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2D SESSION

S. 4247

To establish rights for people being considered for and in protective arrangements, including guardianships and conservatorships, or other arrangements, to provide decision supports.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2026

Ms. DUCKWORTH (for herself, Mr. SANDERS, and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish rights for people being considered for and in protective arrangements, including guardianships and conservatorships, or other arrangements, to provide decision supports.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guardianship Bill of
5 Rights Act of 2026”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) At least 1,300,000 people in the United
2 States are in some type of guardianship or other
3 protective arrangement.

4 (2) A majority of guardianships are plenary and
5 strip almost all rights from individuals, with the res-
6 toration of rights being very rare.

7 (3) Guardianship can have grave implications
8 limiting the liberty of people in such an arrange-
9 ment.

10 (4) Overbroad, restrictive, and unnecessary
11 guardianships, conservatorships, and other protective
12 arrangements can dramatically curtail the rights of
13 older adults and persons with disabilities.

14 (5) A person who is being considered for a pro-
15 tective arrangement, or is in a protective arrange-
16 ment, including an individual in a guardianship or
17 conservatorship, has a set of fundamental rights in-
18 cluding—

19 (A) a right, prior to the imposition of a
20 protective arrangement, to exhaust less restric-
21 tive alternative arrangements for supports;

22 (B)(i) a right to an alternative arrange-
23 ment, for anyone who needs decision supports
24 but does not need a guardianship or con-
25 servatorship; and

1 (ii) a right to a supported decisionmaking
2 arrangement for anyone who needs decision
3 supports, whether being considered for or in a
4 protective arrangement;

5 (C) a right to an independent, qualified
6 lawyer who—

7 (i) speaks solely for the person who is
8 being considered for a guardianship or
9 other protective arrangement, or who is in
10 a protective arrangement;

11 (ii) is free of a conflict of interest with
12 the person's family members, and the cor-
13 responding governmental entities, social
14 service agencies, and courts;

15 (iii) represents the expressed wishes of
16 the person who is being considered for or
17 who is in a protective arrangement;

18 (iv) is compensated at a reasonable
19 fee through the use of public funds, if the
20 person is not able to pay; and

21 (v) is appointed by the court involved,
22 if the person does not prefer to have a law-
23 yer of the person's own choosing;

24 (D) the right to significant input and full
25 participation into decisions about their life, in-

cluding their health, education, finances, employment, housing, relationships, parenthood, politics, religious activities, and social activities, and other basic decisions affecting their life;

(E) if in a protective arrangement, the right to a reasonable, timely method and information for reviewing, modifying, and discontinuing the protective arrangement;

(F) if in a protective arrangement, the right to, at a minimum, an annual meaningful review of their protective arrangement that includes representation by a lawyer described in subparagraph (C); and

(G) a right to the least restrictive arrangement to provide support to a covered individual needing decision supports.

(b) PURPOSE.—The purpose of this Act is to create a process to establish a bill of rights for covered individuals who are being considered for or who are in a guardianship, conservatorship, supported decisionmaking arrangement, or other alternative arrangement, regarding the decisions of the individuals to ensure the fundamental rights of each such individual are protected and the individual has significant input into arrangements of the types described in this subsection.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **ALTERNATIVE ARRANGEMENT.**—The term
4 “alternative arrangement” means an arrangement
5 with key support personnel who may include family
6 members, friends, and professionals, with an ap-
7 proach to meeting the needs of an individual to
8 make decisions that restricts fewer rights of the in-
9 dividual than would the appointment of a guardian
10 or conservator.

11 (2) **ASSISTIVE TECHNOLOGY DEVICE.**—The
12 term “assistive technology device” has the meaning
13 given the term in section 3 of the Assistive Tech-
14 nology Act of 1998 (29 U.S.C. 3002).

15 (3) **COVERED INDIVIDUAL.**—The term “covered
16 individual” means—

17 (A) an older adult; and

18 (B) a person with a disability.

