

House Bill 1048
Senate Judiciary Committee
Testimony Presented by Sara Behrens
February 8, 2021

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1048. This bill adds a new subsection to section 30.1-28-04 which governs the court's findings and order appointing a guardian. Currently, there is no requirement for a guardian to obtain a bond. This change will make it clear that a judge can order that a guardian obtain a bond when the need is presented. There is a provision requiring a conservator of a ward to obtain a bond (section 30.1-29-11) because the conservator will have authority over the ward's estate. However, a conservator is not always appointed and a guardian may have authority over the ward's estate in addition to the ward's person. In those cases, it may be prudent to order that the guardian obtain a bond if the estate is particularly large. While not every guardianship will necessitate a bond, we would like it to be clear that the court has the discretion to order that the guardian obtain a bond and specify the specifics of that bond. Thank you for your consideration and we urge a do pass.