















GUARDIANSHIP AND CONSERVATORSHIP REFORM IN MONTANA

Hon. Gregory G. Pinski
District Judge (Ret.)
Uniform Law Commissioner
November 5, 2025

Guardianship/Conservatorship Cases in Montana District Courts

District Court Case Filings - ALL												Avg. Case Filings 2015-2024
Case Category	CY2015	CY2016	CY2017	CY2018	CY2019	CY2020	CY2021	CY2022	CY2023	CY2024	Sparkline	
Adoption	764	715	791	870	924	739	782	665	619	624		749
Child Abuse and Neglect	2,321	2,433	2,667	2,519	2,382	2,114	1,750	1,414	1,283	1,292		2,018
Civil	20,197	17,988	15,703	19,842	21,262	23,984	18,640	17,384	18,825	19,509		19,333
Commitment of a Person with a Mental Illness	1,295	1,344	1,237	1,166	1,045	1,178	1,030	964	985	917		1,116
Commitment of a Person with Dev. Disability	27	29	24	19	23	25	25	22	16	18		23
Criminal	10,707	11,774	12,378	12,850	12,582	12,383	12,948	12,892	13,245	13,854		12,561
Domestic Relations	10,731	10,926	10,644	10,958	10,333	9,276	8,910	9,634	9,534	9,339		10,029
Drug & Other Treatment Courts	391	369	447	409	554	566	499	607	541	582		497
Guardian/Conservator	1,047	1,105	1,104	1,160	1,129	1,071	1,198	1,133	1,228	1,201		1,138
Investigative Subpoena/Search Warrant	3,666	3,948	4,441	4,317	4,398	5,212	4,812	5,497	5,212	5,509		4,701
Juvenile	1,310	1,271	1,226	1,071	1,009	839	780	980	1,081	1,111		1,068
Paternity	51	41	48	50	35	51	27	30	36	38		41
Probate	3,708	3,436	3,601	3,528	3,482	3,679	4,053	4,057	3,889	3,670		3,710
Total	56,215	55,379	54,311	58,759	59,158	61,117	55,454	55,279	56,494	57,664		56,983

Guardianship/Conservatorship Cases in Montana Supreme Court

- 760 appeals in 2024
- 2 guardianship/conservator appeals in 2025
 - * Grandparent guardianship of minor child (*In re A.D.H.*)
 - * Challenge to POA conflicted with conservatorship order (*In re S.H.C.*)

UNIFORM LAW COMMISSION

Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

- History
- Modernization of Guardianship Law
- Endorsements
- Structure
- Innovations
- Reasons to Enact

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174 Crestview Drive
Bellefonte, PA 16823
Phone: 877-326-5992
Fax: 814-355-2452
Email: info@guardianship.org
Website: www.guardianship.org

**Resolution in Support of
The Uniform Guardianship, Conservatorship,
and Other Protective Arrangements Act**

WHEREAS guardianship law has advanced dramatically to protect the rights and interests of persons determined by the state courts to need help caring for themselves since the first uniform law on guardianship was released in 1969 and revised in 1982 and 1997.

WHEREAS this Act fulfills many of the recommendations of the 2011 Third National Guardianship Summit and the National Guardianship Association's Standards of Practice by providing that the individuals subject to guardianship and conservatorship proceedings remain at the center of all considerations and decisions.

WHEREAS this Act requires courts to avoid appointing a guardian or a conservator if there are less restrictive alternatives, such as supported decision-making or limited protective arrangements, that provide adequate protections.

WHEREAS this Act protects key legal rights of persons subject to guardianship or conservatorship, including the right to receive independent legal counsel and the right to have the order modified or terminated when appropriate.

WHEREAS this Act respects and ensures the rights of persons subject to guardianship and conservatorship to receive visits or communications from family and friends as they desire.

WHEREAS this Act gives guardians and conservators clear standards for making decisions that keep the person subject to guardianship at the center of their decision-making.

WHEREAS the application of this Act will promote uniformity of the law among the states with respect to the rights of persons subject to guardianship and conservatorship and the duties and responsibilities of those serving as guardians and conservators.

WHEREAS the National Guardianship Association, a membership organization whose mission is to advance the nationally recognized standard of excellence in guardianship, was involved in the process of drafting this Uniform Act with the help of the AARP, American Bar Association, Alzheimer's Association, Center for Guardianship Certification, National Center for State Courts, the National College of Probate Judges, the ARC, the National Academy of Elder Law Attorneys, and the National Disability Rights Network.

THEREFORE BE IT RESOLVED that the National Guardianship Association supports the efforts of the National Conference of Commissioners on Uniform State Laws to promulgate the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act.

**Approved by the National Guardianship Association Board of Directors on
January 19, 2018**

Endorsements

The National Guardianship Association was involved with the drafting of the Uniform Act with the help of the AARP, American Bar Association, Alzheimer's Association, Center for Guardianship Certification, National Center for State Courts, National College of Probate Judges, the ARC, the National Academy of Elder Law Attorneys, and the National Disability Rights Network.

Structure

- I – Definitions and General Provisions
- II – Guardianship of Minors
- III – Guardianship of Adults
- IV – Conservatorships for Both Minors and Adults
- V – Less Restrictive Protective Arrangements
- VI – Optional Forms to Conduct Capability and Needs Assessments
- VII – Miscellaneous Provisions

Innovations

- Person-Centered Planning
- Express Decision-Making Standard
- Enhanced Notice
- Guaranteed Visitation and Communication
- Less-Restrictive Alternatives
- Enhanced Procedural Rights
- Updated Terminology

Reasons to Enact

- Person-Centered Planning
- Promotes Independence
- Helps Leverage Court Resources
- Protects Legal Rights
- Clear Guidance to Guardians and Conservators
- Prevents Isolation
- Created by Guardianship Experts


Uniform Act Curbs Elder Abuse

- Notice
- Guardianship Plan
- Duties and Standards for Decision-Making
- Appointment Procedures
- Limited Powers
- Less-Restrictive Alternatives
- Restrictions on Fees

Legislative Activity on Uniform Act

- Kansas – Enacted 4/10/25
- Alaska – Introduced 5/16/25
- Colorado – Introduced 4/9/25
- Idaho – Introduced 3/20/25

More Information

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[\(312\) 450-6600](#)
[info@uniformlaws.org](#)
Uniform Law Commission
111 N. Wabash Avenue, Suite 1010
Chicago, Illinois 60602

Uniform Law Commission
The Uniform Law Commission (ULC, also known as the National Conference of Commissioners on Uniform State Laws), established in 1892, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

<https://www.uniformlaws.org/viewdocument/enactment-kit-25?CommunityKey=2eba8654-8871-4905-ad38-aabbd573911c&tab=librarydocuments>

THANK YOU

Hon. Gregory G. Pinski (Ret.)

520 3rd Avenue North

Great Falls, MT 59401

(406) 727-3550

greg@mttrials.com