

CHERYL BERGIAN LAW OFFICE

LICENSED ATTORNEY IN MINNESOTA AND NORTH DAKOTA

1712 MAIN AVENUE, SUITE 202
PO BOX 2152
FARGO, ND 58107-2152

CHERYL BERGIAN
E-MAIL:
cheryl@cherylbergianlaw.com

TELEPHONE: 701-232-5051
FACSIMILE: 701-232-8040

January 24, 2023

Senate Appropriations Committee
North Dakota Legislature

RE: SB2012

Dear Senators:

I am writing to support the increase of the funds for establishing guardianships for indigent residents of North Dakota from \$2,500.00 per case to \$3,000.00 per case.

The funds for establishing a guardianship for indigent residents provide for the compensation of the attorney for the Petitioner (who is often a Vulnerable Adult Worker from the Human Service Zones), as well as the compensation for the fees of three professionals appointed by the court. An increase of \$500.00 in the amount per case for the establishment of guardianships for indigent residents would assist in ensuring the availability of all the professionals involved, to meet the needs of indigent residents.

The attorney for the Petitioner drafts the Petition for Guardianship, and supporting documents, and represents the Petitioner throughout the guardianship case. The attorney for the Petitioner ensures that the written reports of three professionals are filed in all guardianship cases. Guardianships in North Dakota require the written reports from three professionals appointed by the court: (1) the Guardian ad Litem (an attorney), (2) the Visitor (a person in the nursing or social work professions), and (3) Expert Examiner (a professional who can provide a medical prognosis or psychological evaluation).

All three professionals are required to meet with or interview the proposed ward in the guardianship, and each has statutory requirements regarding the information provided in each written report for the Judge in the guardianship proceeding. Every guardianship requires that a hearing be held for the court to determine whether the Petition for Guardianship and supporting documents, including the written reports from the three professionals, establishes by clear and convincing evidence that the proposed ward is in need of a guardianship as the best means for providing care, supervision, or habilitation of the ward.

A Debt Relief Agency

Thank you for your consideration of the request for an increase in funding for the establishment of guardianship for indigent residents of the North Dakota.

Sincerely,

/s/ Cheryl Bergian

Cheryl Bergian