

Communication to the Boston Globe

February 12, 2025

Message to Yvonne Abraham, Boston Globe columnist

Hello Yvonne, My friend and colleague, Scott Harshbarger, suggested I get in touch with you about a constellation of issues regarding guardianship and conservatorship, which result when a Court finds that an adult lacks capacity to make decisions and issues an Order giving decision-making authority for the adult to a Court-appointed fiduciary. Guardianship is sometimes necessary to protect and support vulnerable adults, but the Court also needs to monitor guardians to prevent neglect, abuse and exploitation.

Relevant to this point, the Trial Court of Massachusetts just issued a Press Release, announcing the establishment of the first dedicated [Office of Adult Guardianship and Conservatorship Oversight](#). The Court is to be commended for this important work. For example, with the Oversight Office, for the first time, the Probate and Family Court now knows how many active guardianship and conservatorship cases there are in Massachusetts!

The Globe has written previously about the need for qualified guardians for this growing population: "Who will be guardians for legions of 'unbefriended' elders?" Feb. 27, 2023. This new Office will help address this need.

More qualified guardians are also needed to address the hospital capacity crisis: "Patients in hallways, long waits for beds: Hospital bottlenecks reach crisis levels," BG, Oct. 2, 2023. Lack of guardians contributes to this crisis.

Scott and I are members of the [Massachusetts Guardianship Policy Institute](#), the only group in the state focused on guardianship issues. Since 2014, we have carried out education and research, advocacy, and modeling good guardianship. Specifically, one of our member groups in the Center for Guardianship Excellence which has produced significant research and presents extensive trainings and materials on good guardianship and conservatorship practices, as well as alternatives to guardianship. See the [Public Guardian Services website](#) for more information.

In 2020, we established and funded a pilot public guardianship program, serving Suffolk, Plymouth and Norfolk Counties, to model good guardianship and serve as the guardian of last resort for vulnerable, indigent adults who have no one to help them. Again, see the [Guardianship Center website](#). We felt compelled to fund this service because Massachusetts is one of the few states that does not have a state funded, statewide public guardian program, despite efforts in the past to create one. Massachusetts has a two tier system – those with resources can obtain a guardian, but those who require a guardian most often do not have resources to provide financial compensation, making it very difficult to find a guardian.

On the advocacy side, we have worked, unsuccessfully, for 10 years to convince the state to provide funds to fill this unmet need for guardians to serve a vulnerable population, which would benefit and stabilize individuals, while also saving the expenses such as Masshealth costs.

We have had some success in the last legislative session. As part of the Omnibus Long-term care law, Ch. 197 of the Laws of 2024, the legislature required the Department of Public Health to study and report on many key issues, including, the unmet need for guardians, the costs and benefits of funding public guardians, and potential funding options. See attached, Section 30 of Ch. 197.

This legislative session, we worked with sponsors to file a bill which creates a funding source to help address the unmet need by establishing guardians as medical fee-for-service providers under Masshealth. Masshealth would verify the guardians are qualified, and would establish an appropriate rate. This is a novel approach, which would save the state costs by stabilizing vulnerable adults with preventive care and supports. See Fact Sheet attached.

For all these reasons, we believe that guardianship and conservatorship, while not well known or understood, present important issues for individuals and families, society, the Commonwealth and the courts. This is why we do the work we do, as the only group in the state exclusively focused on this work. We seek to educate and amplify the work.

I bring these issues to your attention because we seek to educate and amplify the issues and our work.