

# PROFESSIONAL GUARDIANSHIP PROTECTIONS

## *Wyoming vs. Leading Reform States: A Comparative Analysis*

Prepared April 2026 | Wyoming Guardianship Reform Project

### Purpose of This Document

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This document benchmarks Wyoming's current professional guardianship statutes against five states that have enacted meaningful protections for vulnerable adults under guardianship. It is intended to support legislative advocacy, public education, and federal reporting efforts by identifying specific statutory gaps and the model language available to close them.

**Scope:** This analysis focuses on protections for vulnerable adults (18+) under professional guardianship, with particular attention to elder financial abuse, lack of right to counsel, and absence of independent oversight of professional guardian entities operating in Wyoming.

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## Section 1 — Peer State Profiles

### New Mexico — National Leader (2025)

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New Mexico is the first and only state to have formally enacted a Ward's Bill of Rights for Adults Under Guardianship (April 2025), making it the current national benchmark for ward protection.

- 21 enumerated rights covering Access to Justice, Core Human Rights, and Decision-Making Rights
- Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) established by statute with protected persons as voting members
- Supported Decision-Making Act (2025) — preserves autonomy as an alternative to guardianship
- Mandatory annual court-audited accountings; formal grievance process for wards
- Least restrictive alternative doctrine codified; full guardianship requires exhaustion of alternatives

### Nevada — Strongest Licensing Framework

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Nevada is the only state with a dedicated licensing chapter (NRS Chapter 628B) for private professional guardian companies, administered by the Financial Institutions Division.

- All professional guardians must be certified by the Center for Guardianship Certification (CGC)
- All personnel in a guardian company must submit FBI fingerprints and undergo criminal background checks before acting and every 5 years thereafter
- State Registry of professional guardians maintained for public transparency
- Annual reporting and court audit authority; mandatory right to counsel in proceedings

### Pennsylvania — Most Significant Recent Reform (Act 61, 2024)

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Pennsylvania enacted Act 61 of 2023, effective June 2024, overhauling its guardianship statutes in response to documented abuse and the national focus on guardianship exploitation following high-profile cases.

- Guaranteed right to counsel for every alleged incapacitated person
- Mandatory professional guardian certification prior to appointment

- Courts required to seek and document less restrictive alternatives before granting full guardianship
- Increased mandatory court appearances and enhanced reporting requirements

## Minnesota — Strongest Guardian Liability Provisions (2024–2025)

Minnesota enacted sweeping changes to guardian accountability following a Court of Appeals ruling and a legislative audit that revealed systemic immunity problems.

- Removed broad immunity for professional guardians; guardians are now personally liable for reckless or willful misconduct, or gross negligence causing harm
- 2025 amendments restrict a guardian's power to limit a ward's communications, visitation, and social interactions
- Tightened emergency guardian appointment rules; being in a hospital or care facility is no longer sufficient basis for emergency appointment
- Active WINGS oversight body; right to counsel in all proceedings

## Colorado — UGCOPAA Adopted; Partial Bill of Rights

Colorado has adopted the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA), providing a modern statutory foundation with emphasis on supported decision-making and least restrictive alternatives.

- Partial ward Bill of Rights enacted; full statute under ongoing legislative development
- UGCOPAA framework mandates consideration of supported decision-making, limited guardianship, and conservatorship alternatives before full guardianship
- Active WINGS body; right to counsel in all adult guardianship proceedings
- Voluntary guardian certification strongly encouraged by courts

## Section 2 — Protection-by-Protection Comparison

The table below compares 17 key protections across all six states. Wyoming's column reflects the current statutory status as of April 2026.

Protection	New Mexico	Nevada	Pennsylvania	Minnesota	Colorado	WYOMING
<b>PROCEDURAL RIGHTS &amp; ACCESS TO JUSTICE</b>						
Right to Counsel (Mandatory)	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	X NO
Least Restrictive Alternative Required	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	X NO
Ward's Bill of Rights (Statutory)	✓ YES	X NO	X NO	X NO	~ PARTIAL	X NO
Supported Decision-Making Act	✓ YES	X NO	X NO	✓ YES	✓ YES	X NO
Independent Complaint Process	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	X NO

Protection	New Mexico	Nevada	Pennsylvania	Minnesota	Colorado	WYOMING
<b>GUARDIAN OVERSIGHT &amp; ACCOUNTABILITY</b>						
Professional Guardian Certification Required	✓ YES	✓ YES	✓ YES	~ VOLUNTARY	~ VOLUNTARY	X NO
State Licensing of Guardian Companies	X NO	✓ YES	X NO	X NO	X NO	X NO
Mandatory Background Checks (FBI/Criminal)	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	X NO
Guardian Personal Liability (Negligence/Misconduct)	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	~ PARTIAL
Annual Reporting Requirement	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	~ PARTIAL
Court Audit Authority Over Accountings	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	X NO
<b>SYSTEMIC REFORM INFRASTRUCTURE</b>						
Active WINGS / Oversight Body	✓ YES	X NO	X NO	✓ YES	✓ YES	X NO
Independent State Oversight of Professional Guardians	✓ YES	✓ YES	~ PARTIAL	~ PARTIAL	~ PARTIAL	X NO
Grievance / Removal Process for Guardians	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	X NO
Ward Participation in Guardianship Proceedings	✓ YES	✓ YES	✓ YES	✓ YES	✓ YES	~ PARTIAL
Uniform Guardianship Act (UGCOPAA) Adopted	✓ YES	~ PARTIAL	X NO	~ PARTIAL	✓ YES	X NO

Key: ✓ YES X NO ~ PARTIAL / VOLUNTARY

### Section 3 — Summary Scores

Each state is scored based on the 17 protection categories in Section 2. Partial/Voluntary credit = 0.5 points.

