



HOUSE HUMAN SERVICES COMMITTEE

CHAIRMAN MATTHEW RUBY

SENATE BILL 2029

GUARDIANSHIP ASSOCIATION OF ND

MARGO HAUT, PRESIDENT

MARCH 10, 2025

Chairman Ruby & Members of the House Human Services Committee, my name is Margo Haut, Founder and Co-Director of Guardian Angels, Inc., a nonprofit corporation located in Jamestown, ND. I also am a member & the current President of the **Guardianship Association of ND (GAND)**.

The Guardianship Association of ND is a 501(c)3 nonprofit organization established in 1987. GAND provides educational resources and collaboration for guardianship providers while advocating for guardianship services throughout ND. Numerous staff from each entity are members of GAND, with a current total of 55 members.

A Guardian is a person or entity legally entrusted by the Court, utilized when a person is deemed incapacitated and can no longer make or communicate safe or sound decisions about his/her person and/or property or has become susceptible to fraud or undue influence.

When the court appoints a guardian of the person, the guardian may have the following responsibilities:

- Determine and monitor residence;
- Consent to and monitor medical treatment;
- Consent and monitor non-medical services such as education and counseling;
- Consent and release of confidential information;
- Make end-of-life decisions;
- Oversee and manage assets/finances;
- Act as representative payee;
- Maximize independence in least restrictive manner;
- Report to the court about the guardianship status on an annual basis.

GAND respectfully opposes the current version of SB 2029. Our opposition to the current SB 2029 is straightforward and based on concerns that have been consistently communicated throughout the discussion:

- **Creates a New, Biased Government Branch** – Establishes the Office of Guardianship & Conservatorship (OGC) within the Judicial Branch, modeled after the Judicial Conduct Commission, **unfairly positioning it against guardians.**
- **Conflicts of Interest** – Concentrates appropriation, oversight, accountability, and discipline within the Supreme Court, making it both the **appointer, appropriator, monitor, complaint processor, and adjudicator** – a closed-loop system with no external checks.



- **Disconnects the Legislative Branch** – Distances guardians and vulnerable individuals from the legislative process, **limiting their ability to advocate for their rights** despite having the oversight of a guardian.

Professional Guardians in North Dakota do important work, worthy of respect. Currently, SB 2029 **speaks strictly of disciplinary action and red tape, where there should be support and collaboration.** In our current shortage of guardians, we're asking the state to **build-up and support guardians** to address future need.

Accordingly, we respectfully ask for **your consideration of amendments** that address these concerns, including but not limited to the following:

- **Independent Oversight Structure** – Position the Office of Guardianship & Conservatorship (OGC) within **Health & Human Services (DHHS), the Office of Management and Budget (OMB),** or another non-judicial entity.
- **Incorporate Guardian Representation** – Incorporate guardian input and participation within the Office of Guardianship & Conservatorship and Review Board.
- **Ensure Transparency & Accountability** – Promote **open communication without conflicts of interest.** For example, under DHHS, Catholic Charities of ND has provided guardianship services for individuals with intellectual disabilities for 37 years without issue.
- **Protect Due Process** – Guarantee **access to all branches of government,** safeguarding the rights of both guardians and vulnerable individuals across North Dakota.

Overall, it's GAND's **vision to ensure good quality ethical guardians & conservators to enhance & grow the profession.** GAND knows the importance of training, monitoring & accountability:

- **Training** – Given the complexity of the role, Guardians and Conservators require extensive training. In North Dakota, professional guardians must obtain national certification through the Center for Guardianship Certification and state certification via the Court.
- **Monitoring** – Guardians must be monitored thoroughly in a way that is efficient, fair, and non-oppressive. While GAND supports oversight, it must be conducted by those who fully understand the realities of guardianship.
- **Accountability** – Guardians must uphold high ethical standards. Those who violate best practices should face appropriate consequences, including potential removal from guardianship practice.

Chairman Ruby & Members of the Committee, thank you again for providing GAND and its members the opportunity to request a simpler, scaled approach to the OGC **focused on positively impacting guardians & conservators while assuring high quality services, without conflict.**

Thank you for your time.

Margo Haut
President, Guardianship Association of North Dakota (GAND)