

Guardianship Reporting System: A Comparative Legal Perspective

Dongsheng Han

People's Public Security University of China, Beijing 100000, China

Abstract

The aging of the population and the miniaturization of the family have intensified the need for guardianship, but the current guardianship supervision relies on ex post facto remedies, poses a vacuum of supervision and the risk of alienation of guardianship, and is unable to adapt to changes in the mental status of the ward. The U.S. Multi-Review Network and the innovative reporting model of the Beijing Civil Affairs Bureau and the Shanghai Jiading Court provide realistic models for system construction. China should introduce the concept of assisted decision-making, clarify the reporting responsibilities of guardians, build a pluralistic and co-governance review system centered on civil affairs departments and a guardianship information sharing mechanism, form a professional training and assessment mechanism for guardians, and promote the transformation of the guardianship supervision system from "passive relief" to "active prevention". Transformation of the guardianship supervision system from "passive relief" to "active prevention".

Keywords

Guardianship supervision; guardianship obligations; performance reports.

1. Introduction

The guardianship reporting system has an irreplaceable institutional value for the guardianship supervision system. The system requires guardians to submit standardized reports covering personal care, property management and other dimensions to the supervisory authority on a regular basis, with a view to achieving ongoing monitoring of guardianship performance. In today's aging society, guardianship has become an important retirement protection. However, the current guardianship supervision relies on the ex post facto relief of guardianship revocation, lacks regularized supervision, and has the risk of guardianship malfeasance, and the construction of the guardianship reporting system has become a key breakthrough to crack the supervision dilemma.

Although the Civil Code guardian reporting system is not available, the academic community lack of relevant theoretical research, but Beijing, Shanghai and other places have taken the lead in the practical level of institutional innovation. Meanwhile, as the originator of the guardianship reporting system, the evolution and design of the American law also provide a good mirror for the construction of the Chinese system. This paper focuses on the localization of the guardianship reporting system based on the needs of China's reality, with a view to providing theoretical support and practical solutions to promote the transformation of China's guardianship supervision system from "passive relief" to "active prevention".

2. The Practical Need for A Guardianship Reporting System

2.1. The dual context of population ageing and family miniaturization

The continued deepening of the population ageing process is reshaping the real needs of the guardianship system. By the end of 2024, there will be 310 million elderly people over the age

of 60 in China, accounting for 22% of the total population. [1] It is expected that by 2040, the number of elderly people over 60 will climb to as many as 400 million, accounting for 25% of the total population. As the life expectancy of the elderly increases and the size of the elderly population expands, the demand for guardianship grows exponentially. This, coupled with the general decline in the cognitive and self-care abilities of older persons, makes it easy for them to fall into a disadvantageous position in guardianship relationships, where there is a mismatch of information and power. It is therefore inappropriate for the State to stick to the position of "night watchman", and there is an urgent need to strengthen proactive public intervention in guardianship.

Under the profound changes of family miniaturization, the intergenerational support capacity of families is not what it used to be, and the traditional family guardianship function is on the verge of failure. The proportion of one-person and one-generation households in China is continuing to rise, with the average household size falling from 4.41 persons in 1982 to 2.62 persons in 2020. Therefore, guardianship should break through the scope of private autonomy and take on the attributes of public governance. Under the dual social changes of population aging and family miniaturization, the construction of a mandatory binding guardianship reporting system is not only a necessity to improve the guardianship supervision system, but also the key to realizing the transformation of the supervision system from "passive relief" to "active prevention".

2.2. Supervisory vacuum and risk of alienation of guardianship under "passive remedies"

The limitations of ex post facto passive remedies have led to a vacuum in supervision. As the core institutional arrangement of the guardianship supervision system, the revocation mechanism of guardianship established in Article 36 of the Civil Code is still in essence a post facto passive remedy that "mends the fold". The scope of application of this provision is limited to extreme cases of "serious infringement of the legitimate interests of the ward", and lacks an effective binding effect on low and medium-risk misconduct such as property management and caregiving misconduct, which are prevalent in the course of guardianship. In contrast, the construction of a guardianship reporting system can establish a full-cycle regulatory framework, forming a complete chain of supervision that includes ex ante prevention, ex post tracking, and ex post evaluation of guardianship behaviors, and filling the current supervisory vacuum of "major infringements of the law that can be held accountable, but no constraints on day-to-day violations of the law" in the form of regularized and proactive prevention.

