



State Guardianship Laws and Judicial Practices

Matthew Lee Wiener

Vice Chairman and Executive Director

Administrative Conference of the United States



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

*ACUS is one of the federal government's "best
bargains... for the buck."*

—ANTONIN SCALIA



Administrative Conference of the United States: Statutory Mission (5 U.S.C. § 594)

- 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

SSA Representative Payee: Survey of State Guardianship Laws and Court Practices (2014)

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[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)



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