

Testimony Prepared for the
House Appropriations Committee – Government Operations
January 13, 2019
By: Terry Traynor, NDACo Executive Director



RE: House Bill 1015 – OMB Budget/Public Guardianship Funding

Thank you, Mr. Chairman, for the opportunity to communicate our Association's support for the public guardianship funding in the OMB budget, and to urge your consideration and approval of an appropriation level of \$2,500,000 to fully fund the actual guardianship need.

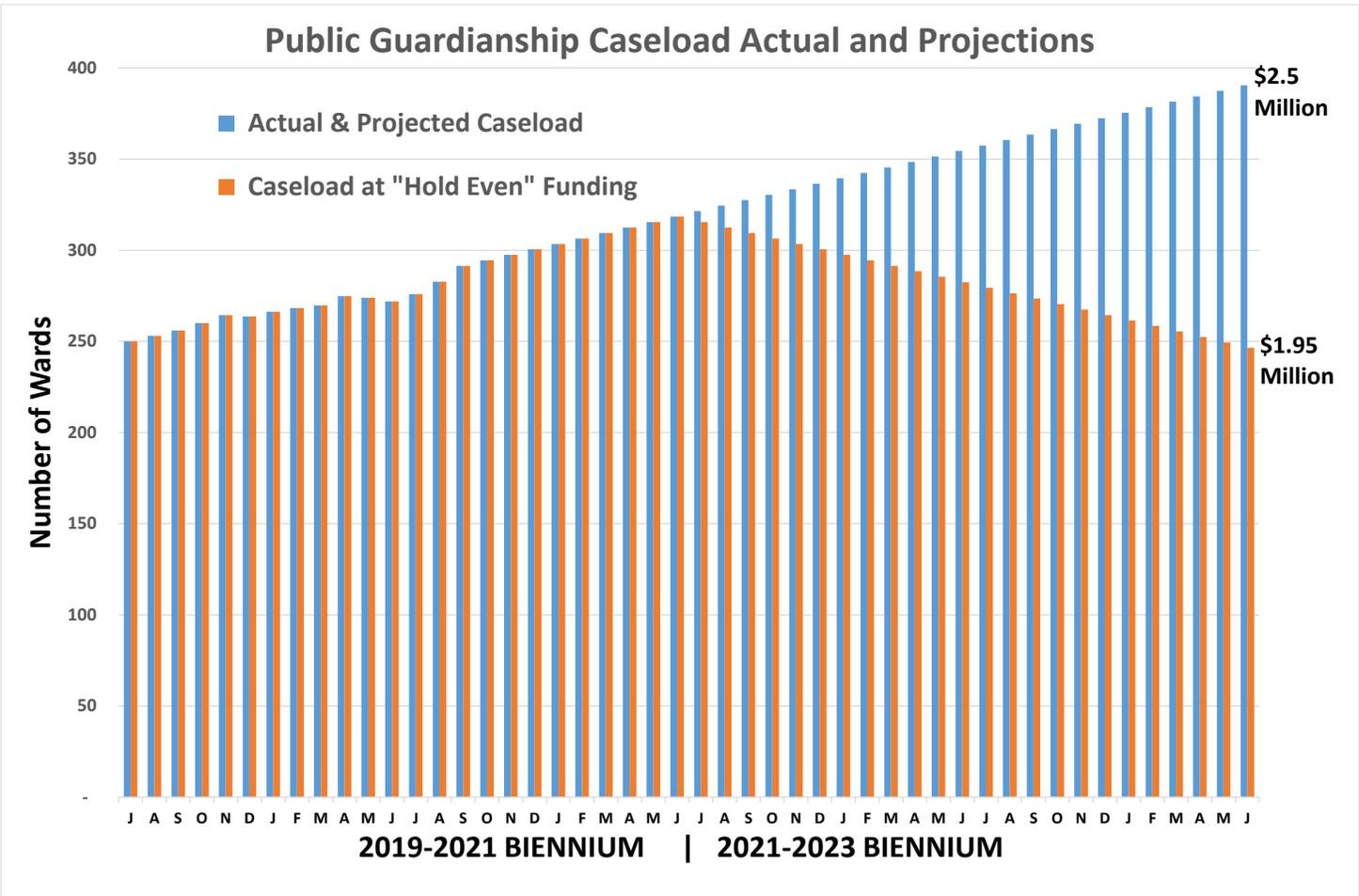
Since 2013, the legislature has appropriated General Funds in the OMB budget for distribution to the private agencies and private individuals that serve as Public Guardians for indigent adults. (This does not include individuals served under the Developmental Disabilities program as their guardians are contracted and funded through DHS).