19 (4) **DEVELOPMENTAL DISABILITY.**—The term
20 “developmental disability” has the meaning given
21 the term in section 102 of the Developmental Dis-
22 abilities Assistance and Bill of Rights Act of 2000
23 (42 U.S.C. 15002).

24 (5) **DISABILITY.**—The term “disability” means
25 a disability as defined in section 3 of the Americans
26 with Disabilities Act of 1990 (42 U.S.C. 12102).

1 (6) GUARDIANSHIP.—The term “guardianship”
2 means a legal relationship established by a court if
3 an individual is determined to lack the ability to
4 meet essential requirements for physical health, safe-
5 ty, or self-care because the person is unable to re-
6 ceive and evaluate information, or make or commu-
7 nicate decisions, about their person or property, even
8 with appropriate supportive services, assistive tech-
9 nology devices, supported decisionmaking, or other
10 less restrictive alternative arrangements.

11 (7) INDIAN TRIBE.—The term “Indian Tribe”
12 means an entity that—

13 (A) is eligible for funding as an Indian
14 tribe under subpart 1 of part E of title I of the
15 Omnibus Crime Control and Safe Streets Act of
16 1968 (34 U.S.C. 10151 et seq.); and

17 (B) is—

18 (i) eligible for funding as an Indian
19 tribe under title I of the Rehabilitation Act
20 of 1973 (29 U.S.C. 720 et seq.); or

21 (ii) eligible for funding through an
22 American Indian consortium under subtitle
23 C of title I of the Developmental Disabil-
24 ities Assistance and Bill of Rights Act of
25 2000 (42 U.S.C. 15041 et seq.).

1 (8) LIMITED GUARDIANSHIP.—The term “lim-
2 ited guardianship” means a guardianship in which a
3 court-appointed fiduciary has the power to make de-
4 cisions for an individual, with that power defined by
5 the court and for the duration determined by the
6 court.

7 (9) LOCAL EDUCATIONAL AGENCY; STATE EDU-
8 CATIONAL AGENCY.—The terms “local educational
9 agency” and “State educational agency” have the
10 meanings given the terms in section 8101 of the Ele-
11 mentary and Secondary Education Act of 1965 (20
12 U.S.C. 7801).

13 (10) OLDER ADULT.—The term “older adult”
14 means an individual who is 60 years of age or older.

15 (11) PERSON WITH A DISABILITY.—The term
16 “person with a disability” means any person who
17 has a disability (including a sensory disability).

18 (12) PLENARY GUARDIANSHIP.—The term “ple-
19 nary guardianship” means a guardianship in which
20 a court-appointed fiduciary has the power to make
21 all decisions allowed by State law for an individual,
22 often due to a finding that the individual is incapaci-
23 tated.

24 (13) PROTECTION AND ADVOCACY SYSTEM.—
25 The term “protection and advocacy system” means

1 a protection and advocacy system established in ac-
 2 cordance with section 143 of the Developmental Dis-
 3 abilities Assistance and Bill of Rights Act of 2000
 4 (42 U.S.C. 15043).

5 (14) PROTECTIVE ARRANGEMENT.—The term
 6 “protective arrangement” means—

7 (A) an arrangement in which a person,
 8 acting under a limited court order authorizing
 9 support for an individual who the court has de-
 10 termined is in need of decision supports, has
 11 the power, for a duration specified in the order,
 12 to make such decisions for the individual, with-
 13 out a finding of incapacity or the appointment
 14 of a guardian or conservator; or

15 (B) a guardianship or conservatorship.

16 (15) SECRETARY.—The term “Secretary” re-
 17 fers to the Secretary of Health and Human Services
 18 or the designee of that Secretary.

19 (16) STANDARD.—The term “standard” means
 20 a requirement.

