

Introduced by

Senators Hogan, Lee

1 A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century  
2 Code, relating to the task force on guardianship monitoring to promote the accountability of all  
3 guardians; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new chapter to title 27 of the North Dakota Century Code is created and  
6 enacted as follows:

7 **Task force on guardianship monitoring.**

8 1. The North Dakota supreme court shall establish a task force on guardianship  
9 monitoring to address matters of guardianship accountability and further protections of  
10 individuals under guardianship. The task force on guardianship monitoring must  
11 include representatives from the guardianship monitoring program, the vulnerable  
12 adult protective services program, and protection and advocacy project and individuals  
13 representing guardianship service providers, family guardians, district court judges,  
14 and attorneys.

15 2. The task force shall recommend the regulations necessary to enhance the  
16 guardianship monitoring program to investigate suspected guardian mismanagement  
17 or illegal behavior. The regulations must include:

18 a. Appropriate certification, training, and background requirements for a guardian  
19 investigator position relating to specialized training in guardianship services,  
20 financial management, investigations involving allegations of neglect, abuse, and  
21 exploitation of vulnerable adults, and training with the national guardianship  
22 association's guardianship and conservator auditor and monitor investigator  
23 program;

- 1           b. Procedures for investigating referrals from a judicial officer, the division of the  
2           department of health and human services that oversees vulnerable adult  
3           services, protection and advocacy, social workers, the ombudsman program, the  
4           Medicaid fraud control unit, and any entity that oversees or provides services for  
5           vulnerable adults;  
6           c. Procedures to be followed by an investigator relating to the investigation of a  
7           single guardian or an entire guardianship service provider; and  
8           d. Any findings, recommendations, or improvements issued to the district court for  
9           review.  
10          3. The task force on guardianship monitoring shall make the recommendations under  
11          subsection 2 to the supreme court and other appropriate agencies. Upon receiving the  
12          recommendations, the supreme court may adopt rules implementing the  
13          recommendations.

14           **SECTION 2. APPROPRIATION - JUDICIAL BRANCH - FULL-TIME EQUIVALENT**

15   **POSITION.** There is appropriated out of any moneys in the general fund in the state treasury,  
16 not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary,  
17 to the judicial branch for the purpose of assisting the task force in its duties, for the biennium  
18 beginning July 1, 2023, and ending June 30, 2025. The judicial branch is authorized a full-time  
19 equivalent position to staff the task force.

20           **SECTION 3. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET -**

21   **GUARDIANSHIP SERVICES.** There is appropriated out of any moneys in the general fund in  
22 the state treasury, not otherwise appropriated, the sum of \$3,270,454, or so much of the sum as  
23 may be necessary, to the office of management and budget for the purpose of providing grants  
24 for indigent guardianship services, for the biennium beginning July 1, 2023, and ending  
25 June 30, 2025.

26           **SECTION 4. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**

27   **GUARDIANSHIP SERVICES.** There is appropriated out of any moneys in the general fund in  
28 the state treasury, not otherwise appropriated, the sum of \$577,579, or so much of the sum as  
29 may be necessary, to the department of health and human services for the purpose of  
30 increasing the reimbursement rate and the number of corporate guardianships for individuals

Sixty-eighth  
Legislative Assembly

- 1 that receive developmental disability program management services, for the biennium
- 2 beginning July 1, 2023, and ending June 30, 2025.