

1999 HOUSE HUMAN SERVICES

HB 1301

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1301

House Human Services Committee

Conference Committee

Hearing Date January 20, 1999

Tape Number	Side A	Side B	Meter #
2	X		20.0 - End
2		X	0.0 - End
3	X		0.0 - 4.1
Committee Clerk Signature <i>Susann Lindstaigen</i>			

Minutes:

NEUTRAL TESTIMONY

KAREN ROMIG LARSON, Director, Division of Mental Health and Substance Abuse Services, Department of Human Services, testified (Testimony attached).

Rep. CLARA SUE PRICE stated the fiscal note identifies "up to a total of 300" and it's been changed to "up to a total of 600" and the FTE changed. KAREN ROMIG LARSON said the fiscal note would be corrected today.

Rep. WILLIAM DEVLIN asked for an explanation on the discrepancy in the fiscal note being over \$1 million and this bill identifies \$878,272 in costs. KAREN ROMIG LARSON stated that's the addition of personnel, office costs, monitors, and administrator of the system.

Rep. CLARA SUE PRICE asked if there is any cost going out to the counties and what is the cost for each case? KAREN ROMIG LARSON stated this is based on the current developmental

disabilities guardianship program. I don't think there are any costs incurred by the counties. It's a matter of purchasing the legal services and cost to maintain guardianship through a corporate entity. Rep. CLARA SUE PRICE asked so the money goes straight from the department to the legal and to the guardian? KAREN ROMIG LARSON stated to the contract. Rep. CLARA SUE PRICE asked do you see the costs being the same? KAREN ROMIG LARSON said yes. Rep. CLARA SUE PRICE asked for a sheet on average legal and guardianship costs and whether there was a big variation from one side of the state to the other. KAREN ROMIG LARSON stated they would provide the information.

Rep. TODD PORTER asked about the appropriation in HB 1302 to set up a network of volunteers and would it come from the existing Governor's budget? KAREN ROMIG LARSON stated there is not money designated for that use in the Executive Governor's Budget.

Senator JUDY LEE, District 13, testified that this guardianship has been discussed for sometime. More than 25 years ago, my husband was a volunteer guardian in Wahpeton. It's a growing problem particularly in a state with an aging population. People have been taken advantage of in many ways. There is a need to protect the interests of the elderly and the vulnerable population. It is extremely important to bring this pressing issue to the attention of the House and the House Human Services Committee. Another bill includes a study on this issue. There is a genuine need. I urge a favorable review.

Senator TOM FISCHER, District 46, testified and echoed words of Senator Lee. Committee should consider this bill separately from other similar bills. There is a big need in the eastern part of the state.

RODGER WETZEL, testified (Testimony attached).

WILLIAM CHAUSSEE, Administrator, Guardian and Protective Services Inc., testified
(Testimony attached).

TERESA LARSEN, Executive Director, Protection and Advocacy Project, submitted testimony
(Testimony attached). Note three cases to arrange emergency guardianship.

Rep. CLARA SUE PRICE asked as a public administrator for seven counties, do you handle petitions? WILLIAM CHAUSSEE said he generally serves as a guardian and that family members or social services will petition. As a last resort, our office will petition but we feel it is a conflict if we go to court. I also serve as corporate guardian in counties where there is no public administrator. We receive limited funding from Burleigh County. The staff provides services for 175 individuals and work for a nonprofit organization. My fees come from the estate.

Rep. CLARA SUE PRICE stated there are many different situations depending upon the county.

Rep. ROBIN WEISZ asked do you do the work prior to petitioning? WILLIAM CHAUSSEE stated as a resource we receive cases from Social Services or the hospital and asked to find someone to serve as guardian.

Rep. TODD PORTER asked if Human Services pays a fee if the individual under guardianship receives Medicaid? WILLIAM CHAUSSEE said if the individual is in a nursing home, the court appointed guardian is allowed 5% of their income. Under Medicaid they have recipient liability, so the 5% goes toward recipient liability, i.e., of \$500, individual \$40; \$25 guardianship fee, \$435 nursing home.

Rep. CAROL NIEMEIER asked for clarification on low income guardianship. WILLIAM CHAUSSEE stated the concerns are that our grant ended and believe that we showed the need.

We receive about 4-6 referrals a month. We do more than guardianship; we do alternative guardianships which is least restrictive measures. Rep. CAROL NIEMEIER asked do you serve low income individuals? WILLIAM CHAUSSEE said yes.

SHELLY PETERSON, ND Long Term Care Association, testified in support of the service with one hesitation on the appropriation. I want to address the need issue because we have about 7,000 nursing home residents in ND. About 57% of the residents have advanced directives; 30% have symptoms of depression, 13% have a documented psychiatric diagnosis, 41% have some type of dementia, and 5% have severe mental illness. We sometimes have to petition the court to change guardianship situations.

WAYNE JONES, Ransom County States Attorney, testified in favor of bill. Refer to HB1299 and I am still opposed to the states attorneys' handling of those cases because its without funding to the counties. That is an inequity. It appears that the \$878,000 was based upon projections so that fees for attorneys work could be included in that and paid back under the bill. We ask for an amendment to that section which would include the states attorney services to be reimbursed to the counties. We see about 20 cases in Cass County and this is a growing problem.

CHUCK BOSCH, Project Director, Mandan Golden Age Services, testified on behalf of the ND Senior Services Project Directors Association with 41 members. The services include home delivered meals for the elderly homebound and outreach services. Our outreach service workers are coming in contact with more persons who need guardianship services. We are finding more each year. We don't have the resources to help people who need to be referred.

Rep. SCOT KELSH, District 11, testified in support and made a statement on the amendment proposed by Mr. Jones, Ransom County States Attorney. The appropriation should be amended

to cover the costs of these states attorneys for guardianship services. I urge a Do Not Pass on HB1299.

WAYNE JONES continued testimony to make one point with respect to payment back to counties. Also, include contracts with outside or private attorneys' costs should be paid back to the counties. This should be included in the appropriation.

CHRISTOPHER DODSON, Executive Director, ND Catholic Conference submitted testimony (Testimony attached).

PAUL GRIFFIN, Guardianship Division of Catholic Family Service, submitted testimony (Testimony and brochures attached).

STEVEN SKAUGE, ND Association of Community Facilities, submitted testimony (Testimony attached).

