

Testimony to the: **HUMAN SERVICES COMMITTEE**
Prepared August 30, 2012 by the North Dakota Association of Counties
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CONCERNING NORTH DAKOTA'S GUARDIAN AND PUBLIC ADMINISTRATOR SYSTEM

Chairman Wieland and members of the committee, NDACo strongly supports this committee's efforts to address the State's Guardianship System. Since this committee has already received extensive information on this topic I will leave you with some brief thoughts for your consideration.

- 1) The system has deficiencies that need to be improved.
- 2) Those that seek appointment or are appointed need some training/assistance.
- 3) There needs to be oversight over guardians for both fiscal and ethical reasons.
- 4) Any significant change to the procedures without first implementing some structural change would make the situation more complicated.

In NDACo's opinion, one of the most significant improvements in the system would be to create a central "**clearing house**" which would not only oversee and provide training and assistance to guardians but also have the resources to pay for the private service providers in cases where the individual has no other resources. If the legislature would be willing to provide such funding, private service providers would no longer have to seek dollars from individual counties.

In NDACo's opinion, the most efficient way of accomplishing this would be to have the legislature appropriate a specific dollar amount to the Court system. In an attempt to ensure the Court system is not in a conflict of interest position, the Court could then contract with a provider for these services. This model has been done before by the legislature in a pilot program on guardianships in which State dollars were used to pay for attorney fees to help file guardian petitions.

As the committee already knows, the benefits of a grant program would provide the legislature and Court system flexibility in structuring the program as needed and as conditions change. Additional benefits would also include consistency State-wide and a clear single authority for the public.

While this model may not solve every problem, it would be a significant step forward.

Thank you,