



## **2022 - CEAR Legislative Priorities for Seniors and Dependent Adults**

CEAR's legislative objectives require wholesale restructure of guardianship adjudication in each state to ensure the protection of America's vulnerable adults and their estates.

### **FEDERAL legislation in the 117<sup>th</sup> Congress**

**S.2881/H.R.5600 - Guardianship Accountability Act** - Requires states report annually the census and total assets (including acquired trust assets) assumed by order of an adult guardianship or conservatorship. Integrates reporting to the federal Elder Justice Coordinating Council to ensure states are accountability to each wards' federal entitlements. Bipartisan sponsors in both chambers.

**HR5971 - Guardians Aren't Above Prosecution (GAAP) Act** - Makes constructive fraud in guardianship/conservatorship proceedings a federal criminal fraud. Sponsored by Rep. Charlie Crist-FL, D and Rep Nancy Mace-SC, R

**HR4545 - Freedom and Right to Emancipate from Exploitation (FREE) Act** provides an exit ramp to Federal Court on contested adult guardianships/conservatorships to ensure 14th Amendment Rights are protected. Sponsored by Rep Charlie Crist-FL, D and Rep Nancy Mace-SC, R

### **Guardianship/Conservatorship Reform Priorities for each State**

**Equity Court proceedings transparency.** Video record all hearings and make all adult guardianship records digitally available to the public, including medical and financial related documents. Redactions allowed as appropriate. Adopted in Nevada.

**Third Party appointed FREE respondent counsel** and a hearing prior to any order for guardianship. Ensures respondent counsel and consideration of less restrictive options to protect a vulnerable adult. Removes court appointed conflicts of interest and honors surrogate, agent, and trustee rights. Adopted in Nevada.

**Third party statewide financial auditing and investigation entity** with law enforcement referral powers. Responsible for all guardianship account auditing and census/total assets management. Adopted in New Mexico.

**Single statewide "jury of your peers" to hear all contested guardianships.** Replaces the current equity court appeal process. Process would identify dysfunctional courtrooms and ensure estate documents and state and federal laws are protected. Not yet adopted.

**Dedicated statewide law enforcement investigation teams for theft, exploitation, and fraud of vulnerable adults by attorneys.** Resource multidisciplinary investigation teams to prosecute predatory litigators who commit constructive fraud within the equity court system to financially exploit the vulnerable. Not yet adopted.