
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 47 Session of
2021

INTRODUCED BY SHUSTERMAN, HILL-EVANS, N. NELSON, SANCHEZ,
NEILSON, MALAGARI, ISAACSON, WEBSTER AND ROZZI,
FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 2021

A RESOLUTION

1 Urging the Department of Human Services to increase the fee paid
2 to guardians of incapacitated individuals.

3 WHEREAS, Guardianship is one means by which a substitute
4 decisionmaker can act on behalf of an adult who lacks capacity
5 to make some decisions; and

6 WHEREAS, Only a court, after a legal proceeding, may declare
7 an individual to be incapacitated and appoint a guardian for the
8 individual; and

9 WHEREAS, Pennsylvania courts have a responsibility to appoint
10 guardians for incapacitated individuals who are not able to make
11 their own decisions; and

12 WHEREAS, In most cases, the guardian appointed is a relative
13 of the incapacitated individual, however a significant number of
14 guardians are court-appointed professionals who manage the
15 individual's financial, medical and personal affairs; and

16 WHEREAS, The majority of these cases in this Commonwealth
17 involve individuals over 60 years of age; and

1 WHEREAS, Currently, professional guardians who are appointed
2 for incapacitated individuals who receive a long-term care grant
3 from the medical assistance program are paid at a monthly rate
4 of \$100; and

5 WHEREAS, The balance of the income of the recipient of the
6 long-term care grant, after any other deductions and the
7 personal care allowance, is paid to the nursing home where the
8 recipient resides; and

9 WHEREAS, Unfortunately, the monthly rate of \$100 has not been
10 increased in more than 20 years, despite the evolving and
11 challenging tasks guardians must undertake in addition to a
12 shortage of capable individuals willing to take on guardianship
13 roles; and

14 WHEREAS, A guardian's tasks include responding promptly to
15 all medical issues, including changes of medication,
16 authorization for hospitalization, surgery or other medical
17 procedures; and

18 WHEREAS, Guardians must discuss proposed medical procedures
19 and care with health care professionals and make informed
20 decisions on behalf of the incapacitated individual in addition
21 to updating family members on the health of the incapacitated
22 individual; and

23 WHEREAS, Guardians must facilitate visits by family members
24 with the incapacitated individual and mediate disputes among
25 family members of the incapacitated individual in addition to
26 personally visiting each incapacitated individual monthly; and

27 WHEREAS, Guardians manage an incapacitated individual's
28 finances and assess need, apply, facilitate and monitor
29 community-based services such as Meals on Wheels,
30 transportation, shopping, affordable housing, medical care, in-

1 home aides and day programs; and

2 WHEREAS, There is an increasing number of guardianships in
3 Pennsylvania due to a rising elderly population and in
4 Philadelphia alone there were approximately 5,000 guardianship
5 cases in the last 10 years; therefore be it

6 RESOLVED, That the House of Representatives urge the
7 Department of Human Services to increase the fee paid to
8 guardians of incapacitated individuals; and be it further

9 RESOLVED, That the House of Representatives request the
10 Department of Human Services to review the allowance of fees for
11 guardianship services and consider increasing the allowable
12 amount to \$300 for guardians of incapacitated individuals; and
13 be it further

14 RESOLVED, That the House of Representatives recognize that
15 this considerable increase will permit courts to continue to be
16 able to attract and retain reliable, capable guardians who can
17 obtain training and education, and invest the time required to
18 serve incapacitated Pennsylvanians to protect their health,
19 financial welfare and dignity to the best of their ability; and
20 be it further

21 RESOLVED, That the House of Representatives recognize the
22 vulnerability of incapacitated individuals in this Commonwealth
23 and recognize the importance of appropriately compensating
24 individuals who care for them.