The asymmetry of guardianship information induces the alienation of guardianship. The hidden nature of guardianship performance objectively creates an information asymmetry between the guardian, the ward and the guardianship supervisory authority. The guardian can use his/her information advantage to implement abusive behavior against the rights and interests of the ward, and the supervisory authority is in a passive position due to the lack of access to information. Typical examples are unauthorized sale of real estate, embezzlement of deposits or pensions and other serious abuses, the consequences of which can often be detected only after the facts have been established. As a means of information symmetry, the guardianship reporting system dynamically monitors the operation of guardianship through the establishment of standardized information disclosure procedures and review mechanisms. This system design not only has the function of preventive constraints, which can effectively curb the risk of alienation of guardianship, but also enhances the transparency of guardianship affairs and reshapes the credibility of the guardianship system.

2.3. The need for guardianship measures to be adapted to dynamic changes in the mental condition of the person under guardianship

" They are defined, socially, as part of a long, irreversible slide down the dark chute of age into death. The ward is treated as being already half-dead. " [2] In the traditional societal mindset, the guardianship system places the incapacitated person in a lifelong guardianship, with most guardianships ending in the death of the ward rather than the restoration of capacity. The judicial declaration system exacerbates the institutional inertia of guardianship and keeps the ward under the shadow of the guardian for a long time. This reflects society's preconceived notion of the declining capacity of the mentally challenged, and its acquiescence to their inability to return to normal life, which is essentially a dissolution of human dignity. Modern medicine has shown that the cognitive functions of mentally disabled people can be rehabilitated after standardized interventions. Continued guardianship of adults whose mental conditions have returned to normal is tantamount to depriving them of their right to make their own decisions, highlighting the urgency of the reality of the dynamic assessment of the mental condition of the ward.

The international practice of guardianship legislation has developed a consensus on the construction of a system of periodic review. Article 14, paragraph 1, of the 1999 Council of Europe Recommendation No. R (99) 4 "On Principles Concerning the Legal Protection of Incapable Adults" states that " Measures of protection should, whenever possible and appropriate, be of limited duration. Consideration should be given to the institution of periodical reviews." [3] The Fourth National Guardianship Summit (USA, 2021) further emphasized in Recommendation 1.3 the need to ensure that a person under guardianship has their rights restored as soon as possible after they have been restricted; and that a periodic review is conducted by a court or other body to examine the necessity of the continued restriction of the adult's rights from that adult's perspective. [4] The kernel of the above norms lies in the assessment of the necessity of the continuation of guardianship by the supervisory authority, and in case of fundamental changes in the factual basis of the establishment of guardianship, the termination of guardianship measures and restoration of the rights of the adult in a timely manner, so as to avoid the perpetuation of guardianship. In this way, a win-win situation is achieved, whereby the burden of responsibility of the guardian and the supervisory authority is eased, the allocation of resources for guardianship is optimized, and the person under guardianship regains the right to make autonomous decisions and his or her will and dignity are preserved.

3. Examination of United States Law on The Guardianship Reporting System

3.1. Evolution and institutional content

Influenced by the "respect for self-determination" and the "principle of least restriction" introduced by the international community after the middle of the 20th century, the United States will realize a paradigm shift in guardianship from "substitute decision-making" to "assisted decision-making". The United States has made a paradigm shift in guardianship from "substitute decision-making" to "assisted decision-making". The Uniform Probate Code (UPC) of 1969 pioneered the guardianship reporting system of "Initial Report & Periodic Report", which requires the guardian to report in writing to the court on the health and property status of the ward within 30 days of appointment, and to submit a report at least once a year thereafter, annually thereafter, or the court may order a report at any time. The report contains (1) the current mental, physical, and social condition of the ward; (2) the living arrangements for all addresses of the ward during the reporting period; (3) the medical, educational, vocational, and other services provided to the ward and the guardian's opinion as to the adequacy of the ward's

care; (4) a summary of the guardian's visits with the ward and activities on the ward's behalf and the extent to which the ward has participated in decision-making; (5) if the ward is institutionalized, whether the guardian considers the current plan for care, treatment, or habilitation to be in the ward's best interest; (6) plans for future care; and (7) a recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship. [SECTION 5-317 (a)] In addition, the UPC allows the court to appoint a visitor to visit the guardianship parties and conduct investigations.

