

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 100570)

RESOLUTION

Authorizing Council's Committee on Public Health and Human Services to hold hearings on the potential for abuse of process in guardianship appointments and the financial burdens that such abuse could have on the courts and those being placed into guardianships.

WHEREAS, The guardian of an incapacitated person may be a trusted family member, friend, or a court appointed individual who is often a lawyer, and the appointed individual is awarded fees that the incapacitated must pay; and

WHEREAS, According to past national studies reported in *The Court Manager*, Volume 23 Issue 4, trusted family or friends assigned as guardians are often provided little or no guidance on the boundaries of their authority which can lead to unintentional violations of the guardianship thereby giving cause for the court to remove that guardian and appoint an another individual; and

WHEREAS, Court appointed guardians may demand expensive fees for their role, and although they have the duty to act in the best interest of the ward, could force actions with which close relatives and friends of the ward disagree and which may appear to further the guardian's self interest; and

WHEREAS, Ensuring that family or close friend guardians are fully informed of the role, responsibilities, and authority vested in them to protect and enact the best interest of the ward could reduce costs by curtailing expensive court monitoring, excessive fees as well as excessive adversarial court hearings, now therefore

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Hereby authorizes Council's Committee on Public Health and Human Services to hold hearings on the potential for abuse of process in guardianship appointments and the financial burdens that such abuse could have on the courts and those being placed into guardianships.

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RESOLUTION NO. 100570 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the sixteenth of September, 2010.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Jones, Tasco and Greenlee

Sponsored by: Councilmembers Jones, Tasco, Greenlee Goode, Council President Verna, Councilmembers Clarke, Reynolds Brown, Kenney, Green and Sanchez