

House Human Services Committee
Testimony on House Bill 1354
Representative Robin Weisz – Chairman
February 2nd, 2021

Chairman Weisz and members of the House Human Services Committee, my name is Donna Byzewski and I am the Program Director of the corporate guardianship program for individuals with intellectual disabilities at Catholic Charities North Dakota. I am respectfully asking your committee to support HB 1354 which authorizes the creation of a Commission on Guardianship.

For more than 33 years, the Developmental Disabilities (DD) Division of the North Dakota Department of Human Services has contracted with Catholic Charities ND to provide guardianship services on behalf of individuals with intellectual disabilities. Our current contract provides funding for guardianship services for 489 individuals. In February 2020, our agency also began providing guardianship services on behalf of individuals with mental health issues, vulnerable elderly persons and people with a traumatic brain injury and this program receives funding from Public Administrators Support Services (PASS).

The Commission on Guardianship will have many positive impacts on professional and non-professional guardianship services in North Dakota. The important and complex work of the members of the Commission will shape the direction of guardianship services in North Dakota for years to come as they hire a director, create standards for the delivery of guardianship services, establish standards of evaluation of contract guardians and guardians employed by the Commission, determine caseload standards for contract guardians and guardians employed by the Commission, develop a process to contract with guardianship service providers and other significant responsibilities. Carrying out these responsibilities is no small task for the Commission and a significant amount of time will need to be devoted to creating the Commission from the ground up and fulfilling the responsibilities that are laid out in HB 1354.

I have two points that I would like to bring up for your consideration. The first point is regarding the Commission's responsibility to contract with guardianship service providers. It is our understanding that all guardianship funding (corporate guardianship funding through the DD

Division of DHS and PASS funding through OMB) would be transferred to the Commission. Because the Commission will not be meeting for the first time until September 2021, I have much anxiety about the Commission being able to issue our contract prior to July 2021 (our current contract with the DD Division ends on 6/30/21). Our guardianship program nor PASS providers would be able to function without funding until the Commission is up and running and has a Director to carry out these duties. I am respectfully asking that the Human Services Committee consider approving the Commission on Guardianship but tabling the transition of corporate guardianship funding from the DD Division of DHS and PASS funding from OMB until the following biennium. This will give the Commission time to create solid processes and procedures for a smooth transition of funding from DHS and OMB.

The second point that I would like to address relates to the Commission's ability to directly employ professional guardians. Instead, I propose that already existing contracted guardianship service providers be given priority over guardians employed by the Commission. Historically, funding has been limited for our guardianship services. If adequate funding is available through the Commission, current guardianship service providers would jump at the chance to expand their services and service area.

I have been a corporate guardian with Catholic Charities ND for 31 years and, throughout this time, many people have dedicated an incredible amount of time and talent to improve guardianship services in North Dakota. This is one of the most exciting but nerve wracking times for guardianship service providers. A Commission on Guardianship would be helpful to bring all professional and contract guardians to an equal and high level of service by always focusing on best practice. Because we are responsible for the wellbeing of vulnerable adults, having a professional or contract guardian who is only adequate is not acceptable. I strongly encourage that the first two years of the Commission be utilized to get processes and procedures in place. The contract for corporate guardianship services would remain with the DD Division and PASS funding would remain with OMB for the next two years at which time, funding and services would be smoothly transitioned to the Commission on Guardianship, if appropriate.

Thank you for the opportunity to stand before you today and I would be happy to try to answer any questions you may have.