State Guardianship Laws and Judicial Practices

Matthew Lee Wiener
Vice Chairman and Executive Director
Administrative Conference of the United States
ACUS is one of the federal government’s "best bargains... for the buck."

—ANTONIN SCALIA

• Study and make recommendations to improve the efficiency, adequacy, and fairness of administrative programs (President, Congress, federal agencies, federal judiciary)
• Arrange for interchange of information among federal agencies useful in improving administrative procedure
• Collect information and statistics from agencies and publish reports useful for evaluating and improving administrative procedure
• Enter into arrangement with any federal agency to carry out the above-listed functions
Organization of Conference

Assembly (FACA Committee) – 101 Members

- Council: Chairman and ten others appointed by President (not more than half of whom may be federal employees)
- Representatives of agencies (about 50 members)
- Public members (private sector) (about 40 members)

Office of the Chairman/Staff

(overseen by Council)

- Chairman/Vice Chairman
- Staff (Attorney Advisors)
ACUS Report


Shawne McGibbon
General Counsel (Project Manager)

Connie Vogelmann
Attorney Advisor

[National Center for State Courts]
SSA Representative Payee
SSA’s Request

- Legal research to catalogue state guardianship laws (qualifications for guardians, etc.) and state court practices nationwide
- Survey to capture information on state-court guardianship procedures and practices (National Center for State Courts)
- Interviews of guardianship and foster-care agencies to evaluate their practices, identify challenges they face, etc.
SSA Representative Payee

Findings

- Difficulty of guardians’ obtaining information from local SSA offices as a result of absence of national policies
- Barriers to information sharing among stakeholders as a result of decentralized recordkeeping practices of courts, state agencies, and private organizations (e.g., absence of national database)
SSA Representative Payee

Contacts

Shawne McGibbon General Counsel
smcgibbon@acus.gov

Matt Wiener, Vice Chairman and Executive Director
mwiener@acus.gov