Since then, guardianship reporting has spread rapidly in the U.S. A 1991 American Bar Association survey of state statutes showed that 39 states and the District of Columbia required periodic property reports, and 8 states required guardians to report on the health of their wards. By 2000, guardianship reporting was strongly enforced, with only three states failing to require personal status reports; all states except Massachusetts required periodic property inventory accounts. [5]

Building on the original foundation, the Uniform Guardianship, Conservatorship, And Other Protective Arrangements Act of 2017 (UGCOPPA) further optimizes the guardianship reporting system. For the first time, UGCOPPA clarifies that the purpose of the court's annual review is to monitor the guardian's performance, determine whether the guardianship should continue, and review the guardian's request for fees. In terms of reporting, UGCOPPA expands the review checklist to include three new requirements: (1) a requirement to report on the support provided by the guardian to the ward; (2) a requirement that the guardian report on the consistency of institutionalized care with the ward's preferences, values, advance directives, and best interests; and (3) a requirement that the guardian provide information about "delegation of duties, deviations from the guardianship plan, and potential conflicts of interest," as well as information on the guardian's role and responsibilities. and potential conflicts of interest". With respect to the reporting process, UGCOPPA has extended the initial reporting period from 30 days to 60 days after the guardianship becomes effective. A new notification mechanism has also been added, requiring the guardian to notify the ward and his/her next of kin and other interested parties in a timely manner after the report is made. If the court finds that the guardian has failed to fulfill his or her duties, or that the guardianship should be changed or terminated, it has the right to (1) notify the ward, the guardian, and those who have a right to be notified; (2) require the guardian to provide additional information; and (3) assign an investigator to meet with both parties to the guardianship for an investigation, to hold a hearing to remove the guardian or terminate the guardianship, or to change the guardian's rights or the terms of the guardianship. The court shall hold a hearing to determine whether to adjust the cost of guardianship if the guardian applies for a guardianship and the court finds that the cost is unreasonable. In the case of a report submitted, the guardian may request the court to confirm the contents of the report in order to prove that the matters contained therein are true and correct. In addition, in practice, in order to encourage guardians to file reports in a timely manner, those who fail to do so will be notified by the court and may face consequences such as dismissal from guardianship and refusal to pay guardianship expenses.

3.2. Institutional assessment

The evolution of the U.S. guardianship reporting system has taken more than 40 years to form a mature and complete multifaceted regulatory system, and its system innovation has important reference value for the construction of the Chinese system, and has three core features:

First, the value of supported decision-making has shifted. Supported Decision-Making (SDM) aims at realizing autonomous decision-making for mentally impaired persons with the support of others. [6] The assisted decision-making philosophy emphasizes that "incapacity" is not a permanent state and that guardians should restore the ward's capacity and rights to the extent

possible. [7] UGCOPPA §317 (e) specifies that the purpose of the report review is to assess the need for the continuation of the guardianship. If the ward's capacity is restored, the guardian shall immediately petition the court to terminate the guardianship or take other less restrictive alternative measures. At the same time, the Assisted Decision-Making (ADM) philosophy at recognizes that the best interests principle is tainted by Substituted Decision-Making, which ignores the wishes of the ward and implies a denial of capacity. The Committee on the Rights of Persons with Disabilities has recommended the abolition of the Substituted Decision-Making and Best Interests paradigms in favor of rules based on Assisted Decision-Making that respect the will and preferences of the individual. [8] Echoing this, UGCOPPA Section 317(b)(7) requires guardians to report whether institutional care is consistent with the ward's preferences, values, and directives, not just the traditional best interests, reflecting a philosophical shift toward assisted decision-making.

