

GAO Highlights

Highlights of [GAO-17-33](#), a report to congressional requesters

Why GAO Did This Study

The number of older adults, those over age 65, is expected to nearly double in the United States by 2050. When an older adult becomes incapable of making informed decisions, a guardianship may be necessary. Generally, guardianships are legal relationships created when a state court grants one person or entity the authority and responsibility to make decisions in the best interest of an incapacitated individual—which can include an older adult—concerning his or her person or property. While many guardians act in the best interest of persons under guardianship, some have been reported to engage in the abuse of older adults.

GAO was asked to review whether abusive practices by guardians are widespread. This report describes (1) what is known about the extent of elder abuse by guardians; and (2) what measures federal agencies and selected state and local guardianship programs have taken to help protect older adults with guardians.

GAO reviewed relevant research, reports, studies, and other publications issued by organizations with expertise on elder abuse and guardianship issues. GAO also conducted interviews with various guardianship stakeholders including federal agencies such as HHS, six selected state courts, and nongovernmental organizations with expertise in guardianship-related issues. In addition, GAO identified eight closed cases of abuse by guardians in which there was a criminal conviction or finding of civil or administrative liability to use as nongeneralizable illustrative examples. GAO makes no recommendations in this report.

View [GAO-17-33](#). For more information, contact Kathryn A. Larin at (202) 512-6722 or larink@gao.gov.

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ELDER ABUSE

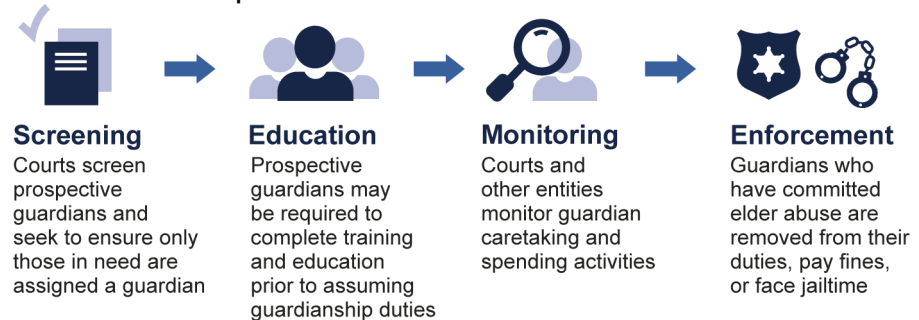
The Extent of Abuse by Guardians Is Unknown, but Some Measures Exist to Help Protect Older Adults

What GAO Found

The extent of elder abuse by guardians nationally is unknown due to limited data on key factors related to elder abuse by a guardian, such as the numbers of guardians serving older adults, older adults in guardianships, and cases of elder abuse by a guardian. Court officials from six selected states GAO spoke to noted various data limitations that prevent them from being able to provide reliable figures about elder abuse by guardians, including incomplete information about the ages of individuals with guardians. Officials from selected courts and representatives from organizations GAO spoke to described their observations about elder abuse by a guardian, including that one of the most common types appeared to be financial exploitation. Some efforts are under way to try to collect better data on elder abuse and guardianship at the federal, state, and local levels to support decision making and help prevent and address elder abuse by guardians. For example, the Department of Health and Human Services (HHS) plans to launch the National Adult Maltreatment Reporting System—a national reporting system based on data from state Adult Protective Services (APS) agency information systems by early 2017. According to HHS and its contractor, this system has the capability to collect information that could specifically help identify cases of elder abuse where a guardian was involved. GAO also identified state and local initiatives to capture key data points and complaint data as well as identify “red flags” such as unusually high guardian fees or excessive vehicle or dining expenses.

The federal government does not regulate or directly support guardianship, but federal agencies may provide indirect support to state guardianship programs by providing funding for efforts to share best practices and facilitate improved coordination, as well as by sharing information that state and local entities can use related to guardianship. State and local courts have primary responsibility over the guardianship process and, as such, have a role in protecting older adults with guardians from abuse, neglect, and exploitation. Measures taken by selected states to help protect older adults with guardians vary but generally include screening, education, monitoring, and enforcement.

Measures Used to Help Protect Older Adults with Guardians from Abuse



Source: GAO analysis of selected state courts' guardianship oversight roles. | [GAO-17-33](#)