

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2345

Introduced by

Senators Hogan, Lee

1 A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century
2 Code, relating to the task force on guardianship monitoring to promote the accountability of all
3 guardians; to provide an appropriation; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new chapter to title 27 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Task force on guardianship monitoring.**

- 8 1. The North Dakota supreme court shall establish a task force on guardianship
9 monitoring to address matters of guardianship accountability and further protections of
10 individuals under guardianship. The task force on guardianship monitoring must
11 include representatives from the guardianship monitoring program and protection and
12 advocacy project and individuals representing guardianship service providers, family
13 guardians, district court judges, and attorneys.
- 14 2. The task force shall recommend the regulations necessary to enhance the
15 guardianship monitoring program to investigate suspected guardian mismanagement
16 or illegal behavior. The regulations must include:
- 17 a. Appropriate certification, training, and background requirements for the guardian
18 investigator position relating to specialized training in guardianship services,
19 financial management, investigations involving allegations of neglect, abuse, and
20 exploitation of vulnerable adults, and training with the national guardianship
21 association's guardianship and conservator auditor and monitor investigator
22 program;
- 23 b. Procedures for investigating referrals from a judicial officer, the division of the
24 department of health and human services that oversees vulnerable adult

1 services, protection and advocacy, social workers, the ombudsman program, the
2 Medicaid fraud control unit, and any entity that oversees or provides services for
3 vulnerable adults:

4 c. Procedures relating to the investigation of a single guardian or an entire
5 guardianship service provider managed by a guardianship investigator; and

6 d. Any findings, recommendations, or improvements issued to the district court for
7 review.

8 3. The task force on guardianship monitoring shall make the recommendations under
9 subsection 2 to the supreme court. Upon receiving the recommendations, the supreme
10 court may adopt rules implementing the recommendations.

11 **SECTION 2. APPROPRIATION - JUDICIAL BRANCH - FULL-TIME EQUIVALENT**

12 **POSITION.** There is appropriated out of any moneys in the general fund in the state treasury,
13 not otherwise appropriated, the sum of \$290,000, or so much of the sum as may be necessary,
14 to the judicial branch for the purpose of administering the guardianship monitoring program, for
15 the biennium beginning July 1, 2023, and ending June 30, 2025. The judicial branch is
16 authorized a full-time equivalent position to administer the guardianship monitoring program.

17 **SECTION 3. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET -**

18 **GUARDIANSHIP SERVICES.** There is appropriated out of any moneys in the general fund in
19 the state treasury, not otherwise appropriated, the sum of \$8,100,000, or so much of the sum as
20 may be necessary, to the office of management and budget for the purpose of providing grants
21 for indigent guardianship services, for the biennium beginning July 1, 2023, and ending
22 June 30, 2025.

23 **SECTION 4. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**

24 **GUARDIANSHIP SERVICES.** There is appropriated out of any moneys in the general fund in
25 the state treasury, not otherwise appropriated, the sum of \$4,490,000, or so much of the sum as
26 may be necessary, to the department of health and human services for the purpose of
27 increasing the reimbursement rate and the number of corporate guardianships for individuals
28 that receive developmental disability program management services, for the biennium
29 beginning July 1, 2023, and ending June 30, 2025.

30 **SECTION 5. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure.