

Researchers in the Department of Family Medicine at the Keck School of Medicine of USC have developed the “Judicial Guardianship Evaluation Worksheet.” Commissioned by the Department of Justice, the Worksheet is an organizational tool for judges to aggregate essential evidence in older adult guardianship cases, assess the risk of elder mistreatment, and consider less restrictive orders when possible. The Worksheet is intended to supplement state-specific statutory guidelines. The framework is grounded in the Abuse Intervention Model, an evidence-based, pragmatic approach to examine the complex dynamic between the respondent and the proposed guardian within the context of their relationship.

The Worksheet was developed by subject matter experts that include past presidents of the National College of Probate Judges, drafters of the ABA Handbook on Judicial Determination of Capacity of Older Adults in Guardianship Proceedings, a drafter of the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act, and former members of the ABA Commission on Law and Aging, among others. It was further refined by focus groups of 20 probate, general jurisdiction, and tribal judges followed by a rigorous pilot study including over 40 judges from around the country. We will present preliminary qualitative interview and quantitative survey data addressing the efficacy of the worksheet for use in the courtroom. Findings will clarify the benefits of applying the tool in case review and barriers that may impede alternatives to and limitations in scope of guardianship with older adult respondents.

The Worksheet has the potential to serve as a best practice approach for judges to organize evidence and consider less restrictive remedies while preserving older adult respondents’ rights and protecting them from potential guardianship abuses. The final version of the Worksheet will be disseminated to courts nationwide.