21 (17) STATE.—The term “State” means any of
 22 the several States, the District of Columbia, the
 23 Commonwealth of Puerto Rico, the United States
 24 Virgin Islands, Guam, the Commonwealth of the

1 Northern Mariana Islands, American Samoa, and
 2 any Indian Tribe.

3 (18) SUPPORTED DECISIONMAKING ARRANGE-
 4 MENT.—The term “supported decisionmaking ar-
 5 rangement” means an agreement or other arrange-
 6 ment, resulting from a series of relationships, prac-
 7 tices, and shorter arrangements, of greater or lesser
 8 formality and intensity, designed to assist an indi-
 9 vidual in understanding, making, and commu-
 10 nicating the individual’s own decisions in a way that
 11 does not impede the individual’s self-determination,
 12 including deciding—

13 (A) who provides the individual with sup-
 14 ports for the decisions;

15 (B) in which areas of life the individual re-
 16 ceives supports, including decisions about
 17 health, services received, finances, property, liv-
 18 ing arrangements, and work; and

19 (C) with whom to associate through the
 20 support of people, technology, and other deci-
 21 sionmaking aids.

1 **SEC. 4. GUARDIANSHIP AND OTHER PROTECTIVE AR-**
2 **RANGEMENTS AND SUPPORTED DECISION-**
3 **MAKING COUNCIL.**

4 (a) ESTABLISHMENT OF A GUARDIANSHIP AND
5 OTHER PROTECTIVE ARRANGEMENTS AND SUPPORTED
6 DECISIONMAKING COUNCIL.—

7 (1) ESTABLISHMENT.—Not later than 180 days
8 after the date of enactment of this Act, the Sec-
9 retary shall establish in the Department of Health
10 and Human Services a Guardianship and Other Pro-
11 tective Arrangements and Supported Decision-
12 making Council (referred to in this Act as “the
13 Council”).

14 (2) DUTIES OF THE COUNCIL.—The Council
15 shall advise the Secretary on the development of
16 standards under section 5 related to guardianships,
17 conservatorships, supported decisionmaking arrange-
18 ments, and other alternative arrangements, includ-
19 ing recommending standards on the fundamental
20 rights (including the implementation of those rights)
21 of a covered individual in a guardianship, con-
22 servatorship, supported decisionmaking arrange-
23 ment, or other alternative arrangement.

24 (3) GUARDIANSHIP BILL OF RIGHTS.—The
25 Council’s recommendations for those standards on
26 the fundamental rights of a covered individual in a

1 guardianship, conservatorship, supported decision-
2 making arrangement, or other alternative arrange-
3 ment (commonly known as the “Guardianship Bill of
4 Rights”) shall address, at minimum—

5 (A) the scope of the fundamental rights,
6 including the fundamental rights described in
7 section 2(a)(5);

8 (B) which fundamental rights cannot be
9 restricted, which can be restricted but not dele-
10 gated, and which can be restricted but only
11 with further due process protections;

12 (C) due process protections to be provided,
13 during consideration of an arrangement, to pro-
14 tect the fundamental rights;

15 (D) the fundamental rights related to—

16 (i) voting access and decisionmaking;

17 (ii) decisionmaking concerning mar-
18 riage and other relationships, including ro-
19 mantic, friendship, and family relation-
20 ships;

21 (iii) reproductive decisionmaking;

22 (iv) financial decisionmaking on mat-
23 ters that do not jeopardize long-term secu-
24 rity;

25 (v) educational decisionmaking;

1 (vi) health and medical decision-
 2 making, including the right to private com-
 3 munication between an individual and the
 4 individual's health care provider;

5 (vii) decisionmaking for religious ob-
 6 servation and activities;

7 (viii) decisionmaking concerning a
 8 place of residency;

9 (ix) decisionmaking for visitation and
 10 association;

11 (x) decisionmaking for travel;

12 (xi) communication; and

13 (xii) decisionmaking for daily deci-
 14 sions; and

15 (E) maintenance of a covered individual's
 16 fundamental rights in their decisionmaking.