Secondly, the construction of the supervision network of pluralistic co-rule. The U.S. law from the UPC to build "court & investigator" composite supervision mode, to the UGCOPPA multi coordinated supervision, the formation of "court-led review, investigator professional inspection and stakeholder spontaneous supervision" supervision triangle, realize the guardianship of the The UGCOPPA has formed a monitoring triangle of "court-led examination by investigators and spontaneous monitoring by interested parties", so as to realize the corroboration of guardians' reports. A new notification mechanism, extends the oversight to stakeholders "act as extra sets of eyes and ears for the court to prevent or remedy abuse". [9] This creates a double advantage: on the one hand, it urges the guardian to disclose the performance of his/her duties on his/her own initiative and reduces the cost of judicial supervision; on the other hand, on the premise of retaining the court's power of final adjudication, it delegates the power of fact-finding to the investigator and the power of reviewing objections to the stakeholder, thus realizing the dichotomy of investigative and adjudicative powers, and ensuring both procedural and substantive justice in the supervisory process.

Third, sophisticated and optimized review rule design. Scholars in the United States have pointed out that even if the court compels guardians to report and strictly supervise the implementation of the reports, if the reports lack substantive content or are not thoroughly examined, the reports will become mere forms. [10] For this reason, U.S. legislators have utilized the list-type legislative technique to achieve a refined construction of the report review process and form operable review rules. In terms of report content, UGCOPPA expands the original seven report items to ten, forming a multi-level report list covering personal care, property management, and participation in decision-making. In terms of reporting timeframe, UGCOPPA extends the initial reporting period to 60 days, giving guardians more time to thoughtfully develop a thorough guardianship plan and preventing guardians from reducing the quality of the report due to haste. Meanwhile, the newly added rules on guardianship change and termination, review of guardianship expenses, and judicial confirmation of the report not only provide guardians with clear guidelines for their actions and improve the operability of the reporting system, but also set rigid standards for judicial discretion to prevent court supervision from being reduced to a mere formality of "rubber stamping".

Fourth, the important institutional status of the guardianship plan. As early as 1979 the American Bar Association's Committee for the Mentally Handicapped developed the Model Guardianship & Conservatorship Statute, which required guardians to submit a forward-looking plan to the court to plan for the care of the ward in order to enhance accountability.²⁰²² The American Guardianship Association, in its Standards of Practice suggests that guardians should develop and implement a written guardianship plan that sets short- and long-term goals to meet the individual's goals, needs, and preferences. The guardianship plan should: emphasize a person-centered philosophy; be based on a

multidisciplinary functional assessment; address educational, medical, psychological, and recreational needs; examine whether the ward's finances and budget match the guardianship services needed by the ward and are flexible enough to respond to the ward's changing circumstances; and be updated at least annually. [11] UGCOPPA's requirement for guardians to develop and report on guardianship plans has many benefits, including providing a basis for future comparative reporting to help the court measure the guardian's performance in the future, and helping the guardian to identify a blueprint for medical care, living arrangements, and so on, so that the guardian can begin to develop a plan of action as soon as possible.

4. Local Exploration of the Guardianship Reporting System in China

"The life of law lies not in logic but in experience." In the face of institutional gaps, various departments around the world are actively carrying out practical innovations, breaking through institutional shackles and accumulating valuable experience for institutional construction.

At the administrative supervision level, the Beijing Municipal Bureau of Civil Affairs (BMCA) has shown an evolution from policy piloting to theoretical improvement. 2020, the BMCA issued the "Notice on the Pilot Work of Entrusting Agents and Guardianship Services for the Elderly", which innovatively proposes to set up a social supervision system with "collaboration among various departments and participation of the whole society", clarifying the subject of supervision and standardizing service standards, laying the policy foundation for the subsequent deepening of the system. [12] In 2023, the Beijing Municipal Bureau of Civil Affairs carried out a study on the mechanism for Beijing's civil affairs departments to fulfill their guardianship duties as stipulated in the Civil Code, further exploring the positioning of the functions of civil affairs departments in the field of guardianship, and proposing a supervisory mechanism that combines regular reports and dynamic random checks. The study recommended that, in accordance with Article 28 of the Civil Code, individuals or organizations agreed by the civil affairs departments to act as guardians should take the initiative to report regularly on the current status of guardianship of their wards, and that the streets or townships of their places of residence, the civil affairs departments and mass self-governance organizations should jointly carry out random unscheduled inspections no less than four times a year. At the same time, guardians are required to report on matters of significant changes in their wards, and guardians who are negligent in performing their duties or who infringe on the rights and interests of their wards are held accountable accordingly.

