

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

222/

2005 SENATE JUDICIARY

SB 2221

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2221

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 25, 2005

Tape Number	Side A	Side B	Meter #
1		X	1590 - 3050
Committee Clerk Signature <i>Marie L Solberg</i>			

Minutes: Act to provide an appropriation for petitioning costs for indigent individuals who have been referred to corporate guardianship.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Sen Tom Fischer, Dist. #46, introduced the bill. (meter 1590) Att #1.

Donna Byzewski, Supervisor of the Corporate Guardianship Program at Catholic Charities ND. (meter 1500) Gave testimony - Attachment #2.

Sen. Trenbeath asked how currently their is support for the program, do you see a time that you do not have that funding? Yes, with cost of living increases and the cost of the program going up and the funds available are disappearing -we do worry about this. The Department of Human Services make the determination out of their budget. They call our agency to see if we can handle it. Then we call the developmental case manager to fund. If they can not we try to find a

way to do it. Otherwise we would have all those people who need the services and did not have them. **Sen. Trenbeath** stated that these funds used to be in the budget of Human Services and last session the Human Services Department cut the money out. Did you approach Human Services and ask them to include it in their current budget? This in the past was included in Emergency Budget we are #22 on their OAR list.

Sen. Trenbeath do you know why it is so far down on their list? No

Sen. Traynor asked if this should be on the indigent defense bill? **Sen. Trenbeath** stated that the situations were different otherwise the counties would be in looking for money.

Sen. Nelson discussed the successor guardian bill recently passed on the floor. **Senator Triplett** stated that this is completely different from **Sen. Nelson** bill being discussed.

Christopher Dobson, Executive Director of ND Catholic Diocese (meter 2800) When you are part of another organizations budget and they think that times are slow, you are up to their mercy for payment, especially if they think you will pay for it anyway? Sometimes the word "Catholic" stands in the way.

Jack Mc Donald's, ARC Gave his support. (meter 3030) Our people use this service a lot and are very supportive of this bill.

Testimony in Opposition of the Bill: none

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Do Pass by **Senator Triplett** and seconded by **Sen. Trenbeath**. All members were in favor, No Oppose motion passes.

Carrier: **Senator Triplett**

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Date: 1/25/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 222/

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Triplett Seconded By Sen. Trenbeath

Senators	Yes	No	Senators	Sen. Nelson	Yes	No
Sen. Traynor	✓		Sen. Nelson		✓	
Senator Syverson	✓		Senator Triplett		✓	
Senator Hacker	✓					
Sen. Trenbeath	✓					

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Triplett

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 25, 2005 1:17 p.m.

Module No: SR-16-0993
Carrier: Triplett
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2221: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the
Eleventh order on the calendar.

2005 SENATE APPROPRIATIONS

SB 2221

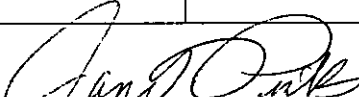
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2221

Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 8, 2005

Tape Number	Side A	Side B	Meter #
1	a		2,712
Committee Clerk Signature 			

Minutes:

Vice Chairman Grindberg called the hearing to order on SB 2221.

Senator Tom Fischer, District 46, Fargo, testified in support of SB 2221. He indicated this bill was proposed to resolve an oversight in a cost involved in the indigent guardianship program. At the current time there is no appropriation in the budget to petition for corporate guardianship. This would cover the one time costs involved in petitioning to the courts to obtain guardianship for indigents.

Senator Mathern, District 11, Fargo, testified in support of SB 2221. He indicated essentially what this bill covers is when a person has a need for supervision, there are agencies that provide services, the individual needs to get to that agency and there are processing costs involved which cover the legal fees and court costs. This bill would cover those costs.

Donna Byzewski, Supervisor of the Corporate Guardianship Program at Catholic Charities North Dakota, provided written testimony and testified in support of SB 2221. She

described the Catholic Charities in North Dakota guardianship program, the cost of services, the process of getting those services, and what the approval of this bill would provide.

Senator Grindberg asked that a flow chart be described.

Donna Byzewski indicated that when a person is referred developmental disability services at human services they have to complete paperwork to get the services approved. Up to this point Catholic Charities has set aside funds to take care of legal fees, but they can't continue doing that. If this bill is approved, the funds go to Human Services to perform the petition. The chart would be as follows:

Developmental Disabilities qualifies the individual → Developmental Disabilities completes the paper work necessary to begin the petition → The hearing is held → The Judge determines the individuals incapacity → Catholic Charities is approved as the guardian → Catholic Charities pays the individuals bills.