17 (4) MEMBERSHIP.—

18 (A) BACKGROUND.—The Secretary shall
 19 appoint members to the Council. The Council
 20 shall be composed of 30 members that in-
 21 clude—

22 (i) five covered individuals currently
 23 (as of the date of appointment) using a
 24 supported decisionmaking arrangement;

1 (ii) four covered individuals currently
2 (as of the date of appointment) in a pro-
3 tective arrangement;

4 (iii) three family members of covered
5 individuals who are at risk of being in, or
6 are in, protective arrangements;

7 (iv) two lawyers, including at least 1
8 of whom—

9 (I) is a lawyer who has served a
10 protection and advocacy system or
11 legal services organization;

12 (II) has experience in representa-
13 tion of covered individuals in con-
14 testing or limiting guardianships; and

15 (III) has experience in supported
16 decisionmaking arrangements, other
17 alternative arrangements, and protec-
18 tive arrangements;

19 (v) two judges with experience man-
20 aging contested and uncontested
21 guardianships;

22 (vi) two teachers or special education
23 personnel from an elementary school or
24 secondary school;

1 (vii) two behavioral health care profes-
 2 sionals;

3 (viii) one independent living specialist;

4 (ix) two other professionals with ex-
 5 tensive knowledge of supported decision-
 6 making arrangements;

7 (x) two representatives of disability-
 8 led organizations, meaning organizations
 9 for which at least 50 percent of the staff
 10 have a disability, or 50 percent of the
 11 members of the governing body have a dis-
 12 ability;

13 (xi) two representatives of organiza-
 14 tions representing older adults;

15 (xii) one guardian, who shall be a cer-
 16 tified guardian if the State involved pro-
 17 vides for such certifications;

18 (xiii) one guardianship investigator;

19 and

20 (xiv) one representative of a State de-
 21 velopmental disability agency, State agency
 22 on aging, or State adult protective services
 23 agency.

24 (B) DIVERSITY.—Members of the Council
 25 shall represent diverse racial, ethnic, religious,

gender, geographic, socioeconomic, religious, age, and disability categories.

(C) PERIOD OF APPOINTMENT; VACANCIES.—

(i) TERM.—Members shall be appointed for a 3-year term and may be reappointed for one additional term.

(ii) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be expeditiously filled by the Secretary.

(D) CHAIR; VICE CHAIR.—At the first meeting of the Council, the Council shall select a Chair and Vice Chair from among its members. The Council shall select a member with the characteristics described in clause (i) or (ii) of subparagraph (A) to fill at least one of those positions.

(5) COUNCIL REPORTS.—

(A) INITIAL REPORT.—The Council shall prepare a report in which it makes its initial recommendations on the standards described in section 5, not later than 2 years after the date of the Council's establishment.

1 (B) SUBSEQUENT REPORTS.—For the 10-
2 year period beginning on that date of establish-
3 ment, not later than 4 years after that date and
4 not later than every 2 years thereafter, the
5 Council will review the standards established
6 under section 5 and prepare a report in which
7 it makes its subsequent recommendations on
8 the standards.

9 (C) SUBMISSION.—The Council shall make
10 the reports described in this paragraph publicly
11 available and submit the reports to—

12 (i) the Secretary;

13 (ii) the Committee on Health, Edu-
14 cation, Labor, and Pensions of the Senate;

15 (iii) the Special Committee on Aging
16 of the Senate;

17 (iv) the Committee on the Judiciary of
18 the Senate;

19 (v) the Committee on Education and
20 Workforce of the House of Representa-
21 tives;

22 (vi) the Committee on Energy and
23 Commerce of the House of Representa-
24 tives; and

1 (vii) the Committee on the Judiciary
2 of the House of Representatives.

3 (6) PERSONNEL MATTERS.—

4 (A) NO ADDITIONAL COMPENSATION.—
5 Members of the Council who are officers or em-
6 ployees of the United States shall serve without
7 compensation in addition to that received for
8 their services as officers or employees of the
9 United States. Other members of the Council
10 shall serve without compensation for the per-
11 formance of services for the Council. Notwith-
12 standing section 1342 of title 31, United States
13 Code, the Secretary may accept the voluntary
14 and uncompensated services of members of the
15 Council.