State	Protection Score	Notable Strength
New Mexico	17 / 17	First state with Ward's Bill of Rights (2025); WINGS body; Supported Decision-Making Act
Nevada	14 / 17	Strongest licensing framework; mandatory FBI fingerprinting; certified guardian requirement
Pennsylvania	13 / 17	Act 61 (2024): right to counsel + guardian certification; strong abuse/exploitation protections

State	Protection Score	Notable Strength
Minnesota	13 / 17	2024–2025: guardian personal liability; restricted isolation of wards
Colorado	13 / 17	Bill of Rights (partial); UGCOPAA adopted; strong least-restrictive alternative doctrine
<b>WYOMING</b>	<b>3 / 17</b>	No right to counsel; no certification; no complaint process; no independent oversight

## Section 4 — Wyoming's Critical Statutory Gaps

Wyoming currently lacks all of the following protections that have been enacted in at least three of the five peer states reviewed:

Gap	Present In	Wyoming Impact
<b>Right to Counsel in Guardianship Proceedings</b>	<i>All five peer states</i>	All five peer states have enacted this. Wyoming has no statutory right to counsel for alleged incapacitated persons.
<b>Ward's Bill of Rights</b>	<i>New Mexico (2025); partial in Colorado</i>	New Mexico's 21-right statutory framework is the current national model. Wyoming has no enumerated ward rights.
<b>Mandatory Professional Guardian Certification</b>	<i>New Mexico, Nevada, Pennsylvania</i>	Wyoming has no certification requirement for professional guardians, including entities like the Wyoming Guardianship Corporation.
<b>State Licensing of Professional Guardian Entities</b>	<i>Nevada only</i>	Nevada's Chapter 628B is the only state-level licensing regime. Wyoming has no equivalent oversight of professional guardian companies.
<b>Independent Complaint / Grievance Process</b>	<i>All five peer states</i>	Wyoming has no established, independent process for wards or families to file grievances against guardians outside of full court proceedings.
<b>WINGS or Equivalent Oversight Body</b>	<i>New Mexico, Minnesota, Colorado</i>	No active interdisciplinary stakeholder network exists in Wyoming to evaluate and improve guardianship practices.
<b>Supported Decision-Making Act</b>	<i>New Mexico (2025), Minnesota, Colorado</i>	Wyoming has not enacted supported decision-making legislation, leaving guardianship as the primary legal tool with no less-restrictive alternative pathway.
<b>Court Audit Authority Over Guardian Accountings</b>	<i>All five peer states</i>	Wyoming courts lack robust, mandatory audit authority over professional guardian financial accountings.
<b>Guardian Personal Liability (Explicit Statutory)</b>	<i>All five peer states</i>	Wyoming's immunity framework for guardians is broader than peer states; explicit personal liability for misconduct is not codified.

## Section 5 — Legislative Recommendations for Wyoming

The following reforms are prioritized based on impact, legislative feasibility in Wyoming's conservative political environment, and the availability of peer-state model language:

## Priority 1 — Right to Counsel (Immediate)

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Enact a statutory right to independent legal counsel for any adult facing a guardianship petition. Model language is available from Pennsylvania (Act 61, 2024), Colorado, and Nevada. This is the single most impactful protection and is fiscally defensible as a cost-reduction measure: contested guardianships without counsel generate far more court expense than those with proper legal representation at the outset.

## Priority 2 — Professional Guardian Certification & Oversight

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Require all professional guardians and guardian entities operating in Wyoming to obtain National Certified Guardian (NCG) certification through the Center for Guardianship Certification, and mandate background checks. A lightweight version of Nevada's Chapter 628B licensing framework, adapted for Wyoming's scale, would provide meaningful accountability without large bureaucratic overhead.

## Priority 3 — Ward's Bill of Rights

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Adopt New Mexico's 2025 Ward's Bill of Rights as a model. The document is written in plain language, not legal terminology, making it politically accessible and non-controversial. It costs nothing to enact and directly addresses documented patterns of isolation and rights deprivation.

## Priority 4 — Supported Decision-Making Act

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Enact a Supported Decision-Making Act to create a less restrictive alternative pathway before guardianship is imposed. This is fiscally conservative (reduces court costs and state-funded guardianship reliance) and aligns with Wyoming's values of personal autonomy. Colorado and New Mexico provide ready model language.

## Priority 5 — Independent Complaint Process & WINGS Body

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Establish a formal grievance process for wards and family members, and create a WINGS-style interdisciplinary stakeholder body by statute. New Mexico's WINGS statute (HB 234, 2021) is the leading model and explicitly includes protected persons as voting members — a structural feature that ensures accountability and prevents regulatory capture.

**Sources:** *American Bar Association Commission on Law and Aging (2024–2025); U.S. DOJ Elder Justice Initiative; New Mexico Courts Adult Guardianship & Conservatorship Division; Nevada NRS Chapter 628B; Pennsylvania Act 61 of 2023; Minnesota HF 5 (2024); National Guardianship Association; Center for Guardianship Certification. All statutory references current as of April 2026.*