Chris Doses, Executive Director, Catholic Charities of North Dakota, testified in support of **SB 2221**. He indicated this bill is a part of the process to improve services. In order to access the needed services, the process must go through the courts. This portion of the bill was originally omitted from the Human Services bill.

Senator Bowman asked if Catholic Charities is the only group to provide guardianships.

Chris Doses indicated the Catholic Charities does not normally pay the petitioning fees and it does provide conflicts, but because this was not provided for in the bill, they have been putting forth the funds.

No further questions or testimony were provided.

Vice Chairman Grindberg closed the hearing on SB 2221.


2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2221

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 02/11/05

Tape Number	Side A	Side B	Meter #
2			2,530-2668
Committee Clerk Signature 			

Minutes: **Chairman Holmberg** opened meeting on SB 2221.

A **Do PASS** motion was made by Sen Grindberg, seconded by Sen. Andrist.

13 yeas, 0 nays, and 2 absent and not voting. The carrier is from Judiciary.

Chairman Holmberg closed meeting on SB 2221.

Date 2-11-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2221

Senate SENATE APPROPRIATIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 2221

Action Taken Do Pass

Motion Made By G Seconded By A

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	/		SENATOR KRAUTER	/	
VICE CHAIRMAN BOWMAN	/		SENATOR LINDAAS	/	
VICE CHAIRMAN GRINDBERG	/		SENATOR MATHERN	/	
SENATOR ANDRIST	/		SENATOR ROBINSON	/	
SENATOR CHRISTMANN			SEN. TALLACKSON	/	
SENATOR FISCHER	/				
SENATOR KILZER	/				
SENATOR KRINGSTAD					
SENATOR SCHOBINGER	/				
SENATOR THANE	/				

Total (Yes) 13 No 0

Absent 2

Floor Assignment jud

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 11, 2005 12:55 p.m.

Module No: SR-28-2554
Carrier: Triplett
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2221: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the
Eleventh order on the calendar.

2005 HOUSE APPROPRIATIONS

SB 2221

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2221
Corporate Guardianships for Indigents

House Appropriations Committee
Human Resources Division

Hearing Date: 3-1-05 Tuesday a.m.

Tape Number	Side A	Side B	Meter #
I	X		End: 17.8
Committee Clerk Signature <i>Deane M. Anley</i>			

Minutes: **Chairman Delzer** called the meeting to order at 9:00 a.m. All members present except Rep. Kerzman.

Donna Byzewski, Supervisor of the Corporate Guardianship Program at Catholic Charities North Dakota, testified in support of SB 2221 (see three-page handout). They are requesting \$30,000, the same they asked for in HB 1012.

Chairman Delzer: Who gets the \$350-\$850? To the lawyers or courts?

Byzewski: Directly to the attorneys. Catholic Charities just pays the bills. It would be a conflict of interest if we do the petitioning.

Chairman Delzer: Is it the same lawyers that you use for most of them?

Byzewski: It depends on where the person lives and the courts all over the state, local attorneys and court visitors.

Chairman Delzer: Do you deal with Legal Services of North Dakota?

Byzewski: We try to use local entities. It depends on the case load. Minot only has been able to help.

Chairman Delzer: Age mostly over 21?

Byzewski: Age 18 and over. This is a guardianship of the last resort. We do not go looking for them. The \$850 is a very good rate we have been given. The scope is limited to direct guardianship services.

Chairman Delzer: Does CFS feel there is language that would restrain the appropriation?

Byzewski: The roll-up in the contract can be used if the \$30,000 is used up. There is \$40,000-\$45,000 roll-up by the department.

Bruce Murry, staff attorney for the North Dakota Protection and Advocacy Project, testified in support of SB 2221 (see one-page handout).

Courtney Koebele, lobbyist on behalf of Jack McDonald, testified in support of SB 2221 (see one-page handout).

Christopher Dodson, North Dakota Catholic Conference, testified in support of SB 2221.

They are like a car with no wheels. The driver has to use fuel money to try and buy tires. The Department of Human Services is seeking petitions, not Catholic Charities. The contract with the department will not cover all of the expenses.

Vice Chair Pollert: What is the percentage between the uncontested? Does it change?

Page 3

Human Resources Division

Bill/Resolution Number SB 2221

Hearing Date 3-1-05

Byzewski: It depends on the region where the person lives. It is higher in Minot and tends to be \$1,000 for successor or new guardianships. In Dickinson successor guardianships are \$300.

Maybe one fourth of the cases are successor guardianships; three fourths are brand new guardianships with no other successor available.