BETTY KEEGAN, Director, Rolette County Social Services, submitted testimony (Testimony attached).

BURT RISKEDAHL, District Judge, South Central Judicial District, submitted testimony (Testimony attached).

OPPOSITION - None

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1301

House Human Services Committee

Conference Committee

Hearing Date January 27, 1999

Tape Number	Side A	Side B	Meter #
1	X		36.2 - End
1		X	0.0 - 9.4
Committee Clerk Signature <i>Susann Lindteigen</i>			

Minutes:

Committee Discussion.

Rep. WANDA ROSE asked if bill could be passed with some dollars and send a message to Appropriations to give some seed money to develop a guardianship program.

Rep. ROBIN WEISZ moved DO NOT PASS.

Rep. BLAIR THORESON second the motion.

Further Committee Discussion.

Rep. CLARA SUE PRICE stated HCR3016 to study this issue passed.

ROLL CALL VOTE #2: 8 yeas, 6 nays, 1 absent

CARRIER: Rep. WILLIAM DEVLIN

FISCAL NOTE

Revised

(Return original and 13 copies)

Bill / Resolution No.: HB 1301

Amendment to: _____

Requested by Legislative Council

Date of Request: January 13, 1999

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrativ

HB 1301 requires the unification and coordination of guardianship services. The appropriation included in the bill is in keeping with costs to initiate and maintain up to 600 individuals per biennium. It does not include funding for administration and monitoring costs for the program. The language of the bill is not clear as to whether mental health also includes substance abuse. The fiscal note includes staffing of 1.75 FTES at a cost of \$141,588 and \$144,851 per 99-01 and 01-03 bienniums respectively

The revision of this fiscal note is in relation to adding clients at an incremental basis over the bienniums. The workpapers include projections for the 03-05 biennium.

2. State fiscal effect in dollar amounts:

	1997-1999		1999-2001		2001-2003	
	<u>Biennium</u>		<u>Biennium</u>		<u>Biennium</u>	
	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>
	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>
Revenues:						
Expenditures:		-0-		469,076		939,347

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium:	<u>-0-</u>
b. For the 1999-01 biennium:	<u>469,076</u>
c. For the 2001-03 biennium:	<u>939,347</u>

4. County, City, and School District fiscal effect in dollar amounts:

	1997-1999			1999-2001			2001-2003		
	<u>Biennium</u>			<u>Biennium</u>			<u>Biennium</u>		
	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>
	-0-								

If additional space is needed, attach a supplemental sheet.

Signed

Brenda M. Weisz

Typed Name

Brenda M. Weisz

Date Prepared: January 22, 1999

Department

Human Services

Phone No.

328-2397

FISCAL NOTE

(Return original and 13 copies)

Bill / Resolution No.: HB 1301

Amendment to: _____

Requested by Legislative Council

Date of Request: January 13, 1999

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative

HB 1301 requires the unification and coordination of guardianship services. The appropriation included in the bill is in keeping with costs to initiate and maintain up to 300 individuals per biennium. It does not include funding for administration and monitoring costs for the program. The language of the bill is not clear as to whether mental health also includes substance abuse.

2. State fiscal effect in dollar amounts:

	1997-1999		1999-2001		2001-2003	
	<u>Biennium</u>		<u>Biennium</u>		<u>Biennium</u>	
	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>
	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>
Revenues:						
Expenditures:	-0-		1,019,860		1,040,688	

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium:	-0-
b. For the 1999-01 biennium:	1,019,860
c. For the 2001-03 biennium:	1,040,688

4. County, City, and School District fiscal effect in dollar amounts:

	1997-1999			1999-2001			2001-2003		
	<u>Biennium</u>			<u>Biennium</u>			<u>Biennium</u>		
	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>
	-0-								

If additional space is needed, attach a supplemental sheet.

Signed

Brenda M. Weisz

Typed Name

Brenda M. Weisz

Date Prepared: January 14, 1999

Department

Human Services

Phone No.

328-2397

Date: 1-27-99
 Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1301

House Human Services Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Robin Weisz Seconded By Blair Thoreson

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	X		Bruce A. Eckre	X	
Robin Weisz - Vice Chairman	X		Ralph Metcalf		X
William R. Devlin	X		Carol A. Niemeier		X
Pat Galvin	X		Wanda Rose		X
Dale L. Henegar	X		Sally M. Sandvig		X
Roxanne Jensen		X			
Amy N. Kliniske					
Chet Pollert	X				
Todd Porter		X			
Blair Thoreson	X				

Total Yes 8 No 6
 Absent 1

Floor Assignment Devlin

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 27, 1999 12:04 p.m.

Module No: HR-17-1274
Carrier: Devlin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1301: Human Services Committee (Rep. Price, Chairman) recommends DO NOT PASS (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1301 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1301

TESTIMONY
HB 1301
HOUSE HUMAN SERVICES COMMITTEE
CLARA SUE PRICE, CHAIRPERSON
JANUARY 20, 1999

Chairperson Price and Members of the Committee: I am Karen Romig Larson, Director of the Division of Mental Health and Substance Abuse Services of the Department of Human Services. I am here today to represent the Department of Human Services in commenting on HB 1301.

The Department recognizes the increasing need for formal, corporate guardianship services for vulnerable persons. In addition to the already established guardianship program for persons with developmental disabilities, it is evident that persons with mental illness and substance abuse problems, and those who are vulnerable as a result of aging are in need of guardianship services. At this time, there are not resources in the Governor's budget for these services, as the Department examined and found that the other service needs for these populations were profound and necessary as well.

The appropriation requested in this legislation would appear to be based on the costs of initiating and maintaining ^{up to a total of 600} ~~approximately 300~~ guardianships for persons with mental health and/or aging related needs. The fiscal note filed with this legislation also identifies the costs associated with administration, monitoring, and developing the guardianship system for both populations. *one FTE*

Offering a point of discussion on this issue, the Department of Human Services, while recognizing the need for such a system, does question whether corporate guardianship service management and oversight is, or should be, administered by the Department of Human Services or by another agency or entity.

This concludes my remarks in response to HB 1301. I will attempt to respond to any questions you may have. I would also indicate that other staff from the Department are present, if your questions could be better answered by one of them.

