

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; and to declare an emergency.

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~~\$290,000, or so much of the sum as may be
17 necessary, to the judicial branch for the purpose of assisting the task force in its duties, for the
18 biennium beginning July 1, 2023, and ending June 30, 2025. The judicial branch is authorized a
19 full-time 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~~\$8,100,000, or so much of
23 the sum as may be necessary, to the office of management and budget for the purpose of
24 providing grants for indigent guardianship services, for the biennium beginning July 1, 2023,
25 and ending 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~~\$4,490,000, or so much of
29 the sum as may be necessary, to the department of health and human services for the purpose
30 of increasing the reimbursement rate and the number of corporate guardianships for individuals

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

3 **SECTION 5. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure.