

Testimony in support of HB 1354

67th Legislative Session

Representative Kathy Skroch, District 26

Chairwoman Krebsbach and members of the Senate Appropriations Committee, I am Representative Kathy Skroch, representing District 26 which is made up of portions of Dickey, Ransom, Richland and all of Sargent counties of ND. I was appointed to the Subcommittee on Guardianship during the interim and worked to find solutions for the extreme shortage of guardians in North Dakota. I am providing this testimony in support of HB1015 which appropriates funding to guardianship programs in ND.

To address this shortage, one of the solutions offered was to set up a Commission on Guardianship. The proposed bill HB 1354 was offered in response to exhaustive studies on guardianship. This included the Winsor C. Schmidt national study on guardianship, **"Wards of the State: A National Study of Public Guardianship"**. The study was conducted to assess the state of guardianship as it relates to current law, its provisions and meeting the demand for guardianships. The study has been used as a model for adopting state statutes for guardianship programs across the nation. Concerns about a coming crisis drew national attention of the U.S. Congress in the early 1980 and change began. Despite efforts to address the critical shortage of guardianship services in ND and across the nation the problem has persisted for well over 25 years.

A similar study relating only to North Dakota was requested by the ND Department of Human Services in cooperation with the ND Legislative Council. This study, **"Guardianship for Vulnerable Adults in North Dakota: Recommendations Regarding Unmet Needs, Statutory Efficacy and Cost Effectiveness"**. It was also conducted by Winsor C. Schmidt. Recommended changes proposed took into consideration compliance with the **Olmstead Commission** requirements. At the time of this 2010 study there were 2,038 guardianship and conservatorship cases in ND. There were 323 new filings in 2010. In 2007 the ND Legislature approved funding for 35 additional openings for corporate guardianship services for people with developmental disabilities. Those funds were quickly exhausted.

Catholic Charities of ND contracts with the state to provide guardianship services, the Guardianship Program of Catholic Charities, in 2011 had nearly reached its capacity of 414 wards. CCND continues to have a waiting list for guardianship appointments.

The study also pointed out best practice standards for the guardian/ward ratio set as a 1/20 ratio. So critical is the need for services, that providers often face heavy caseloads and emergency guardianship request situations. Providers at times are operating at a 1/30 to 1/35 ration. Additional funding would allow staff increases to meet this demand for services.

The shortage has been further impacted by increased demand to provide for individuals suffering with drug addiction and mental illness; an aging population of the “baby boomer” generation and loss of spousal care givers; and lack of family support available.

A Guardianship Task Force in conjunction with legislators and stakeholders worked collaboratively to reach the point where legislation could be proposed to address the shortage of guardians. The need for a commission on guardianship was identified. A subgroup was then established for the specific purpose of carefully drafting legislation. The proposed legislation, HB 1354 was the product of years of work to address procedural issues, incapacity assessments and the accountability of guardians.

I have been a co-guardian since 2003. There was a point in time where a doctor suggested that my husband Michael and I give up being guardians for our son. The doctor claimed that we could then just be his friend. that it would be less controversial when dealing with his severe relapses of mental illness. We prayed about this, a lot, then began a search to see if we could find a provider of guardianship services.

1. There were none available.
2. One service which employed two licensed guardians was too far away. The cost of travel for them to meet with our son their reimbursement.
3. They were already maxed out on clients.
4. They didn't take people with mental illness, especially severe cases.

So, we are still guardians . We have a great relationship with our son and are glad we didn't turn the responsibility for his care over to a different provider. A lingering question remains, who will replace us as guardians when we are both gone?

HB 1354 would definitely have been part of a solution to my question, but it failed narrowly in the House due to fiscal note concerns. HB 1015 before you today includes the guardianship funding appropriation. Please consider the recommendations provided to you by guardians and providers of these services and those who administer these funds. I strongly urge your support of this much needed solution to the shortage of guardians. While money is not the solution to every problem, the increased funding will help fill that gap until next session. Better solutions must be offered to address shortages long into the future that will provide stability for guardianships here in North Dakota.

I encourage a DO PASS recommendation by the Senate Appropriations committee.

Representative Kathy Skroch

District 26

Lidgerwood, ND