TESTIMONY TO HOUSE HUMAN SERVICES COMMITTEE ON HB 1301 (1/20/99)

- By Rodger Wetzel, MPA, LSW

Madame Chair and members of the Committee:

My name is Rodger Wetzel. I am here today on my own time to provide you some information regarding HB 1301.

Let me first share with you some of my own experiences regarding the need for guardianships for elderly persons, people with serious mental illnesses and those with physical disabilities which cause serious mental impairment.

We are fortunate in North Dakota to have good guardianship options for those persons with developmental disabilities, through the DD Division of the NDDHS. We also have good options for children who need care, custody and control. But we do not have the same options for the other groups I mentioned, who are mentally incapacitated, who have limited resources and who often have no available family.

I have worked for 30 years in human service programs in North Dakota, including 2 years at the ND School for the Deaf, 15 years with the NDDHS, and the last 13 years with St. Alexius Mental Health, Social Services and Eldercare.

We often see individuals who are in need of a guardian, but who have no family member willing to assume that responsibility. These individuals continue to not be able to manage their legal and financial affairs, have no one to make health or medical decisions for them, to make living arrangements, and who often are taken advantage of by others seeking monetary gain.

We have excellent home and community-based programs whose goal is to keep elderly, disabled and mentally ill persons out of the institutions, nursing homes, and other facilities. This

is what they want, and it normally is less expensive for the state. In the NDDHS budget the Governor proposed a significant increase in home and community based services funding to allow even more elderly and disabled persons to remain at home and in the community. But many of these individuals also need guardians to legally apply for and maintain them on these services, and to obtain other needed legal, financial, residential, and health services. Guardianships are a necessary component of a continuum of long term care services.

If an older person is reported to be living in serious self neglect, or is being financially exploited by another person, and is mentally incapacitated from such conditions as Alzheimer's, mental illness, or a head injury or stroke, what is needed is a legal guardian. If no family responds, and the person is low-income there usually is no other option and the problem continues and often gets worse. Institutionalization, with resources depleted, is a common result.

What often happens is each agency hopes someone else can legally take care of the problem. The city police may call the city or county nurse, who calls the county social services, who call the senior center, who calls the public administrator, who may call the hospital social worker if the person ends up in the hospital. Then my staff have difficulty with medical decisions, legal issues, financial issues, placements and discharge planning.

We have seen a statewide coordinated effort, involving many legislators, and public and private agency staff, working for the past four years addressing long term care issues in North Dakota.

I am handing out a section of the second major report. You can read the names of the members of the steering committee. I was asked to serve on two of their task forces. Most importantly, you will see recommendations regarding the need for adult protective services and

indigent guardianship services.

Directors of the NDDHS Aging Services Division and Mental Health Division have helped the North Dakota Guardianship Association estimate the number of clients needing indigent guardian services in North Dakota during the next biennium. They estimated 300 elderly and/or disabled, and 300 seriously mentally ill, or a total of 600 persons. It is my understanding that NDDHS staff discussed these needs as part of their budget process. But there currently is no line item for these services in the NDDHS budget the Legislature is considering.

HB 1301 addresses a number of related issues. It would enhance guardianship services as currently provided by the NDDHS through the DD Division. The legislation addresses: (1) base unit funding level, (2) provider standards, (3) staff competency, (4) accreditation standards, and (5) the need for an emergency funding procedure. Some of these guardianship standards are necessary because there are too many opportunities for unscrupulous persons to take advantage of the finances, assets, or property of mentally incapacitated persons. The recent public administrator example in Cass County is only one illustration of potential abuses.

The sum of \$878,272 is the estimated cost of providing guardians to the 600 persons I mentioned, incrementally added over a two-year period. The cost per indigent person is budgeted at \$3.20/day, the current rate paid to guardians for DD clients.

In summary, indigent guardianships often are needed to maintain low-income mentally incapacitated persons out of institutions, to preserve their limited resources, and to provide a legal recourse in potential cases of self neglect, abuse and exploitation.

Thank you for this opportunity to speak to you this morning. I, and many others present, would be willing to respond to any questions.

S: eldercare/r012099

Report
of the
Task Force on
Long-Term Care Planning

June 1998



North Dakota

Protection Of Vulnerable Adults

Background

The legislature enacted the state's vulnerable adult protective services law in 1989 (North Dakota Century Code Chapter 50-25.2). As a result of the 1989 referendums, funding was deleted. Therefore, the program has never been implemented. North Dakota is the only state in the nation without a funded adult protective services program. As the state expands service availability through in-home and community-based services, there must be a system in place to respond to concerns of inadequate care, abuse and exploitation of our most vulnerable population. To provide for this function in a cost-effective manner, assignment should be made within existing administrative structure, with clear direction for cooperation with other existing programs that serve adults in North Dakota.

In addition, there are many sources of need for public guardianship (i.e. developmentally disabled, mentally ill, physically disabled, and vulnerable adults). The Task Force supports the establishment of a statewide public guardianship to address all population groups. We believe that early intervention provides an opportunity for long-term cost savings.

Recommendation for the Fifty-Sixth Legislative Assembly

Introduce legislation that amends North Dakota Century Code Chapter 50-25.2 to require implementation of the vulnerable adult protective services statute. The legislation should permit assignment within existing administrative structure with clear direction for cooperation and collaboration with other existing programs that serve adults in North Dakota.

Task Force on Long Term Care Planning

October 16, 1997

Murray G. Sagsveen, Co-Chair
State Health Officer
State Department of Health
600 East Boulevard Avenue
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The Honorable Bill Oban
ND House of Representatives
616 East Meadow Lane
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The Honorable Russell Thane
North Dakota Senate
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Task Force on Long Term Care Planning

October 16, 1997

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House Human Services Committee
Testimony of William Chaussee, Administrator
Guardian and Protective Services, Inc.
in Support of House Bill No. 1301
January 20, 1999

Madam Chair and Members of the Committee.

My name is William Chaussee, the administrator of Guardian and Protective Services, Inc., located in Bismarck. I am also the appointed Public Administrator for seven counties including Burleigh and Morton. I appear before you in support of House Bill No.1301

Guardian and Protective Services, Inc. (GaPS), a non profit corporation, was established in January 1997 to provide needed protective arrangements to vulnerable adults. While some of these services have been provided by the Public Administrator's office in Burleigh and Morton Counties, this office receives limited funding and is unable to provide needed guardianships to low income individuals.