Chairman Delzer: Anyone testifying opposed to SB 2221? Neutral? Okay. We will hold this bill a bit. I could not support another \$30,000 when there is still some maneuvering room. We will close the hearing on this bill and stand in recess.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2221
Indigents and Corporate Guardianships

House Appropriations Committee
Human Resources Division

Hearing Date: 3-7-05 Monday p.m.

Tape Number	Side A	Side B	Meter #
I	X		End: 4.1
Committee Clerk Signature <i>Deane M. O'Leary</i>			

Minutes: **Chairman Delzer** called the meeting to order. All members present including Rep. Kerzman who came at 2:06. Sen. Fisher's SB 2221 provides \$30,000 for legal petitioning costs for DD people.

Rep. Bellew: I move a Do Not Pass on SB 2221.

Vice Chair Pollert: I second it.

Rep. Metcalf: Will the HB 1012 amendment add the \$30,000?

Chairman Delzer: It gives them the authority to spend the \$30,000. It will not add any more money to the budget.

Rep. Metcalf: It is for the next biennium.

Chairman Delzer: There is not concern about the current. It is in the budget at 392 people a day, which comes out less than \$200,000. They will not get anything covered this biennium.

Clerk will call the roll. Motion passes 6-0.

Rep. Wieland will carry the bill. Hearing adjourned.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2221
Corporate Guardianships of Indigent Individuals

House Appropriations Full Committee

☐ Conference Committee

Hearing Date March 8, 2005

Tape Number	Side A	Side B	Meter #
2		X	#16.2 - #17.0
Committee Clerk Signature <i>Chris Alexander</i>			

Minutes:

Rep. Ken Svedjan, Chairman opened the hearing on SB2221.

Rep. Jeff Delzer explains that this is an appropriation for \$30,000 for petitioning costs for indigent individuals with developmental disabilities. In the Human Services budget there was \$200,000 for Catholic Charities for guardianship and they were only using \$160,000. We have thus offered an amendment to HB1012 to take care of these petitioning costs through these unused Catholic Charities moneys and there is no further need for this bill.

Rep. Jeff Delzer moved a Do Not Pass motion on SB2221.

Rep. Tom Brusegaard seconded

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Not Pass motion on SB2221.

Motion carried with a vote of 18 yeas, 0 nays, and 5 absences. Rep Wieland will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the hearing on SB2221.

Date: 3-7-05 Mon
Roll Call Vote #: ①

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2221

House Appropriations - Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep. Bellew Seconded By Rep. Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Jeff Delzer	✓		Rep. James Kerzman	✓	
Vice Chairman Chet Pollert	✓		Rep. Ralph Metcalf	✓	
Rep. Larry Bellew	✓				
Rep. Alon C. Wieland	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Rep. Wieland

If the vote is on an amendment, briefly indicate intent:

Date: March 8, 2005
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2221

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep. Delzer Seconded By Rep. Brusegaard

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	AB	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	AB		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	AB	
Rep. Pam Guleson	AB		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	AB				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes 18 No 0

Absent 5

Floor Assignment Rep. Wieland

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 8, 2005 12:30 p.m.

Module No: HR-42-4386
Carrier: Wieland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2221: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO NOT PASS (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2221 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2221

SB 2221

Mister Chairman, members of the Judiciary Committee

For the record my name is Tom Fischer, State Senator, District 46, Fargo.

Senate Bill 2221 is the vehicle for petitioning for guardianship through the courts.

The \$30,000 appropriation is specifically set aside for the petitioning process to provide guardianship services to those who most need it.

Mr. Chairman, there are several people in attendance this morning who can explain this process in detail and with your permission I will defer to them. If you have any questions I will try to answer them.

Thank you

*Same
given to
Senate
Appropriations*

AH 2

Senate Judiciary Committee
Testimony on Senate Bill 2221
Senator John T. Traynor – Chairman
January 25, 2005

Chairman Traynor and members of the Senate Judiciary Committee, good morning. My name is Donna Byzewski and I am supervisor of the corporate guardianship program at Catholic Charities North Dakota. I am respectfully asking your committee to approve funding for petitioning costs so people with developmental disabilities can receive needed guardianship services. I would like to provide some brief background information to clarify the issue.