16 (B) TRAVEL EXPENSES.—The members of
17 the Council shall be allowed travel expenses, in-
18 cluding per diem in lieu of subsistence, at rates
19 authorized for employees of agencies in sub-
20 chapter I of chapter 57 of title 5, United States
21 Code, while away from their homes or regular
22 places of business in the performance of serv-
23 ices for the Council.

24 (C) DETAIL OF GOVERNMENT EMPLOY-
25 EES.—Any Federal Government employee may

1 be detailed to the Council without reimburse-
 2 ment, and such detail shall be without interrup-
 3 tion or loss of civil service status or privilege.

4 (b) TERMINATION.—The Council shall terminate 10
 5 years after the date of the establishment of the Council.

6 **SEC. 5. STANDARDS FOR GUARDIANSHIPS,**
 7 **CONSERVATORSHIPS, AND ALTERNATIVE AR-**
 8 **RANGEMENTS.**

9 (a) STANDARDS FOR ESTABLISHING, REVIEWING,
 10 MODIFYING, AND DISCONTINUING GUARDIANSHIPS,
 11 CONSERVATORSHIPS, OR OTHER PROTECTIVE ARRANGE-
 12 MENTS.—The Secretary, through the Administrator of the
 13 Administration for Community Living, with significant
 14 input from the Council, shall develop standards for estab-
 15 lishing, reviewing, modifying, and discontinuing any pro-
 16 tective arrangement for a covered individual, including
 17 guardianships and conservatorships, including standards
 18 for each of the following:

- 19 (1) Establishing protective arrangements.
- 20 (2) Establishing frequencies, of not more than
 21 1 year, for regular review of protective arrangements
 22 by the court of jurisdiction.
- 23 (3) Guaranteed procedures for modification or
 24 discontinuation of protective arrangements.

1 (4) Guaranteed representation by an inde-
2 pendent, qualified, and compensated lawyer de-
3 scribed in section 2(a)(5)(C) for the covered indi-
4 vidual being considered for a protective arrangement
5 or in a protective arrangement.

6 (5) Access to due process while the individual
7 is being considered for a protective arrangement and
8 while in a protective arrangement.

9 (6) Options for full restoration of rights for a
10 covered individual in a protective arrangement.

11 (7) Ordering limited protective arrangements
12 when less restrictive arrangements, such as sup-
13 ported decisionmaking arrangements, are not appro-
14 priate.

15 (8)(A) Collecting detailed data at the national
16 and State levels on the use of guardianships and
17 other protective arrangements, supported decision-
18 making arrangements, and other alternative ar-
19 rangements.

20 (B) Reporting that data, taken as a whole and
21 disaggregated by gender identity, race, ethnicity,
22 sexual orientation, income level, living situation, age,
23 disability type, and reason for guardianship or other
24 protective arrangement.

1 (b) STANDARDS FOR ESTABLISHING SUPPORTED DE-
2 CISIONMAKING AND OTHER ALTERNATIVE ARRANGE-
3 MENTS.—The Secretary, through the Administrator of the
4 Administration for Community Living, with significant
5 input from the Council, shall develop system standards
6 and other standards for establishing supported decision-
7 making arrangements and other alternative arrangements
8 as the default decision support options for covered individ-
9 uals to avert the use of guardianship or a more restrictive
10 protective arrangement, including—

11 (1) system standards that promote supported
12 decisionmaking arrangements and other alternative
13 arrangements for decisionmaking arrangements, in-
14 cluding decisionmaking arrangements within local
15 educational agencies, health care systems, disability
16 and aging services systems, financial institutions,
17 and court systems;

18 (2) standards for the areas (such as education,
19 finance, and health) in which a covered individual
20 requires decisionmaking supports;

21 (3) standards for how a covered individual
22 using a supported decisionmaking arrangement will
23 select the persons to serve on the supported decision-
24 making team;

1 (4) standards for additional supports, such as
 2 assistive technology devices, required to ensure max-
 3 imum participation by covered individuals in their
 4 decisionmaking; and

5 (5) standards for interrupting the processes
 6 that lead to guardianship or conservatorship through
 7 retraining key decisionmakers, such as court per-
 8 sonnel and administrators, to recognize overbroad
 9 petitions for guardianships or conservatorships.