At the level of judicial review, the Shanghai Jiading Court has formed a sample of standardized operation of guardianship reporting. 2021 The Shanghai Jiading Court issued a pioneering judgment in a guardianship dispute case, establishing a complex mechanism of "guardian's performance report+ court guides guardian's performance report", requiring the guardian to report to the supervisor on a regular basis on the personal and property situation of the ward, and guiding the guardian to produce documents such as an inventory of property, income and expenditure accounts. The court directed the guardian to produce reporting documents such as a list of property and accounts of income and expenditures. [13] In 2024, in another case of revocation of guardianship, the Shanghai Jiading Court pioneered a standardized reporting model of "two forms and one instruction", which consists of the following three normative documents: the "Instruction on Adult Guardianship" sets out a list of the rights and obligations of the guardian, and provides standardized guidelines for the performance of the guardian's duties; the "List of the Ward's Person and Property" records the situation of the ward's person and property at the beginning of the guardianship; and the "List of the Ward's Person and Property" records the situation of the ward at the beginning of the guardianship. The "List of Personal and Property Situation of the Ward" records the personal and property situation of

the ward at the beginning of the guardianship, so that the guardian can fully grasp the actual situation of the ward; and the "Guardianship Ledger" sets up modules in the form of a table for personal warning, property guardianship, and important matters, requiring the guardian to truthfully record key matters in the process of guardianship. [14]

The practice of the Beijing Municipal Civil Affairs Bureau and the Shanghai Jiading Court in the area of guardianship reporting provides a realistic model for the construction of a guardianship reporting system in China. The former has established a regularized supervision mechanism at the administrative supervision level, solving the long-standing problem of passive guardianship supervision; the latter has relied on the creative transformation of judicial decisions to form a standardized reporting document and enhance the operability of guardianship reporting. In the future, based on the experience of the two places, we can build a synergistic mechanism to promote the formation of a guardianship information sharing mechanism between the civil affairs departments and the judicial authorities, and realize the effective connection between the administrative supervision data and the standards of judicial decisions. At the same time, it is recommended that the above mature experiences be absorbed and integrated in the judicial interpretation of the Civil Code, so that local experiences can be elevated to national norms. Only through continuous practical exploration and theoretical deepening can a guardianship reporting system with Chinese characteristics be nurtured, forming a benign development pattern of "practice first, theoretical empowerment and legislative follow-up".

5. Path to the Construction of A Guardianship Reporting System In China

5.1. Introducing the concept of assisted decision-making to guide the construction of the system

Conceptual innovation is the prerequisite and cornerstone of system construction, and the concept of assisted decision-making should guide the scientific construction of China's guardianship reporting system. Under the long-term influence of the traditional family-oriented concept, China's guardianship system is strongly colored by the concept of "substitute decision-making". Guardians often follow the dogmatic principle of "what is in the best interest of the person under guardianship", ignoring in-depth consideration and respect for the true wishes, preferences and habits of the person under guardianship. However, the realization of the best interests and the respect of individual choices are not necessarily opposed to each other, and the promotion of the best well-being of the ward can be achieved by respecting his or her own will and choices. [15]

The Civil Code specifies that the principle of "maximum respect for the true will of the person under guardianship" is a preliminary manifestation of the concept of assisted decision-making, but it is still premised on the denial of the guardian's right to make autonomous decisions, and that "there is only the form of 'assisted decision-making' but not the reality of 'assisted decision-making'". However, it is still premised on the denial of the guardian's right to make autonomous decisions, and "there is only the form of 'assisted decision' but not the reality of 'assisted decision'". [16] With regard to the guardianship reporting system, China should learn from the U.S. UGCOPPA regulations to realize the paradigm shift of assisted decision-making: guardians should be required to submit a guardianship plan in the initial report, and to formulate a long-term plan based on an in-depth examination of the true wishes, preferences and habits of the ward; when reviewing the guardianship report, evaluating the fulfillment of duties, or approving major matters, the guardian's style of living and values should be reviewed to determine whether they are consistent with the ward's true wishes, preferences and habits. The principle of best interest shall be applied as the primary criterion for judging whether or not it is in accordance with the true wishes of the person under guardianship, and as a

supplementary criterion for judging whether or not it is in accordance with the true wishes of the person under guardianship.

