

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED 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 amend and reenact subsection 4 of section 43-41-09 of the North Dakota Century
4 Code, relating to the licensure of social workers; and to provide an appropriation.

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

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

8 **Task force on guardianship monitoring.**

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

- 1 b. Procedures for investigating referrals from a judicial officer, the division of the
2 department of health and human services that oversees vulnerable adult
3 services, protection and advocacy, social workers, the ombudsman program, the
4 Medicaid fraud control unit, and any entity that oversees or provides services for
5 vulnerable adults;
6 c. Procedures relating to the investigation of a single guardian or an entire
7 guardianship service provider managed by a guardianship investigator; and
8 d. Any findings, recommendations, or improvements issued to the district court for
9 review.
10 3. The task force on guardianship monitoring shall make the recommendations under
11 subsection 2 to the supreme court. Upon receiving the recommendations, the supreme
12 court may adopt rules implementing the recommendations.

13 **SECTION 2. AMENDMENT.** Subsection 4 of section 43-41-09 of the North Dakota Century
14 Code is amended and reenacted as follows:

- 15 4. ~~Approve examinations for licensing~~License social workers. The board may:
16 a. Suspend the use of an examination for licensure.
17 b. Waive examination requirements and create a process under which an applicant
18 may apply for a waiver to licensure examination requirements.
19 c. Create alternative requirements that do not require an examination to ascertain
20 the qualifications and fitness of a candidate for a license to engage in the practice
21 of social work.

22 **SECTION 3. APPROPRIATION - JUDICIAL BRANCH - FULL-TIME EQUIVALENT**

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