

DATE: January 23, 2025

RE: Request of Chairman Bob Paulson, Chairman of the Senate Judiciary Subcommittee, for suggested changes to SB 2029

The request was made to Margo Haut, President of the Guardianship Association of North Dakota (GAND)

Chairman Paulson and members of the Senate Judiciary Subcommittee:

Please find enclosed the document that focuses on providing the Subcommittee with an alternate approach to the Office of Guardianship and Conservatorship outlined in SB 2029. The materials provide a brief organizational overview and then a brief description outlining where each position of the Office of Guardianship and Conservatorship would focus their attention and efforts.

The material is intentionally brief. Unlike SB 2029, this proposal rests on three philosophical pillars:

1. **Training:** Guardians and Conservators, due to the complexity of the job, need remarkable training.
2. **Monitoring:** Guardians and Conservators, due to the complexity of the job, need monitoring that is thorough, streamlined and not onerous.
3. **Accountability:** Guardians and Conservators need to be held accountable to high ethical standards and practices. When acts of the guardian or conservator violate those best practices, they should be held accountable, up to and including removal from ever acting as a guardian.

Overall, our intent is to provide a plan that will ensure good quality ethical guardians & conservators to enhance & grow the profession.

While GAND stands in opposition of SB 2029, GAND also acknowledges there are items in SB 2029 that have merit. However, the structure and rules as proposed are unnecessarily biased against the guardian. Patterning the OGC after the Judicial Conduct Commission is not the best place to start for an entity that will dramatically change the guardianship & conservatorship landscape for years to come. We must consider there are conceivably over 4,000 family guardians that ultimately need to be drawn under the umbrella of the OGC. Many are carefully watching this bill.

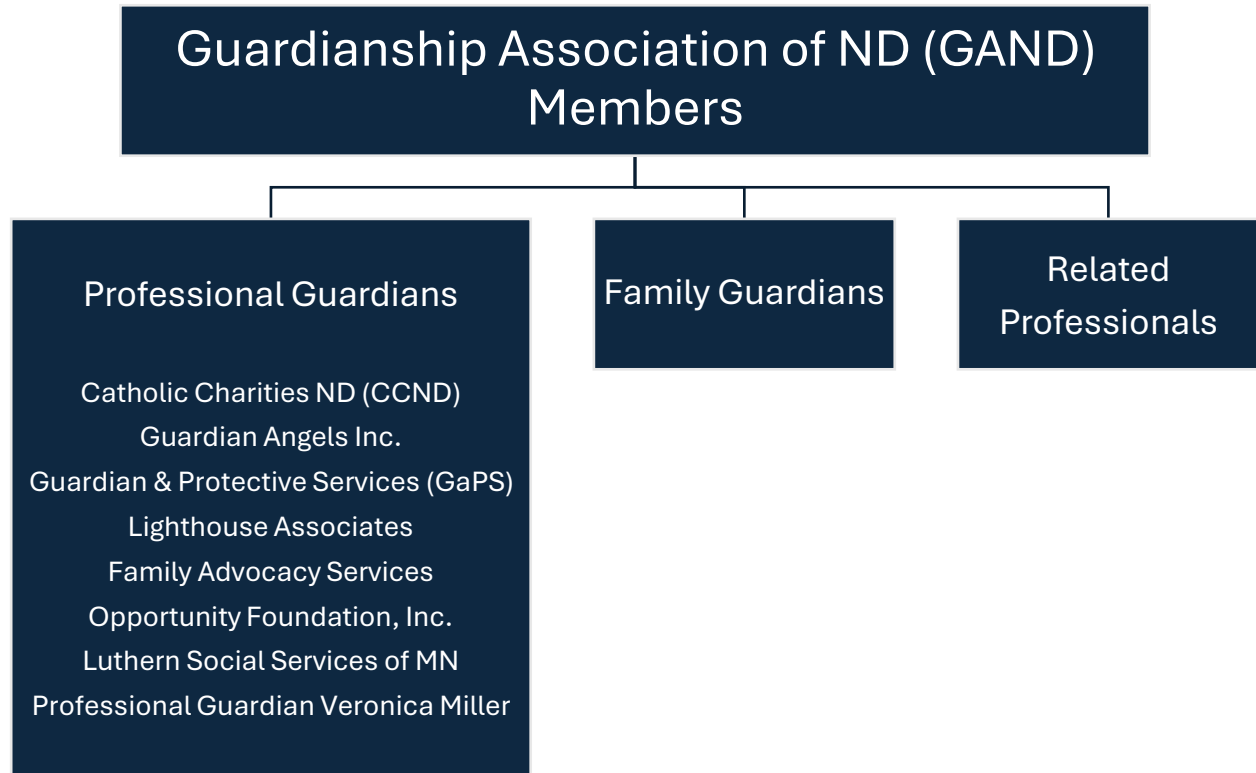
Thank you for providing GAND and its members with the opportunity to propose a simpler, scaled approach to the OGC focused on positively impacting guardianship & conservatorship while assuring high quality services.

**RESPONSE TO SENATE SUBCOMMITTEE  
SENATE BILL 2029  
GUARDIANSHIP ASSOCIATION OF ND  
MARGO HAUT, PRESIDENT  
JANUARY 23, 2025**

**Guardianship Association of ND**

The Guardianship Association of ND aka GAND is a 501(c)3 nonprofit organization established in 1987. GAND provides educational resources and collaboration for guardianship providers while advocating for guardianship services throughout the state of ND. Numerous staff from each entity are members of GAND, with a current total of 64 members.