Our focus is to provide protective arrangements to vulnerable adults who are unable to secure services through family members, agencies, or other interested parties and yet allow the individual to maintain as much independence as possible. In 1998, we provided services to approximately 175 individuals of which 113 were able to maintain a community based residence. 110 individuals were classified as low income and did not have the ability to pay for services. Individuals with funds are charged a fee based on ability to pay. The number of "low income" individuals that we are assisting far

exceeds those with the ability to pay. In addition, the cases that are referred to us are often severely mentally ill or elderly individuals with complex problems, making it difficult to find family or volunteers to assist with protective arrangements or guardianship.

GaPS helps secure community services for people who fall through the cracks. We are a safety net for the tough cases that other agencies are not able to help. We provide services such as guardian and conservator, when needed, or less restrictive appointments, when appropriate, such as power of attorney for finances and/or healthcare or Social Security Payee.

Our agency receives referrals from the following sources: State human service centers, State Hospital, county social services, nursing agencies, hospitals, county senior centers, families, banks, concerned neighbors and friends, attorneys, judges and the court system.

The services that Guardian and Protective Services, Inc. provides to vulnerable elderly and severely mentally ill individuals include:

- Assist elderly individuals in maintaining residence in their own homes through implementing in-home care and avoiding nursing home placement when possible.

- Making healthcare decisions for individuals who have been deemed incapacitated by their physicians and have no family or family is unable to assist.
- Help frail elderly and mentally ill individuals with their finances through paying bills, balancing checkbooks and reviewing mail with them.
- Intervene when vulnerable adults are in abusive situations, suffering from severe self neglect and/or financial exploitation through telemarketing, lotteries, family or other outside individuals.

Funding for our Program comes through grants, local funds, program fees, family donations and United Way; however, the funds we have secured to date do not sufficiently cover the operation of our Program. Establishing adequate funding sources for our Program is a major concern. Financial assistance from our Legislature is essential for our Program to operate. We request your support for House Bill No. 1301.



William Chaussee, Administrator

House Bill 1301
House Human Services
January 20, 1999

Testimony of Teresa Larsen, Executive Director
Protection and Advocacy Project

One of the roles of the Protection and Advocacy Project is to respond to reports of suspected abuse, neglect and exploitation concerning adults with disabilities. In fact, this is the Project's priority activity. In some cases, it is necessary for the Project to arrange for protective services to try to ensure that the individual is safe from future risk of harm. This can include the need for a guardian.

A few recent cases where the Project has had to arrange for emergency guardianship include:

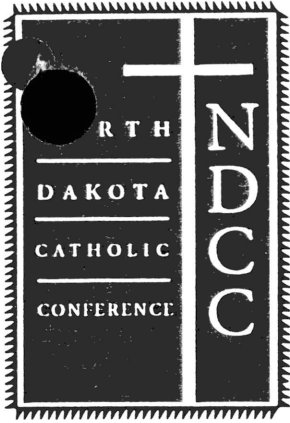
- An adult with mental illness lives with non-parental family members. She has a life-threatening medical condition for which she does not understand the implications. Her family interferes with the physician recommended treatment and prevents the woman from accessing needed medical attention.
- A woman with mental illness is left money in a trust by her deceased parents. Lacking the ability to manage money, she does not comprehend the arrangement and her funds are depleted by relatives.
- An elderly woman living in a nursing facility has dementia, mental illness and physical disabilities. She is unable to give consent for care and treatment and it is believed that she needs a guardian. Her only living relative, an adult son, makes threatening calls and visits to the facility.

In these cases, the Project petitioned for emergency guardianships for the individuals. Any family members that might have generally been considered as a priority to be guardians had a conflict of interest and could not make decisions in the best interest of the individuals. In cases such as these, the Project has

arranged for the provision of guardianship services through a professional provider.

Professional guardianship services are most necessary. They fill an important role when family members are not a viable option. But just as important, they are educated on the service delivery system and trained to deal with life decisions. The cases I mentioned, along with others, require significant resources in the way of time, thought and skill. These services need to be made available to all North Dakota citizens who might need them.

Thank you for your time and attention.



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director

To: Members of the House Human Services Committee
From: Christopher T. Dodson, Executive Director
Subject: House Bills 1299, 1302, and 1301
Date: January 20, 1999

Chairman Price, members of the committee, I am Christopher Dodson, the executive director of the North Dakota Catholic Conference. The North Dakota Catholic Conference supports these bills. The details of why these bills are needed are addressed by others with more hands-on experience with guardianship programs. The North Dakota Catholic Conference's contribution today is to call attention to some underlying reasons to support these bills.

The Fourth Commandment states: "Honor your father and your mother, that your days may be long in the land which the Lord your God gives you." This commandment is a call to honor the family, and it has become a basis upon which our society is built.

The commandment, however, is not limited to our fathers and mothers. It illuminates other relationships in society. In our brothers and sisters, we see the children of our parents; in our cousins, the descendants of our ancestors; in our fellow citizens, the children of our country. In this way, our relationships with our neighbors are recognized as personal in character. The neighbor is not a "unit" in the human collective; he or she is "someone" who deserves particular attention and respect.

This is why the Old Testament prophets considered the test of society whether it cared for the orphan, the widow, and the immigrant. These persons, who in that time were the ones without family and community support, were to be cared for like family. Guardianship programs continue that call today. They serve the ones often without family like family, providing needed assistance and protection.

There is a growing need to care for the vulnerable persons among us in a manner that respects their dignity and acknowledges their inclusion in the human family. These bills address that need. When we adequately provide such services, we are all enriched. Perhaps this is why the Fourth Commandment is the only one of the Ten Commandments that contains a promise to those who keep it: "that your days may be long in the land which the Lord your God gives you."

We urge a **Do Pass** recommendation on these bills.

227 W. Broadway, Suite 2
Bismarck, ND 58501
(701) 223-2519
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House Human Services Committee

Testimony on: HB 1299, HB 1301 and HB 1302

Provided by: Paul Griffin, President

Guardianship Association of North Dakota

January 20, 1999

Madame Chair, Committee Members:

Good morning! My name is Paul Griffin, I supervise the Guardianship Division of Catholic Family Service, a position I have held for the past twelve years. I am also the current president of the Guardianship Association of North Dakota. It is in my capacity as the president of the Guardianship Association that I would like to take this opportunity to address your committee regarding HB 1299, HB 1301 and HB 1302. With your permission, I would like to deal with the overall prospectus of the three bills, provide some historical background and leave testimony to the specific bills to those who will speak after me.