10 (c) STANDARDS FOR TRANSITIONING FROM
 11 GUARDIANSHIPS TO ALTERNATIVE ARRANGEMENTS.—

12 The Secretary, with significant input from the Council and
 13 a stakeholder group process, shall—

14 (1) establish standards, for transitioning cov-
 15 ered individuals from guardianship or conservator-
 16 ship arrangements into supported decisionmaking
 17 arrangements or other alternative arrangements,
 18 that restore the rights of individuals in appropriate
 19 circumstances; and

20 (2) establish standards that—

21 (A) require a periodic review of
 22 guardianships and conservatorships, to transi-
 23 tion covered individuals in either type of ar-
 24 rangement to a supported decisionmaking ar-
 25 rangement or another alternative arrangement;

1 (B) provide for such a review at least once
 2 a year for such covered individuals; and

3 (C) require that a review of a guardianship
 4 or conservatorship occurs if such a covered indi-
 5 vidual requests that review.

6 (d) MINIMUM STANDARDS FOR ESTABLISHMENT AND
 7 REVIEW OF PROTECTIVE ARRANGEMENTS.—The Sec-
 8 retary, with significant input from the Council, shall—

9 (1) establish standards for establishing
 10 guardianships or other protective arrangements, in-
 11 cluding in the case of a plenary guardianship, stand-
 12 ards for health, medical, and financial well-being re-
 13 views by the corresponding members serving on a
 14 guardianship review panel before the guardianship is
 15 established and during reviews described in para-
 16 graph (4);

17 (2) create standards for individuals eligible to
 18 serve on such a review panel, which shall include
 19 lawyers, and advocates, with experience protecting
 20 the civil rights described in subsection (a), other
 21 professionals with experience in protective arrange-
 22 ments (such as doctors, psychologists, and certified
 23 financial planners), and covered individuals;

1 (3) establish standards requiring background
2 checks of individuals seeking to serve on guardian-
3 ship review panels; and

4 (4) establish standards for reviews of protective
5 arrangements described in section 2(a)(5)(F).

6 (e) AVAILABILITY AND ACCESSIBILITY.—The Sec-
7 retary shall make the standards described in this section,
8 and information on the standards, available and accessible
9 to covered individuals, family members and guardians of
10 covered individuals, judges and court personnel, school
11 personnel, minority language communities, and additional
12 appropriate entities and individuals.

13 (f) RELATION TO OTHER LAW.—A State that seeks
14 funding under—

15 (1) title I of the Rehabilitation Act of 1973 (29
16 U.S.C. 720 et seq.) shall include, in the State plan
17 submitted under section 101 of that Act (29 U.S.C.
18 721) or the application submitted under section 121
19 of that Act (29 U.S.C. 741), as the case may be, an
20 assurance that the State is implementing and en-
21 forcing the standards described in this section and
22 issued by the Secretary, other than subsection (c);
23 and

24 (2) subtitle B or C of the Developmental Dis-
25 abilities Assistance and Bill of Rights Act of 2000

1 (42 U.S.C. 15021 et seq., 15041 et seq.) shall in-
 2 clude, in the State plan submitted under section 124
 3 of that Act (42 U.S.C. 15024) or the materials dem-
 4 onstrating eligibility under section 143 of that Act
 5 (42 U.S.C. 15043), as the case may be, the assur-
 6 ance described in paragraph (1).

