



Adult Representation Services

March 19, 2025

The Honorable Rep. Mohamud Noor
Co-Chair, House Human Services Finance and Policy Committee
5th Floor Centennial Office Building
Saint Paul, MN 55155

The Honorable Rep. Joe Schomacker
Co-Chair, House Human Services Finance and Policy Committee
2nd Floor Centennial Office Building
Saint Paul, MN 55155

Re: In support of HF2216

Dear Co-Chair Noor, Co-Chair Schomacker, and Committee Members:

I write in support of HF2216, which precludes guardianship as a condition of admission for individuals moving into long term care facilities.

I am a senior attorney at Hennepin County Adult Representation Services (“ARS”). ARS is a Hennepin County department that provides independent advocacy to clients experiencing poverty in civil matters where they are entitled to an attorney, which includes representing persons subject to a Guardianship and Conservatorship

ARS is the only county-funded law firm in the State of Minnesota that provides exclusive representation for respondents in Guardianship and Conservatorship matters. ARS does not provide representation to petitioners, family members, third parties, or professional or private guardians. Our role is singularly to advocate for the rights and autonomy of our clients .

Guardianship is a drastic tool which completely removes civil liberties from an individual and re-assigns them to another individual or entity. Under current Minnesota law guardianship must only be sought as a last resort, to be granted after all other alternatives to guardianship have been exhausted. Requiring a guardianship as a condition of admission to a long term care facility precludes vulnerable individuals and their supporters from seeking less restrictive alternatives to guardianship; they must submit to unnecessary guardianships simply to gain access to the care they need. Fighting against an unnecessary guardianship should not place our clients’ medical needs in jeopardy.

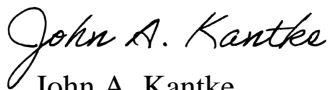
Unfortunately, we have seen guardianship used by long-term care providers solely as an extra level of financial protection for the provider, adding a guardian to serve as responsible party or guarantor. This serves the financial needs of the provider without consideration for the individual. Some of our clients wait in the hospital, unable to discharge to a long-term care facility because they are refused admission until a guardian has been appointed. These long-term care facilities have never met our clients nor determined whether alternatives to guardianship are sufficient (as required by our own statutes). This is very concerning as guardianship was created to meet the unmet needs of the individual, not the financial needs of the providers.

The admission requirement also unnecessarily delays our clients' admission into care facilities (guardianships take two to three months to establish), while simultaneously creating backlogs of individuals at hospitals, transitional care units, etc., waiting to be discharged. At its worst, an admission requirement discriminates against individuals in medical need, preventing them from accessing the care and housing they require.

HF2216 ensures that some of the most vulnerable in our community are protected by preventing long term care providers from requiring guardianship as a condition of admission. For these reasons, I respectfully request that you support HF2216.

Very truly yours,

ADULT REPRESENTATION SERVICES



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