As you may or may not know, North Dakota is facing a growing crisis.....it is the crisis of the unmet guardianship needs of the most vulnerable of our citizens.

These unmet needs are well documented. Past surveys and studies including the most recent study (**A Comprehensive Study of Guardianship Services in North Dakota** prepared for the North Dakota Guardianship Coalition by *Kari Conrad & Associates* submitted July 1, 1996) have clearly and objectively identified the scope of the current problem and a pattern of circumstances and demographics that establish guardianship as an increasing concern now and for the foreseeable future. The ever increasing elderly population of our state, the economic factors and job pressures forcing families off the farms and out of the rural areas and communities and other circumstances have dramatically depleted the traditional "guardian pool." There are fewer and fewer family members

available and willing to assume the protective responsibilities of their parents, sibling and grandparents.

Advances in medical care and other innovations have extended life expectancy. The expansion of the services available to people with handicaps and disabilities have placed them in the mainstream of our society. These successes have created new concerns and problems that expose the very people whom they benefit to less positive possibilities....abuse, neglect, exploitation and the danger that they may not received needed medical and other services.

Requests for guardianship assistance are widespread and diverse....from nursing homes to county social service agencies, hospitals to group homes, states attorneys to Protection & Advocacy, Legal Assistance to pastors and ministers.

A nursing home administrator seeks a guardian to serve an elderly individuals who must have a critical decision made regarding code level and end of life questions.

A hospital social worker needs a guardian for a patient who requires major surgery but is not able to provide informed consent.

A county social service worker is trying to access needed services to maintain an at-risk individual in her own home but is not able to understand all the information she is being provided.

An advocate has serious concerns about a situation where an elderly person is being financially exploited by his relatives.

A county social service director has identified a case where a long time county resident can no longer care for herself and must be placed in a protective situation.

A mental health worker needs a guardian for a client with manic depression to provide structure and secure appropriate treatment.

These call for guardianship service are made on an almost daily basis, but the sad truth is that the guardianship services currently available to members of the adult population are limited, under funded, suspect in terms of quality or simply non-existent. Efforts of public administrators, private guardianship services and corporate guardians cannot adequately fill the void.... and increasing numbers of elderly, mentally ill and developmentally disabled individuals are more frequently exposed to abuse, neglect and other dangers.

Over the past 12 years uncounted attempts have been made to focus attention to this problem and to mobilize an effective long-term response. There have been guardianship study groups, guardianship focus groups, guardianship task forces and individuals who have worked diligently to alert the public and elected officials to the problem.

These efforts have included the Department of Human Services, the current and previous state administrations, the legislature through specific committees and individuals members, county social service boards and directors, district court judges, states attorneys and others. There have been studies, surveys, meetings and media attention.

Funding has been pursued through numerous grant applications, solicitation of donations, expanded requests to community United Way campaigns, fund raising projects, constant emphasis on responsible fiscal management, exploration of alternative governmental support (Title XIX), review

and research of options for funding utilized by other similar programs on a national basis, the use of subsidies and contributions from churches and religious organizations and many other approaches.

The “bottom line” is that every one agrees that there is a tremendous need.....there is an increasing number of vulnerable people in our state who need the protection of a guardian, but there are fewer and fewer options and alternative available to meet the need.

The Guardianship Association of North Dakota has grown-up and out of these efforts. It is a coalition of concerned citizens, human service agencies, service providers, private corporations and others who have jointed together to positively impact this area of service in our state. Many of our members are veterans of the efforts of the past 12+ years to try to bring services to the ‘neediest of the needy.’ GAND has worked cooperatively and positively with any and all entities to make quality guardianship services available to those who need them, especially those who currently cannot access or pay for them. The bills before you today represent the evolution of our activities

Attached to my testimony is a copy of a letter addressed to the directors of the three divisions of the Department of Human Services, Mental Health, Disability Services and Aging, which describes the work of a task force identified by GAND’s executive committee to respond to the joint concerns of our organization and the department (as you can clearly see, these bills mirror the recommendations of that task force).

It was the task force’s belief that the three recommendations should be considered as a “package” because with the absence of any one would weaken and impeded the others. It is GAND’s belief that

these bills be considered in the same way.

We believe that the bills establish the service, share the responsibilities and encourage volunteer participation. They suggest the use of an established and proven system of service delivery and collectively support the alternatives that are currently available while providing services to those who cannot access or secure them.

In closing I would like to express my appreciation to the members of this committee and the bill sponsors. In your role as legislators you have assumed some major responsibilities. Our Association's efforts are intended to draw your attention to the problem and seek your assistance in its solution. Be assured that this is a coalition effort and we are ready to work with you to address this very serious and growing need.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Paul T. Griffin". The signature is written in a cursive style with a large initial "P" and a long horizontal stroke.

Paul T. Griffin, President, Guardianship Association of North Dakota

G.A.N.D.

The Guardianship Association of North Dakota

2537 South University Drive, Fargo, ND 58105-5736
Phone: (701) 255-4457

March 17, 1998

Karen Romig Larson, Director
Mental Health Division/ND-DHS
600 - 2nd Street South
Bismarck, ND 58504-5729

Gene Hysjulien, Director
Disability Services Division/ND-DHS
600 - 2nd Street South
Bismarck, ND 58504-5729

Linda Wright, Director
Aging Services Division/ND-DHS
600 - 2nd Street South
Bismarck, ND 58504-5729

*Re: Guardianship Association of North Dakota
Executive Committee Task Force Goals*

Dear Karen, Gene and Linda,

As a result of ever increasing concerns about the unmet guardianship needs in North Dakota and communication and discussions with you at our February 12th meeting, the Guardianship Association of North Dakota (GAND) was asked to develop and present a summary of goals/solutions which the Department could review and consider for possible implementation to address the needs. In response to this request the GAND Executive Committee identified a group of ten (10) individuals who have a broad-base of knowledge and expertise in guardianship and represent the diverse populations involved (a list of the membership is attached). This group met in Bismarck on March 13th, 1998 and the enclosed document is the consensus product of their efforts.