The corporate guardianship program at Catholic Charities North Dakota (CCND) is very grateful to the 2003 Legislature because it approved an increase in the number of wards who could be served. This action completely eliminated a long waiting list. From 7/1/03 to 1/14/05, forty-five (45) people with developmental disabilities have been admitted to CCND's corporate guardianship program: forty-three (43) people who live in the community; and two (2) who reside at the Developmental Center in Grafton. Eight (8) new cases are pending as they are still progressing through the court process. We currently provide services on behalf of 358 people (324 in the community and 34 at the Developmental Center). The legislature also approved an increase in the rate for corporate guardianship services for people with developmental disabilities to \$3.92 per ward/per day. This was the first rate increase that corporate guardianship received since 1995 and it was based on the cost of services in 2001. Our current cost of service is \$4.60 but because of United Way allocations, collection of allowable guardianship fees through the North Dakota Medicaid Program and our Golf for Guardianship fundraiser, CCND is able to offset the costs that are not covered by our contract with the Disability Services Division of the Department of Human Services (DHS). Again, I would like to extend my sincere appreciation to legislators as their decision to increase the number of people who could be served and the increase in the daily rate has had a direct and positive impact on the lives of many people who were at risk of harm. The support and protection

of a guardian helps ensure that each person will receive services in the least restrictive environment and that his or her health and safety needs are met.

Unfortunately, it was not realized until the end of the 2003 Legislature that emergency funding was not included in the DHS budget and historically this has been the source of funding for petitioning costs for indigent people with developmental disabilities. In order to establish a guardianship, a petition must be filed with the court and a hearing must be held to hear evidence. This process involves the services of two attorneys (the petitioning attorney and a guardian ad litem), a court visitor and a physician or psychologist. Petitioning expenses range from \$300 for an uncontested successor guardianship to \$850 or more for the establishment of a new guardianship. In response to this serious problem, CCND set aside \$15,000 from our Golf for Guardianship fundraiser for fiscal year 2003 and the same amount for fiscal year 2004. From 7/1/03 to 1/14/05, CCND has spent \$20,257 to pay for a portion or all of the petitioning costs for thirty-six (36) wards.

In July 2003, CCND made a choice to respond to the needs of the many vulnerable people who were on our long waiting list. It became clear that a number of people who were accepted into our program would not be able to access our services because they could not afford to pay the petitioning costs. CCND stepped up to the plate and did the right thing. However, this cannot be a long-term solution. There may come a time in the near future that the funds that CCND designated towards petitioning costs must be used to help finance the difference between our actual cost of service (\$4.60) and the daily rate from our contract with DHS (\$3.92).

Today, I am requesting that an appropriation in the amount of \$30,000 be made available to ensure that each person who needs corporate guardianship services will receive it. It would be very distressing if a person with developmental disabilities cannot receive corporate guardianship services and consequently remain at risk because he or she is indigent. I am respectfully asking each of you to support SB 2221 by making a "Do Pass" recommendation. I would welcome any questions that you may have. Thank you.

House Appropriations Committee – Human Resources Division

Testimony on Senate Bill 2221

Representative Jeff Delzer – Chairman

March 1, 2005

Chairman Delzer and members of the House Appropriations Committee – Human Resources Division, good morning. My name is Donna Byzewski and I am supervisor of the corporate guardianship program at Catholic Charities North Dakota. I am respectfully asking your committee to approve funding for petitioning costs so people with developmental disabilities can receive needed guardianship services. I would like to provide some brief background information to clarify the issue.

The corporate guardianship program at Catholic Charities North Dakota (CCND) is very grateful to the 2003 Legislature because it approved an increase in the number of wards who could be served. This action completely eliminated a long waiting list. From 7/1/03 to 2/26/05, forty-six (46) people with developmental disabilities have been admitted to CCND's corporate guardianship program. During that same time period, twenty (20) people passed away. Nine (9) new cases are pending as they are still progressing through the court process. We currently provide services on behalf of 357 people (324 who live in the community and 33 who reside at the Developmental Center). The legislature also approved an increase in the rate for corporate guardianship services for people with developmental disabilities to \$3.92 per ward/per day. Our current cost of service is \$4.60 but because of United Way allocations, collection of allowable guardianship fees through the North Dakota Medicaid Program and our Golf for Guardianship fundraiser, CCND is able to offset the costs that are not covered by our contract with the Disability Services Division of the Department of Human Services (DHS). Again, I would like to extend my sincere appreciation to legislators as their decision to increase the number of people who could be served and the increase in the daily rate has had a direct and positive impact on the lives of many people who were at risk of harm. The support and protection of a guardian helps ensure that each person will receive services in the least restrictive environment and that his or her health and safety needs are met.

