

## **Senate Human Services Committee**

Testimony on Senate Bill 2345

Senator Judy Lee – Chairman

January 30<sup>th</sup>, 2023

Chairman Lee and members of the Senate Human Services Committee, my name is Donna Byzewski and I am the Program Director of the corporate guardianship program for individuals with intellectual disabilities at Catholic Charities North Dakota. I have been a guardianship worker and/or director for more than 33 years at Catholic Charities North Dakota. I am respectfully asking your committee to approve funding as detailed in my testimony for corporate guardianship services for people with intellectual disabilities. The funding would have an immediate impact on reducing the waiting list for services and decrease the time that a person must wait for corporate guardianship services. The funding would also ensure that we would be able to provide quality services as this is at risk because of the significant deficit spending that corporate guardianship is experiencing.

For more than 35 years, the Developmental Disabilities (DD) Division has contracted with Catholic Charities ND to provide guardianship services on behalf of adults with intellectual disabilities. Since 1987, we have served as guardian for more than 1,000 individuals with intellectual disabilities. It is important to note that many adults with intellectual disabilities are their own decision maker. However, there are critical times when a person may need the services of a guardian, and if no one else is available or appropriate, a corporate guardianship is a necessity. Corporate guardianship is the guardian of last resort. Our contract with the DD Division specifies that Catholic Charities ND can only accept referrals from Developmental Disabilities Program Managers from the regional human service centers in North Dakota. Most referrals tend to fall into one of three categories: the person is at risk of harm or experiencing a medical crisis and has no family or friends to serve as guardian; families are not wanting to be guardian because the needs of their son, daughter, brother or sister have burned them out and are more than they can manage; or family may be the ones exploiting the person financially or abusing the individual physically or sexually. There are 112 people on the waiting list at this time.

On any particular day, a guardianship worker may be assisting an individual on their caseload in finding housing after they have been evicted for the 4<sup>th</sup> time in a year for allowing strangers to stay at their apartment; helping a person work through a diagnosis of a serious or life threatening medical condition which carries the responsibility of being the decision maker for these difficult medical decisions; spending countless hours working with credit card companies after a person has racked up huge credit card bills; accessing and maximizing the benefits that an individual receives – hours are spent on completing applications for housing, Social Security, food stamps, etc.; finding and accessing psychiatric services when a person is experiencing mental health struggles (more than 74% of the individuals on our caseload receive the services of a psychiatrist); monitoring and reporting any incidents of suspected abuse, neglect and/or exploitation; assisting an individual in obtaining restraining orders against abusive boyfriends or girlfriends or sexual predators. We are available 24 hours per day/365 days per year for emergencies or crises through our on-call system.

We are currently serving as guardian for 504 individuals who live throughout the state of North Dakota. We have 15 guardianship workers who carry an average caseload of 34 people. Our guardianship workers must have a four year degree and be either a licensed social worker or a Qualified Developmental Disabilities Professional (QDDP). They often travel 50 to 140 miles one way to visit each person on their caseload, attend team meetings, court hearings and attend medical appointments. Our guardianship workers' duties and responsibilities typically include the following: determining the individual's living arrangements; assuring that the person's medical needs are met and providing consent for all medical procedures, surgeries, treatments, medications, end of life decisions, etc.; arranging and authorizing educational and vocational opportunities; legal decision making; and making financial decisions as well as overseeing the individual's assets and social security benefits.

Our daily pay rate of \$8.56 per day/per individual works out to 36 cents per hour. Imagine making crucial decisions on chemotherapy options for a person for 36 cents per hour or receiving a call at 2am to provide consent for emergency brain surgery because a person fell and pressure on the brain needs to be relieved or helping the person make end of life decisions for 36 cents an hour or helping an individual find a new apartment after the 4<sup>th</sup> eviction or making funeral arrangements for a person for no cents per hour as we do not get paid for any services once the person passes away. The provision of guardianship services is complex, extremely challenging

and rewarding. We truly need an adjustment to our daily rate to be able to continue this very important work.

We are currently funded to serve 499 individuals at a daily rate of \$8.56 per person. We are significantly underfunded and we are deficit spending by thousands of dollars each month. This is not sustainable.

- From 7/1/21 to 6/30/22, corporate guardianship had a deficit of -\$63,882
- From 7/1/22 to 12/31/22, corporate guardianship has a deficit of -\$65,318
- Needed daily rate to cover the actual cost of services (before a cost of living increase) is \$10.30 per day
- Daily rate with 5% cost of living increase for the first year of the biennium would be \$10.82; daily rate with a 5% cost of living increase for the 2<sup>nd</sup> year would be \$11.36
- Requesting funding for 30 additional slots to reduce the waiting list of 112 people
- Requesting additional funding for petitioning costs for the 30 new cases - \$75,000 (currently funded for \$125,195 – this would bring the total to \$200,195)

Current appropriation for corporate guardianships services for 499 people with intellectual disabilities	\$3,239,704
Funding for corporate guardianship in Governor’s budget	\$3,679,797
Total funding needed for 529 people with intellectual disabilities (includes 30 new slots; \$200,195 petitioning costs – includes additional \$75,00 for petitioning costs for 30 new slots; daily rate of \$10.82 for 1 <sup>st</sup> year; daily rate of \$11.36 for 2 <sup>nd</sup> year)	\$4,488,544
<b>Difference between Governor’s budget request for Corporate Guardianship and the true needs of Corporate Guardianship</b>	<b>\$808,747</b>

We are respectfully asking your committee to increase the appropriation in SB 2012 for corporate guardianship services to \$808,747 (this is an \$808,747 increase from the amount allocated in the Governor’s budget).

SB 2345 also addresses the very critical need for increased guardian accountability. Many if not all guardianship service providers support the creation of a task force to develop the necessary steps to improve guardian accountability which would in turn offer improved protections for

vulnerable adults. Guardianship service providers also agree that enhancing the already existing Guardianship Monitoring Program within the North Dakota State Court is one route to improve guardian accountability. This bill would give the Guardianship Monitoring Program the needed tools to increase its capacity to investigate at a deeper level suspected guardian mismanagement or suspected guardian illegal behavior, upon receiving an order from the court. Increased capacity would be achieved by adding one full-time Guardian Monitor/Investigator who has a background related to guardianship services, financial management and training in the area of investigating allegations of neglect, abuse and exploitation of a vulnerable adult. The creation of the task force would bring the key partners in this endeavor to the table which will result in a clear plan of action to improve guardian accountability. In looking at SB 2345, I would respectfully request that Vulnerable Adult Protective Services be added as a member of the task force as their input will be essential in coming up with the best solutions possible.

Thank you for the opportunity to stand before you today and I would be happy to try to answer any questions you may have.