Professional Providers of Guardianship Services listed below are nonprofit corporations that collaborate but work independently from one another.



## Office of Guardianship & Conservatorship

*Enhance & Grow Profession*

- Comprised of an Executive Director of the OGC, Monitor, Education/Standards Coordinator
- Develop & implement the overall plan of Guardianship & Conservatorship
- Develop Policies & Procedures
- Collaborate with the Courts to create a database for Guardians & Conservators
- Process & investigate grievances, if necessary refer to the Review Board
- Establish method to address Findings of the Review Board in "real time"
- Create & oversee Rules & Regulations of the Ethics & Rules Committee

## Review Board

*Authority to investigate & act on findings of Grievances*

- Comprised of the following:
  - Professional Guardian
  - Family Guardian
  - DD Corporate Guardian
  - Adult Protective Services
  - Protection & Advocacy
  - Retired Judge
  - Attorney
- Investigate the alleged Grievance of a Guardian or Conservator
- Make recommendations to the District Court of Jurisdiction
- Collaborate with the Attorney Generals Office, Bureau of Criminal Investigation & Forensic Accountant when appropriate
- Rely on the assistance of existing Departments per expertise

## Ethics & Rules Committee

*Creates & Implements Standards of Practice for Guardians*

- Overseen by the Education/Standards Coordinator
- Members also include:
  - The Executive Director
  - Monitor & Education/Standards Coordinator
  - Professional Guardian
  - Family Guardian
  - DD Corporate Guardian
  - Retired Judge
  - Attorney
- The Executive Director of the OGC shall be the Chairperson of the Committee
- Develop Rules & Regulations for all types of Guardians and Conservators
- Create mechanism to remove Guardian or Conservator via the Court
- Develop & offer statewide training for new & existing Guardians & Conservators
- Establish & oversee a registry of all Guardians & Conservators

## **Office of Guardianship & Conservatorship**

### **Members/ Purpose**

**Job requirement for every member | Obtain the Guardianship & Conservatorship national certification & complete state online training**

#### Executive Director

- Oversee the duties and responsibilities of the OGC
- Chair the Ethics & Rules Committee

#### Monitor

- Complete audits of random & referred case reviews
- Oversee the process of grievances
- Provide financial & wellbeing expertise
- Complete Certification of the Guardianship/Conservatorship National Investigator Training Program via National Guardianship Association (NGA)

#### Education/Standards Coordinator

- Create statewide training & support for Guardians & Conservators
- Create system for open communication and availability to Guardians & Conservators
- Create and provide CEU training to ensure certifications & licensure or accreditation
- Create standards of practice for all types of Guardians & Conservators
- Create & maintain registry of Certifications or Accreditation & Renewals for every Guardian or Conservator

### **Duties of the OGC consist of the following:**

- Develop Policies & Procedures to enhance and grow Guardianship & Conservatorship
- Implement regulations to enhance the monitoring & ethical fulfilment of a Guardian's or Conservator's duties & responsibilities
- Process & investigate grievances with potential to refer to the Review Board.
- Provide accountability for Guardianships & Conservatorships
- Establish ongoing communication with the ND Guardianship Referral Coalition

## **Review Board**

### **Members / Purpose / Duties**

Professional Guardian | Family Guardian | DD Corporate Guardian | Adult Protective Services Protection & Advocacy | Retired Judge | Attorney with expertise in the field of guardianship

- Investigate an alleged grievance of a Guardian or Conservator
- Obtain the authority to act on the findings of the grievance
- Collaborate with the Attorney General's Office, Bureau of Criminal Investigation or a Forensic Accountant when deemed necessary to complete investigation
- Rely on additional Departments such as Medicaid Fraud Control Unit, Consumer Protection Division & Office of State Tax Commissioner per their expertise
- Provide recommendations per the Review Board's findings of the grievance to the District Court of Jurisdiction
- Members of the Review Board are not compensated except for mileage and travel expenses approved by State Policy

## **Ethics & Rules Committee**

### **Members / Purpose**

The Education/ Standards Coordinator will oversee the Ethics & Rules Committee. Other Members of the Committee will consist of the Executive Director & Monitor via the OGC, Professional Guardian, Family Guardian, DD Corporate Guardian, Retired Judge, Attorney with expertise in the field of guardianship

### **Duties of the Ethics & Rules Committee consist of the following:**

- Establish & implement the Standards of Practices for Guardians & Conservators
- Create the Rules & Regulations for all types of Guardians & Conservators
- Create & oversee the registry of every Guardian & Conservator to ensure Certifications or Accreditation & Renewals
- Incorporate a mechanism via the Courts per the suspension or dismissal of a Guardian or Conservator
- Create and/or implement training & support for all Guardians & Conservators
- Establish ongoing assessment via the Standards & Rules to meet the overall needs and/or expectations of a Guardian or Conservator
- Assess areas of potential needs of Guardians or Conservators by enhancing accountability, clearly defining expectations allowing both negative & positive feedback utilizing tracking tools to assist in addressing the need.

**Furthermore, GAND requests the consideration that the Office of Guardianship & Conservatorship be served via the Executive Branch of the ND Government per the experience & expertise of its members.**

Thank you for your time & consideration of this proposed option to SB 2029, GAND urges your support. I stand for any questions from the Senate Subcommittee Members.