

HJ26 1.1 – Legislative Considerations

CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE
MILLY ALLEN – JANUARY 2, 2026

HJ26 1.1 is a provisional draft in response to the committee's initial steps into its study of guardianship and conservatorship in Montana. Consider it a legislative sketch, awaiting the committee's discussion and refinement – it is not yet committee legislation.

The following questions provide a framework for committee discussion. Blank space is left after each question for committee members to add notes.

DRAFTED SECTIONS

SECTIONS 1 AND 3: TRAINING AND BACKGROUND CHECKS

1. Does the committee want to add any additional sideboards to trainings? Sideboards could include quality controls (accreditation, approval by an appropriate state entity such as the Supreme Court) or limitations on cost to the potential appointee, among others.
2. Does the committee think criminal background and credit checks are appropriate for both guardians and conservators?
3. Would the committee like to exempt any potential guardian or conservator type (e.g., a family member or close friend) from background checks or training requirements?

4. Does the committee wish to explore options to offset the costs of training, background, and credit checks for low- or moderate-income family members and friends?

SECTIONS 2 AND 4: PLAIN-LANGUAGE NOTICE REQUIREMENTS

5. Does the committee wish to include or exclude any information from the plain-language notice requirements?
6. Does the committee wish for plain language notice to be served personally to the alleged incapacitated person or person to be protected?
7. Would the committee like to standardize these notices statewide, or allow individual jurisdictions to develop the notices?

SECTION 5: EFFECTIVE DATE

8. What does the committee consider an appropriate timeline to implement the changes?

NOT YET DRAFTED

At its November 5 meeting, the committee voiced interest in additional elements for a draft: filing plans with courts and a reporting process. Additional committee direction is required to effectively translate these elements into policy.

FILING PLANS WITH COURTS

9. Courts currently use several [plain-language forms](#) for guardianships and conservatorships. (Though labelled “guardianship,” the accounting forms are also used by conservators.) What gaps does the committee see that could be solved by filing additional information with the courts?

10. Does the committee want a cost estimate for additional filing? Does the committee want to explore filing fees or other ways to offset these costs?

REPORTING

11. The committee is interested in a process for third-party reporting of abuse or mismanagement to the courts. Who does the committee consider a third party? A concerned community member or friend, the police, Adult Protective Services? Is the goal to centralize all reporting to the courts?

12. Would the committee like to prescribe certain actions a court must take when it receives a report, such as review of accounting and other forms, temporary suspension of a guardian or conservator (and appointment of an interim replacement?

13. Would the committee like to prescribe a timeline for any action outlined in question 12?

ADDITIONAL INPUT

14. Does the committee have any additional changes or input?