



March 2, 2024

The Honorable Ginny Klevorn  
Chair, State and Local Government Finance and Policy Committee  
Minnesota House of Representatives  
581 State Office Building  
St. Paul, MN 55155

The Honorable Jim Nash  
Republican Lead, State and Local Government Finance and Policy Committee  
Minnesota House of Representatives  
349 State Office Building  
St. Paul, MN 55155

Re: HF 3483 - Guardian Immunity

Dear Chair Klevorn, Lead Nash, and Members of the State and Local Government Finance and Policy Committee:

Legal Aid respectfully writes in support of HF 3483, the Guardianship Immunity Bill. Legal Aid provides civil legal services to low-income Minnesotans, statewide, to help them meet their basic needs.

This issue is before the committee because of a legal case<sup>1</sup> that arose when a vulnerable adult with Alzheimer's disease in long-term care facility was the victim of an unspeakable act by a facility staff member and the victim's guardian recklessly breached her duties by failing to inform the family of the heinous act and its traumatic impact on the victim. The court in that case held the guardian immune from any responsibility for her negligent action.

While there is debate about whether liability could possibly obtain under other sections of guardian law, any ambiguity regarding whether guardians should be held accountable no matter how egregious or harmful a guardian's act or omission needs to be clear. HF 3483 would establish that clarity.

While, of course, no one wants to discourage people from becoming guardians, there must be some middle ground between creating liability for second guessing reasonable, everyday decision making by guardians and those acts or omissions that shock the conscience and cause severe or irreparable harm. HF 3483 strikes such an appropriate balance.

Sincerely,

Ron Elwood, Supervising Attorney

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<sup>1</sup> Zika v. Elder Care of Minnesota, Inc., 979 N.W.2d 472 (Minn. Ct. App. 2022).