5.2. Explicitly incorporating performance reporting obligations into the duties of guardians

From the perspective of interpretive theory, the guardian's duty to report should be incorporated into the substantive scope of "guardianship duties" in Article 34 of the Civil Code, in conjunction with the legal grounds for revocation of guardianship in Article 36, so as to link the abstract criterion of "serious infringement on the legitimate rights and interests of the guardian" and the duty to report with the elements of defective performance. The abstract criterion of "serious infringement of the lawful rights and interests of the ward" and the duty to report are linked to the elements of defective performance, and together they form the normative basis of the guardianship reporting system.

With regard to the form of the report, the guardianship reporting system should clarify the reporting format, frequency of reporting and responsibility mechanism. First, drawing on the experience of the Shanghai Jiading Court's "Two Forms and One Instruction", the guardianship report should be filled out using a standardized template, distinguishing between mandatory and optional fields, providing sample instructions and guidelines for filling out the form, and opening up both online and offline submission channels to make it easier for guardians to fulfill their reporting obligations at any time. Secondly, China can refer to the U.S. "Initial Report + Periodic Report" model and the Beijing Civil Affairs Bureau's dynamic spot checks, requiring guardians to submit an initial report and guardianship plan within 60 days of the commencement of guardianship, and thereafter at least once a year for periodic reports, and the grassroots organizations in the place of residence of the guardian to conduct dynamic spot checks of the guardianship status at least four times a year. (c) Random checking of the status of guardianship. Lastly, in the event that a guardian fails to submit the report several times after the due date without a valid reason, or fails to comply with the requirements even after a deadline for correction, the procedure for revocation of guardianship shall be initiated in accordance with article 36 of the Civil Code, "Negligence in the performance of guardianship", and shall be entered into the guardian's credit file, which will affect his or her ability to serve as a guardian in the future. The guardian shall be responsible for the costs of temporary guardianship incurred as a result of the revocation of guardianship.

With regard to the content of the report, given the limited legal literacy of Chinese guardians and their general lack of experience in reporting, the content of the report should be designed to follow the principle of simplicity, covering three major areas: health status, property management and major matters. First, guardians should adopt a standardized template to regularly record the physical and psychological status of their wards and medical care measures, and when the wards' behavioral ability returns to normal, they should make a timely report to request the revocation of the guardianship measures. Second, the guardian shall submit a notarized inventory of the ward's property within 60 days of the commencement of the guardianship, and report on changes in property annually thereafter, setting out in detail the flow of funds, decisions on the disposal of assets, and gains and losses from investments, and providing complete supporting documents and explanations of the necessity of each act of disposal of assets that exceeds three times the average monthly salary in the locality. Thirdly, guardians should submit a decision-making application 15 working days in advance when the ward is involved in major decisions such as invasive treatments, real estate disposals or changes in agreements, which should be carried out after approval by the report reviewing body.

5.3. Construction of a review system for multi-dimensional co-management centered on the civil affairs departments and a mechanism for sharing information on guardianship

In building a pluralistic and co-governance review system for guardianship reports, the U.S. UGCOPPA's triangular structure of "court-led review, professional investigation by investigators, and spontaneous supervision by interested parties" forms an important mirror, but it needs to be adapted locally in light of China's actual situation.

In China, it would be preferable to adopt an administratively led model of review, with the civil affairs authorities, rather than the judiciary, as the main body responsible for reviewing reports. The reason for this is that China's people's courts are under tremendous trial pressure, and specialized family courts have yet to be established, so it is not feasible for the courts to carry out the function of reviewing reports on a regular basis in China. On the other hand, the civil affairs authorities, as the legal authorities responsible for social assistance and welfare protection, are highly suited to the needs of guardianship report review in terms of their organizational structure and functions, and are the embodiment of the exercise of the administrative power of guardianship supervision.