By utilizing the input we received at the February meeting and Karen's follow-up memo containing the meeting minutes, the Task Force was directed to focus its' efforts on:

-those individuals who need guardianship, but cannot access it
-all populations and/or sub-groups
-use of existing, successful structures or models
-recommendations that will provide the most immediate results

The Task Force discussed at length the heavily documented evidence which clearly identifies an increasing need for guardianship throughout the various populations (developmentally disabled, mentally ill, substance abuse, physically disabled, elderly and traumatic brain injured) and the obvious lack of available and appropriate services to meet those needs. It was noted that the only exception to this was within the developmentally disabled (DD) system which has a process that is active, responsive and successfully serving large numbers of individuals. It was concluded that any further studies, surveys or demonstration projects were unnecessary and most probably a "waste of limited time and resources."

In all but the Partners area, the Task Force declined to address costs estimates and financial issues believing that these would be more appropriately and better addressed by you and your staff. However, the group did attempt to identify the minimum number of case units of service needed to adequately respond to the current crisis for each of your divisions.

The Task Force had hoped to incorporate a copy of the process that DD currently uses to identify, establish and fund guardianships into this document, however, contacts with representatives of the DSD indicate that this process has not been established in writing. It is apparently an accumulation of formal and informal directives and memos. The Task Force was confident that division staff would be able to provide a useful outline of their system and process at a future date.

The Task Force believes that these goals should be integrated into the Department's plans and budgeting for the next biennium and that, if utilized, they will have a dramatic, positive and timely effect upon the guardianship crisis that is threatening so many vulnerable individuals in our state.

The Task Force and the Guardianship Association offer their support and assistance in the implementation of these goals and are available individually or as a group for this purpose. We also wish to express our appreciation for the opportunity to participate in this very important task.

Sincerely,



Paul T. Griffin, Board President
Guardianship Association of North Dakota

C: Honorable Edward T. Schafer
Carol K. Olson
Brian Lunski
Alex Schweitzer
Roger Schwinghammer
Task Force Members
GAND Board Members

Guardianship Association of North Dakota
Executive Committee Task Force Regarding
Immediate Responses to Current Guardianship Needs
March 17, 1998

The following recommendations were developed by the Executive Committee Task Force of the Guardianship Association of North Dakota at the request of members of the Department of Human Services. They represent "Goals" that focus on:

- individuals who need guardianship but cannot access it
 - all populations and/or sub-groups
 - use of existing successful structures or models
 - recommendations that will provide the most immediate results
-

Recommendation #1:

Each of the involved divisions of the Department of Human Services should budget for the establishment or maintenance of guardianship services to the constituency they serve:

- A. *Disability Services Division: serving the developmentally disabled*
Minimum Need: 350 individuals
- B. *Aging Services Division: serving the elderly, physically disabled and traumatic brain injured*
Minimum Need: 300 individuals
- C. *Mental Health Division: serving the mentally ill and substance addicted*
Minimum Need: 300 individuals

Recommendation #2:

The process for providing/delivering these services should be directly modeled after the system currently utilized by DSD in providing services to the developmentally disabled. This would include integration of the contracting process that establishes a base unit funding level, provider standards as they related to policies and procedures, staff competency and required accreditation, and the use of an Emergency Services funding procedure to cover the costs of establishing needed guardianships.

Recommendation #3:

Funding should also be provided through DHS to established and support the Partners in Guardianship program. It is believe that this program would, over the long-term, provide services that would not only secure appropriate, well-trained volunteer guardians, but would provide a networking system of support, education and training to anyone involved in guardianship across the state. The estimated cost of this would be \$57,000 annually.

Guardianship Association of North Dakota

*Executive Committee Task Force Regarding Immediate
Responses to Guardianship Needs Membership Roster*

Bill Chaussee
Public Administrator
221 - 5th Street North
Bismarck, ND 58501
222-6600 F: 222-6666

Kari Conrad
Kari Conrad & Associates
125-1/2 East 6th
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Martha Tollefson
Protection & Advocacy Project
1330 Page Drive - Suite 103
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239-7222 F: 239-7224

Kathy Hogan
Cass County Social Services
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Roger Wetzel
St. Alexius Mental Health & Elder Care
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224-7889 F: 221-8267

Mel Webster
Webster & Engle Law Firm
418 East Rosser Avenue
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Paul Griffin
Catholic Family Service
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Fargo, ND 58103
235-4457 F: 239-8266

Rose Stoller
ND Mental Health Association
200 West Bowen Avenue
Bismarck, ND 58504
255-3692 F: 255-2411

Pam Cook
Silver Haired Education Association
221 - 5th Street North
Bismarck, ND 58501
223-5155W 673-3336H

Partners in Guardianship.

Information Summary

-Guardianship is a court-appointed relationship between a guardian and a ward whereby some of the rights and responsibilities of the ward are assigned to the guardian.

☞ The purpose of guardianship is to protect persons who, because of health, age, injury or development, are vulnerable to abuse, neglect, or exploitation.

This may include people who are elderly, who are developmentally disabled, who have traumatic brain injury, who are mentally ill, who are temporarily incapacitated due to illness or injury, and those who are unable to care for themselves in one or more areas of their lives for some other reason.

Guardianship is somewhat like parenting: The guardian looks after the wellbeing of the ward, making decisions, advising and teaching the ward in ways that serve the ward's best interests.

☞ A guardianship may be full or limited, long-term or temporary:

◆ The domains of life in which a guardian may be assigned responsibility and rights for a ward include financial, legal, medical, residential, vocational, and educational. The idea is to help the ward live in the least restrictive environment and in the most culturally normative way possible.

◆ The amount of responsibility assigned to the guardian depends on the court's perception of the situation, circumstances and condition of the ward, and the ward's competence and capabilities, or the extent of his or her incapacities.

◆ The court makes this decision based on information and recommendation from attorneys, court appointed visitors (usually a social worker), physicians and psychologists.

- Partners in Guardianship recruits, screens and trains volunteers who will then be appointed by the court as guardians. The trainees may be relatives or friends of potential wards, or they may just be caring citizens who are willing to take on a relationship of support to a vulnerable person.

Who may be a guardian?