Unfortunately, it was not realized until the end of the 2003 Legislature that emergency funding was not included in the DHS budget and historically this has been the source of funding for petitioning costs for indigent people with developmental disabilities. In order to establish a guardianship, a petition must be filed with the court and a hearing must be held to hear evidence. This process involves the services of two attorneys (the petitioning attorney and a guardian ad litem), a court visitor and a physician or psychologist. Petitioning expenses range from \$300 for an uncontested successor guardianship to \$850 or more for the establishment of a new guardianship. When DHS discontinued paying for the petitioning costs on 6/30/03, CCND responded to this serious problem by setting aside \$15,000 from our Golf for Guardianship fundraiser for fiscal year 2003 and the same amount for fiscal year 2004. From 7/1/03 to 2/26/05, CCND has spent \$21,094 to pay for a portion or all of the petitioning costs on behalf of forty (40) wards.

In July 2003, CCND made a choice to respond to the needs of the many vulnerable people who were on our long waiting list. It became clear that a number of people who were accepted into our program would not be able to access our services because they could not afford to pay the petitioning costs. CCND stepped up to the plate and did the right thing. However, this cannot be a long-term solution. There may come a time in the near future that the funds that CCND designated towards petitioning costs (our Golf for Guardianship fundraiser monies) must be used to help finance the difference between our actual cost of service (\$4.60) and the daily rate from our contract with DHS (\$3.92). Because petitioning is outside of the scope of our contract with DHS, I need to emphasize that CCND is not asking for an increase in our daily rate or the amount in our contract, we are only asking that funding be made available to help pay for petitioning costs.

Today, I am requesting that an appropriation in the amount of \$30,000 be made available to ensure that each person who needs corporate guardianship services will receive it. Of the forty-six (46) admissions since 7/1/03, seven (7) cases involved people who needed emergency guardianship services immediately because of medical crises or imminent danger. I shudder to think of what would have happened to those individuals if CCND

had not been able to provide guardianship services. It would be very distressing if a person with developmental disabilities cannot receive corporate guardianship services and consequently remain at risk because he or she is poor. I am respectfully asking each of you to support SB 2221 by making a "Do Pass" recommendation. I would welcome any questions that you may have. Thank you.

March 1, 2005

HOUSE APPROPRIATION COMMITTEE - HUMAN RESOURCES DIVISION SB 2221

CHAIRMAN DELZER AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of The Arc of North Dakota. **We support SB 2221 and urge a do pass.**

The Arc is an open membership organization made up of people with mental retardation and other related developmental disabilities, their families, friends, interested citizens, and professionals in the disability field.

It is organized on three levels: local chapters, state chapters and the national organization. All three levels provide opportunities to engage policy-makers in efforts to improve public policy affecting people with mental retardation and related developmental disabilities and their families.

The Arc of North Dakota has over 1,500 committed members and friends...your neighbors and constituents...in chapters in Grand Forks, Fargo, Valley City, Jamestown, Bismarck, Dickinson and Bowman.

Our **Mission Statement** is to improve the quality of life for children and adults with mental, retardation and related developmental disabilities and their families through advocacy, education and family support services.

Public policy advocacy is an essential component of the Arc movement, and that's why we're here today. Arc members have worked together over the past 50 years to secure family support services, special education, health care, leisure opportunities, vocational training, community housing and other community support services.

Many of the developmentally disabled individuals The Arc works with are under the corporate guardianship program administered by Catholic Charities North Dakota. This request for \$30,000 to pay the court costs involved in initiating these guardianship cases is a reasonable fee that should be the responsibility of the state, and not have to be absorbed by a private charity such as Catholic Charities. Support of corporate guardianship is one of The Arc's legislative goals. Therefore, we respectfully request that you give SB 2221 a do pass. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

TESTIMONY -- PROTECTION AND ADVOCACY PROJECT
SENATE BILL 2221 -- HOUSE APPROPRIATIONS H.R. DIVISION
HONORABLE JEFF DELZER, CHAIRMAN
March 1, 2005, 9:00 a.m.

Good morning Chairman Delzer and members of the Human Resources Division. I am Bruce Murry, a staff attorney for the North Dakota Protection and Advocacy Project.

All people experience changes in health and ability over time, and as a last resort may need a guardian to assist with their affairs. Some persons with developmental disabilities may need a guardian when they become adults.

Parents, families, and friends often serve as guardians. However, those guardians age, move away, or develop conflicts of interest. Some people do not have family or friends available. In these situations it is important for the state to have the ability to fund the guardianship petitioning process, to protect the long term health of people with developmental disabilities.

We believe this bill would allow the state to more effectively serve the safety and health care needs of people with developmental disabilities.

Thank you for your consideration.