7 **SEC. 6. PROTECTION AND ADVOCACY PROGRAM FOR OVER-**
 8 **SIGHT OF PROTECTIVE ARRANGEMENTS.**

9 Title I of the Developmental Disabilities Assistance
 10 and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.)
 11 is amended by adding at the end the following:

12 **“Subtitle F—Protective**
 13 **Arrangements Oversight**

14 **“SEC. 171. PROTECTION AND ADVOCACY PROGRAM FOR**
 15 **OVERSIGHT OF PROTECTIVE ARRANGE-**
 16 **MENTS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) AMERICAN INDIAN CONSORTIUM; STATE.—

19 The terms ‘American Indian Consortium’ and ‘State’
 20 have the meanings given the terms in section 102.

21 “(2) GUARDIANSHIP BILL OF RIGHTS DEFINI-
 22 TIONS.—Except as provided in paragraphs (1) and
 23 (3), the terms used in this section have the mean-
 24 ings given the terms in section 3 of the Guardian-
 25 ship Bill of Rights Act of 2026.

1 “(3) PROTECTION AND ADVOCACY SYSTEM.—

2 The term ‘protection and advocacy system’ means—

3 “(A) a protection and advocacy system es-
4 tablished in accordance with section 143; and

5 “(B) an American Indian Consortium that
6 provides protection and advocacy services under
7 section 142.

8 “(b) ESTABLISHMENT.—The Secretary, acting
9 through the Administrator for the Administration for
10 Community Living, shall establish a Protection and Advo-
11 cacy Program, for oversight and monitoring of State and
12 local guardianships, conservatorships, and other protective
13 arrangements.

14 “(c) GRANTS.—The Secretary shall make a grant to
15 each protection and advocacy system to establish or ex-
16 pand a Protection and Advocacy Program for Oversight
17 of Protective Arrangements.

18 “(d) AUTHORITY.—In order for a protection and ad-
19 vocacy system for a State or serving an American Indian
20 tribe to receive a grant under this section—

21 “(1) the State or tribe shall have in effect a
22 protective arrangement oversight system to protect
23 and advocate for the rights of covered individuals
24 concerning protective arrangements; and

1 “(2) the protective arrangement oversight sys-
2 tem shall have the authority to—

3 “(A) pursue legal, administrative, and
4 other appropriate remedies or approaches to en-
5 sure the protection of, and advocacy for, the
6 rights of covered individuals within the State or
7 American Indian tribe who are being considered
8 for or in a protective arrangement;

9 “(B) provide legal representation to cov-
10 ered individuals who—

11 “(i) are facing a proceeding to estab-
12 lish a protective arrangement; or

13 “(ii) who desire to modify or dis-
14 continue a protective arrangement;

15 “(C) provide information, referrals, train-
16 ing, and legal representation to enable a cov-
17 ered individual to establish or defend a sup-
18 ported decisionmaking arrangement or another
19 alternative arrangement, including providing
20 such services in plain language, American Sign
21 Language, and other minority languages; and

22 “(D) investigate incidents of abuse of
23 guardianships and other protective arrange-
24 ments.

25 “(e) USE OF FUNDS.—

1 “(1) IN GENERAL.—An entity that receives a
2 grant under this section for a protective arrange-
3 ment oversight system shall carry out the activities
4 described in subsection (d) or (f).

5 “(2) LIMITATION.—The protective arrangement
6 oversight system may not use the grant funds to
7 provide legal representation, or other services, to
8 persons seeking to establish or maintain (with or
9 without modification) a guardianship or conservator-
10 ship.

11 “(f) REPORTS.—Each entity that receives a grant
12 under this section for a protective arrangement oversight
13 system shall prepare and submit to the Secretary, in ac-
14 cordance with such requirements as the Secretary may
15 specify, information on activities carried out through the
16 corresponding program described in subsection (c).

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$50,000,000 for fiscal year 2027 and each succeeding fis-
20 cal year.”.