Any competent caring adult who passes screening. That includes most people. Screening ensures that guardians have no history of abuse, felonies, crimes of a sexual nature, or reckless behavior, and that they are responsible citizens with the potential to provide good care for a vulnerable person. Other systems and service providers work with guardians to ensure the protection of a ward's best interests and meet the ward's needs.

Partners in Guardianship often serve the most vulnerable of all, people without family or friends who can be guardians or resources to pay for attorney guardians, agency or corporate guardians. They may be motivated by compassion, a willingness to extend themselves to others, gratitude for their own good life, a concern for social justice. For them, guardianship is a special trust and a relationship, and a chance to help people who can't help themselves to have a better life.

WHAT TO EXPECT:

If you chose to become involved in the Partners Program you would be interviewed and screened. A background study or search would be completed to ensure that only appropriate and trustworthy individuals are accepted into the program.

Once this screening process is completed you will be given the training and information that you will need to perform your duties as a guardian. You will be involved in classes, groups, one-to-one, or home-study sessions that will answer your questions and help you develop your skills and resources.

You will have meetings and interviews with Partners' staff who will help you decide if you are ready and able to make the commitment necessary to become a guardian.

Then you will be "matched" with a person who needs a guardian and you will have opportunities to meet and visit with him or her before the necessary steps are taken to assign the guardianship responsibilities to you through the court.

After you are appointed by the court, there will be on-going training and informational sessions that will help you develop additional skills and provide support as you perform your duties as a guardian. A 24-hour crisis/assistance line, staffed by guardianship professionals, is available if a need arises at any time.

WHAT WILL I DO AS A GUARDIAN:

Your primary responsibility as a guardian will be to develop a one-to-one relationship with your ward. You will make or help the ward make decisions about his or her life, the programs and services that he or she is involved in and other situations. You will visit your ward, go on outings with him or her and do many things that will be interesting and enriching for both of you. You will need to attend meetings periodically to see how he or she is doing and talk with the caregivers to be sure that the appropriate services are available and provided. The level of your involvement will depend upon the needs of your ward. You will be required by the court to file a report once a year describing how your ward is doing.

WHAT WON'T I DO AS A GUARDIAN:

You will not be required to have your ward come and live with you or to assume financial responsibility for him or her. There are certain decisions that are very serious that the court will have to make if they arise. The court orders that you receive will tell you what areas you have authority and responsibility in and what areas you do not. Assistance will be available to you through the Guardianship Division or the courts.

If you are interested in becoming a "Partner" or know someone who is, contact:

Catholic Family Service
Partners in Guardianship
2537 South University
Fargo, ND 58103
(701) 235-4457

Partners in Guardianship

A program that recruits, screens and trains individuals who are qualified and interested in serving as guardians.

"Their life is better because I've been involved."



Catholic
Family
Service

WHAT IF I TOLD YOU THAT:

- * There are people in North Dakota who because of circumstance or disability cannot make decisions for themselves.
- * There are people who do not have family members or anyone to help them make decisions that will have major effects upon their lives.
- * There are people who are not receiving needed services or are being taken advantage of because there is no one there for them.

WHAT IF YOU KNEW THAT:

- * You can get to know one of these people and you can help him or her make decisions.
- * You can help him or her get needed services and provide protection from abuse or neglect.
- * You can be there in a way that no one else can.
- * You can make a difference.

THE CURRENT SITUATION:

There are developmentally disabled, mentally ill and elderly people across North Dakota who, because of their situation or disability, cannot gather and evaluate all the information necessary to make good decisions for themselves. They may not be able to do this in all areas of their lives or just in certain areas such as medical, legal or financial.

Because they cannot manage these tasks they are at risk of being taken advantage of, abused, neglected or they may not receive needed medical or other services.

When a situation like this is brought to the attention of the court, a guardianship may be established to protect the person. A guardianship is a court appointed relationship between a competent adult (guardianship) and a person who is not able to handle his or her affairs (ward). It is a legal procedure that establishes that the person is not capable of managing responsibilities or making certain decisions. The court then appoints an appropriate person or organization to make decisions with and for him or her.

In most cases, a family member or relative is available and willing to serve as the guardian. Increasingly, however, there are more and more individuals who need guardianship and have no family member available, willing or appropriate to serve. If there are no other options, the person may simply go without a guardian....

Some guardianship services are available through public administrators, private non-profit organizations and the courts. However, these services are limited in availability or to people who can pay for them

The end result is that there are many vulnerable people who have little or no protection.

PARTNERS IN GUARDIANSHIP

Partners in Guardianship is a program that recruits, screens and trains individuals who are qualified and interested in serving as guardians. The primary responsibility of a "partner" is to promote the best interests and protect the well-being of the ward on a long term basis.

After training, the "partner" can be matched with a person who is in need of guardianship services and the court can assign guardianship responsibilities directly to the "partner."

Partners training is also available to anyone who is currently serving as a guardian and needs further training or support or to anyone who is thinking about becoming a guardian in the future. The training program also can be accessed or required through the courts.

Technical assistance and on-going training and support are provided through the Guardianship Division of Catholic Family Service.

BECOMING A MEMBER

Membership is available on an Individual, Family, or Agency basis. Membership entitles you to one vote, no additional votes will be granted under the Agency or Family memberships. Dues will be effective on an annual basis*. Membership applications and dues should be directed to Paul Griffin at the Catholic Family Service office in Fargo.

COST OF MEMBERSHIPS:

Individual: \$20

Family: \$25 includes 2 Designees

Agency: \$30 includes 1 Designee

For each additional Family or Agency Designee, an additional \$10 is required.

**Memberships will expire annually on August 31st.*

Guardianship Association of North Dakota
c/o Catholic Family Service
2537 South University
Fargo, ND 58103

GUARDIANSHIP ASSOCIATION OF NORTH DAKOTA

A non-profit organization of professionals, families and concerned individuals committed to supporting guardians and other surrogate decision makers in enhancing the lives of persons who require assistance.



MISSION STATEMENT

The purpose of the Guardianship Association of North Dakota is:

● To develop resources, services and educational programs to meet the needs of surrogate decision makers assisting people who are unable to make decisions for themselves. ● To educate the public and professionals on matters related to surrogate decision making, including but not limited to guardianship and alternative advocacy services. ● To develop a network for the exchange of information and referral so that individuals in need of assistance are provided appropriate services ● To encourage the development of appropriate legislation designed to improve services. ● To communicate and collaborate with other organizations to promote surrogate decision-making alternatives and the purposes of this Association. ● To establish, promote and maintain high ethics and standards for a comprehensive system of alternative services for persons in need of assistance.