Based on considerations of fairness and efficiency, the operation of the system should follow the procedural logic of "direct reporting, multi review and judicial relief". The guardian should make a direct report to the civil affairs department, which will send a copy of the report to the guardianship supervisor and the stakeholder respectively. The guardianship supervisor shall make an on-site visit and issue an opinion on the report after gaining an in-depth understanding of the guardianship situation, while the stakeholder may, within 30 days of receiving the report, submit written objections to procedural or substantive issues. The civil affairs authorities, taking into account the opinions of the guardianship supervisor and the objections of the stakeholder, conduct a comprehensive review of the contents of the guardianship report, assessing the fulfillment of duties and the need for the continuation of the guardianship, and adjusting the guardianship measures in a timely manner in accordance with the assessment. In order to economize on judicial resources, judicial proceedings should be used as a final remedy. Only in exceptional cases of serious infringement of the legitimate rights and interests of the person under guardianship may the person concerned or the civil affairs department resort to the people's court to apply for revocation of guardianship. If the person concerned fails to apply in a timely manner, the civil affairs department shall apply to the people's court.

In addition, in order to fully realize pluralistic governance, China urgently needs to build a systematic guardianship information-sharing platform. The effective operation of the guardianship system involves the civil affairs authorities, the people's courts, basic mass self-governance organizations, and other parties, and the lack of cross-sectoral information interconnection can lead to the emergence of a silo effect in guardianship supervision. After completing the review of guardianship reports, civil affairs departments should disclose the contents of the reports to the "relevant individuals or organizations" stipulated in Article 36 of the Civil Code through the guardianship information-sharing platform, and establish a standardized information disclosure process in order to achieve collaborative governance among multiple subjects in guardianship supervision.

5.4. Formation of a professional training and assessment mechanism for guardians

Guardianship is one of the most serious and demanding roles in society. A 1987 Associated Press survey reported that the lack of guardianship training is one of the criticisms of the U.S. guardianship system. [17] Guardians and report review agencies are not in opposition to each other, and the review agencies should play a professional guiding role to support guardians through special training and the establishment of consulting mechanisms. [18] The

introduction of multi-disciplinary professionals to provide guardians with legal, tax, insurance and other guidance can improve the efficiency, willingness and quality of guardians' performance of their duties, but Chinese guardianship subjects tend to handle guardianship affairs in an all-encompassing manner and lack the pursuit of specialization in niche areas. [19] The author suggests that China should set up a professional training and assessment mechanism for guardians, with the civil affairs department or other professional organizations conducting regular professional training, and ensuring that guardians master the necessary guardianship skills and improve their guardianship ability through assessment. At the same time, drawing on the "two forms and one instruction" standardized reporting model created by the Shanghai Jiading Court, a template for guardianship reports should be drawn up, making it clear that medical care and property changes need to be recorded; and easy-to-understand guardianship action guidelines should be compiled, guiding guardians to appropriately deal with complex matters, such as medical decision-making and property disposal, by means of case analyses and process illustrations. Complex matters.

6. Conclusion

This paper systematically discusses the necessity and path of building a guardianship reporting system with Chinese characteristics. In the face of the surging demand for guardianship brought about by population aging and family miniaturization, as well as the risk of supervisory vacuum and guardianship alienation caused by the passive ex post facto mode of relief, the establishment of a regularized guardianship reporting system is the key to realizing the transition from "passive relief" to "active prevention". The article draws on the institutional experience of the United States in the concepts of multi-level supervision system and assisted decision-making, and analyzes the local innovative practices of administrative supervision by the civil affairs department in Beijing and judicial review by the Jiading Court in Shanghai. Based on this, the article proposes a core path for the construction of China's guardianship reporting system: introducing the concept of supported decision-making to guide the system design; clarifying the normative requirements for the fulfillment of the reporting obligation by guardians; constructing a mechanism for coordinated review by the civil affairs department and multiple subjects, as well as a platform for information sharing; and establishing a mechanism for the professional training and evaluation of guardians. The establishment of the system is intended to effectively safeguard the rights and interests of wards, optimize the allocation of guardianship resources, and ultimately modernize and transform the guardianship supervision system through regularized, standardized and information-based supervisory means.

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