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Senate Judiciary Committee

Senate Bill 2291 - January 29, 2025

Testimony of Micah Olson, P&A Position-In Opposition

My name is Micah Olson. I am attorney at North Dakota Protection and Advocacy (P&A). As written P&A opposes this bill; however, P&A would support this bill with some proposed changes to the definitions section.

First, in Section 4 Amendment on page 8 at number 32 of the definitions section, the definition of “limited guardian” is removed. The bill does not offer an alternative definition of limited guardian. Protection & Advocacy recommends the definition of limited guardian remain as previously written. This is particularly important because the definition of “Guardian” at number 23 on page 7 uses the phrase “and includes limited guardians as defined in this section”.

Protection & Advocacy recommends using the term “Individual under guardianship” rather than “Ward”, as used in number 62 of the definitions section on page 11, and throughout the bill.

Protection & Advocacy is in favor the definition of “least restrictive form of intervention” at number 31 of the definitions section on page 8. This specifies and explains to guardians that an individual under guardianship must have as much freedom as possible. Having this specified in the law would benefit those under guardianship and would assist in explaining a guardian’s obligations.

Protection & Advocacy would support this bill, with the addition of the definition of “limited guardian” and using the term “individual under guardianship” instead of “ward.”