These wards are individuals that the District Court has determined are incapacitated and cannot adequately look after their own affairs due to age/dementia, physical disability, mental illness, addiction, etc. An advisory group (Courts, OMB, DHS, 1 Provider, & NDACo) directs the reimbursement of public guardians for (non-DD) wards whose resources total less than 100% of poverty and/or are receiving Medicaid-funded services.

As the North Dakota's population of elderly and disabled individuals has grown, the number of those that lack resources has grown as well. This has steadily increased the need for public guardians.

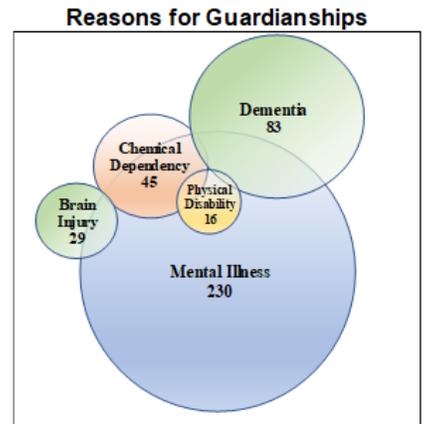
- The current biennial funding supports a **\$10/day per ward stipend** to the persons and charitable entities that are ordered by the State Court to serve these vulnerable individuals. Their collective **caseload has grown from 250 to 300 over the first 18 months of the biennium**. Each month we see the termination of 2-3 cases and the addition of 5-6 cases statewide. With a monthly net growth of three, the **caseload is projected to reach 320 by the end of the biennium**, and we expect the current appropriation amount (\$1,950,000) to be sufficient to meet THIS biennium's need.
- **The Executive Budget, however, recommends flat funding for 2021-23**, and that would only be sufficient if caseloads were immediately frozen and cases dropped by 3 per month until the total was back down to 250 – **leaving a projected 150 incapacitated adults without guardian support**. We expect the State Court will continue to seek guardians for a net increase of 3 wards per month for the upcoming biennium, and **to support this caseload, an appropriation of \$2,500,000 is necessary**.

Public guardianships are a critical support for our most vulnerable citizens. Their ability to monitor and represent their wards not only benefits the wards, but serves the hospitals, clinics and nursing homes where critical medical decision-making cannot take place for an incapacitated person without a legally appointed guardian. Thank you, Mr. Chairman, and committee members, for your consideration of this request.



FUNDING OF PUBLIC GUARDIANSHIPS - BACKGROUND

In response to a previous interim study of guardianship issues by the Legislature’s consultant, Dr. Winsor Schmidt, the 2013 Legislature began a process of reforming the Public Administrator “system.” The haphazard and unequally funded public guardianships throughout the State were set on a course for greater uniformity, better training, and limited, but consistent, funding. This initiative was supported by a broad cross-section of medical and social service entities, recognizing the personal and financial impact caused by the existing system’s deficits.



October 2020 Caseload	
Catholic Charities	29
DKK, Inc.	70
Guardian & Protective Services	56
Guardian Angels	52
Lighthouse Associates	12
Lutheran Social Services	59
Opportunity Inc	10
Veronica Miller	6

The legislature provided financial support to guardians serving indigent individuals that are not served separately by the developmentally disabilities system for guardianships. As the bubble chart indicates, many of those served are incapacitated due to several issues. Currently, seven agencies and one individual provide public guardianship services supported by this funding.

An Average of 350 Cases x \$10/day x 730 days = \$2,555,000