current law is imperative. Guardians wield significant authority over vulnerable individuals, necessitating stringent measures to oversee and regulate this authority.

Additionally, we must find better pathways for individuals with disabilities to end their guardianship if they wish to do so and it is appropriate. Currently, the process for terminating guardianship can be complex and challenging, making it difficult for individuals to regain control over their lives. We need to streamline this process and ensure that individuals have access to the necessary resources, knowledge, and support to end their guardianship if they so desire.

The Minnesota Council on Disability respectfully urges the committee to endorse SF 3438. We deeply thank Senator Dibble for championing this bill. This bill represents a crucial step towards ensuring accountability and safeguarding the rights of Minnesotans with disabilities under guardianship.

Sincerely,

A handwritten signature in black ink that reads 'Trevor Turner'.

Trevor Turner  
Public Policy Director  
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A handwritten signature in black ink that reads 'David Dively'.

David Dively  
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