MEMBERSHIP BENEFITS

The benefits of membership are:

● Education and training forums, conferences and materials on surrogate decision-making alternatives, court evaluation, future planning, and legislative updates. ● Opportunities to participate in leadership roles and to serve on Association committees. ● A newsletter which provides information on legislation, state and regional activities, issues dealing with guardianship and provides discussions about current issues. ● A membership directory which enables members to communicate and network with each other.

To join the Guardianship Association of North Dakota, return this portion with your check for the appropriate membership fee to: Guardianship Association of North Dakota, c/o Catholic Family Service
2537 South University, Fargo, North Dakota, 58103

NAME: _____ TITLE: _____

ORGANIZATION: _____

ADDRESS: _____ CITY/STATE: _____ ZIP CODE: _____

WORK PHONE: () _____ FAX: () _____

Do you want your name published on the Membership Roster: ___ Yes ___ No

Enclosed: \$20 Individual \$25 Family \$30 Agency \$10 Each Additional Designee

Names of Additional Designees: _____

TESTIMONY BEFORE THE HOUSE HUMAN SERVICES COMMITTEE

HOUSE BILLS 1299,1301,1302

PRESENTED BY: STEVE SKAUGE, ON BEHALF OF THE NORTH DAKOTA
ASSOCIATION OF COMMUNITY FACILITIES (N.D.A.C.F.)

CHAIRMAN PRICE AND HONORABLE COMMITTEE MEMBERS;

My name is Steve Skauge, and I am the Executive Director of H.I.T., Inc. in Mandan. I am also the Co-chair of NDACF's Legislative Committee, and I am speaking on their behalf today. NDACF represents 26 providers of services to persons with developmental disabilities from around the State. Together, we serve over 2,000 individuals, many of whom have a guardian.

We would ask for your support in regard to these three Bills. As we see each day how important the role of a guardian is in the lives of those that we serve, we recognize the challenging responsibility that comes with providing guardianship services. We also see that there are a variety of other persons in the State who are in need of these services, such as those with mental illnesses or Traumatic Brain Injuries, but that no means of providing services are available. We are fortunate to have the availability of the Corporate Guardianship Program operated by Catholic Family Services to serve persons

with Developmental Disabilities, but we know that the program struggles financially to meet the needs and stay within its budget, and that the demand for services exceeds the available dollars.

Each of these Bills will play a role toward finding a means to provide guardianship services for the other types of persons who need this support. This will allow them to have the same type of quality guardianship services that persons with Developmental Disabilities now receive. Again, we know that these people are out there, and are in need of the services. We would appreciate the Committee's support of these Bills to help better meet the needs of these citizens.

**TESTIMONY ON H.B. 1299, 1301 & 1302
BEFORE THE HOUSE
HUMAN SERVICES COMMITTEE
JANUARY 20, 1999**

Chairperson Price and members of the House Human Services Committee, for the record, my name is Betty Keegan, Director of Rolette County Social Services. Today I am providing information to you on behalf of the North Dakota County Social Services Directors' Association.

The need addressed by the three bills you have before you today has been a long time need across our state. Within those situation where fiscal resources of the individual are not a problem, usually the process of securing the appointment of a legal guardian for that adult move along without a problem through the civil court process with the retained attorney representing the person.

However, in the case of the indigent adult who has a modest or low income, funds are not available to assist in retaining legal services or representation and, therefore, appointment of a legal guardian for that adult does not and will not take place.

We encounter these situations fairly regularly in our daily work especially on behalf of adults who use the Medical Assistance Program and/or Home and Community Based Services.

The conditions necessitating guardianship may arise from many possibilities, i.e. Alzheimer's disease, severmental illness, chronic alcoholism, or mental infirmities associated with the aging process, and the list goes on.

Our association lends its full support to the passage of the three House bills coming

before you this morning.

Madam Chair, this concludes the formal portion of my testimony. If there are any questions from the committee members, I will try to answer those at this time. Thank you.

BURT L. RISKEDAHL
DISTRICT JUDGE
SOUTH CENTRAL JUDICIAL DISTRICT
P. O. BOX 1013
BISMARCK ND 58502-1013
(701) 222-6682
fax (701) 222-6689

Fax

To: Tom Ness, Chief Clerk 328-1802
From: Burt L. Riskedahl, District Judge *BLR*
Pages: 2, including this cover sheet.
Date: January 22, 1999

In accordance with our conversation on 1/22/99 re: HB 1301.

Thanks for your kind assistance.

State of North Dakota

DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

BOX 1013
514 EAST THAYER AVENUE
BISMARCK, ND 58502
(701) 222-6682
FAX: (701) 222-6689

CHAMBERS OF
BURT L. RISKEDAHL
JUDGE
BISMARCK, NORTH DAKOTA

January 22, 1999

THE HONORABLE CLARA SUE PRICE, CHAIRMAN
HUMAN SERVICES COMMITTEE
NORTH DAKOTA HOUSE OF REPRESENTATIVES
STATE CAPITOL
BISMARCK ND 58505

Re: HB 1301 - Guardian Services Bill

Dear Chairman Price and Committee Members:

I am writing to urge favorable consideration by your committee of HB 1301 dealing with the creation of a state-wide guardianship services program.

While I realize that new programs need to be highly scrutinized, I wanted to write to emphasize the increasing need for guardianship services for people who are without financial resources or a family support system of any kind.

There is a real need for this program based on our observations within the court system. Increasingly in this day and age, there are elderly people who, if they have other family members, those individuals are often located in other states and unavailable to assist either financially or in terms of providing protective services which are needed. The obligation then falls to the public administrator's office, if a public administrator is even functioning in the jurisdiction. The public administrator's office is not properly funded to assume this responsibility, and in many counties public administrator services are unavailable. I have a genuine concern that if our state doesn't adopt a program such as this, an increasing number of vulnerable adults will be without protective services which they need.

I hope you will give this significant and forward-looking legislation a "do pass" recommendation.

Sincerely,

Burt L. Riskedahl

Burt L. Riskedahl, District Judge
South Central Judicial District