

House Appropriations – Government Operations Division

Testimony on Senate Bill 2015

Representative David Monson – Chairman

March 7, 2023

Chairman Monson and members of the House Appropriations – Government Operations Division Committee, my name is Shannon Henrickson and I am the Director of a new program at Catholic Charities North Dakota (CCND) called Guardianship Services for the Vulnerable (GSV). CCND respectfully requests that the funding in Senate Bill 2015 for Public Administrator Support Services (PASS) be increased to \$8,100,000 to adequately meet the needs of the most vulnerable individuals in the state of North Dakota.

I would like to first start by providing you with the North Dakota court definition of Adult Guardianship:

“A guardianship of an adult is a court process where a North Dakota state district court judge or judicial referee determines if an adult (18 years or older) is incapacitated to the point they are unable to care for themselves responsibly or their incapacity endangers their health or safety.

If the judge or judicial referee decides, based on the evidence presented, that the adult is incapacitated, a guardian is appointed to make medical, legal, residential, educational, vocational, and some financial decisions for the adult. After a guardian is appointed, the adult is referred to as the Ward”.

Guardianship Service for the Vulnerable (GSV) is a separate program from or corporate guardianship (GDID) that serves only Individuals with Intellectual Disabilities. I would like to take this opportunity to explain what it truly looks like to be a provider of guardian/conservator services in North Dakota for our most vulnerable population. As a group we are trying to help the most vulnerable citizens of our state. We are the guardians of last resort to be the decision maker supporting elderly individuals with dementia/Alzheimer’s, those with persistent mental illness, traumatic brain injury, cognitively impaired, severe medical conditions, chemical dependency, homelessness or other related vulnerabilities.

At CCND, we began serving as guardian for 28 individuals in April of 2020. Almost 3 years later we are serving 103 individuals and have tripled our capacity. We have an additional 17 individuals that are currently in some stage of the guardianship petitioning process or waiting to

be accepted. We currently have nine (9) staff members on our team: five (5) guardianship workers, one (1) financial support, two (2) part time clerical staff working the equivalent of 1 FTE and myself. The five (5) guardianship workers must have a minimum of a 4 year degree in a human service related field.

Providing these much needed services is no small feat. In many instances we are expected to be the person going to medical appointments, transporting, grocery shopping for food, clothing and other needed items, moving furniture to a new living arrangement, cleaning out apartments and providing 24 hour on-call, simply because there is no one else. We get pushed from all directions (providers, social workers, medical providers, family) - "Well, you're the guardian". This is an extremely hard job requiring much dedication and caring to determine what is needed for each of the individuals. In serving individuals with severe and persistent mental health issues, we find that they are losing their place of residence, not complying with medications, not able to find a support team due to lack of a workforce and/or refusing to let providers in (when we can find one) to support their needs.

In the area of the elderly, we are trying to discover the person's protected assets, find income(s) they are entitled to, determine if friends or family have taken advantage of them and if financial exploitation has occurred. We also have to sell/manage assets such as bank accounts, vehicles, houses, land, mineral rights, efficiently and effectively to meet their long-term care needs and to maintain the individual in the community while keeping them safe and healthy for as long as possible. We focus on the least restrictive most person centered care possible to reduce the cost of long-term care spending to the state of North Dakota.

For all of the individuals we serve, we may have to complete applications for Medicare, Medical Assistance, apply to be representative payee for Social Security, determine if they have some other types of income, such as pensions, Veterans benefits, retirement accounts, IRA's etc., set up bank accounts, determine bills to be paid and pay those expenses, complete applications for housing, community based services, adult foster care, basic care, skilled nursing home care or memory care depending on the individual's needs, provide transportation, take them shopping, pick up medications, take them and sit at medical appointments. In addition, we are accountable to the court and must complete yearly well-being and financial court reports. We must complete

annual reporting to Social Security. Getting all of this done on a timely basis depends on the person you encounter on the other end of each of the scenarios mentioned.

In 2022, we encountered 6,755 contacts to talk about guardian/conservator questions or concerns on behalf of clients. This is where there can be a gap in education for providers of service, community industries such as banks, utility companies, phone vendors, clothing stores, grocery stores etc. Many do not understand the power of court ordered guardianships and will make statements like, do you have POA, do you know the PIN for the account, the court papers you have are not good enough, we need a state issued ID, or birth certificate etc.

In the case of PASS program the standard is to complete guardianship work within 3 to 4 hours per month for only \$300. Agencies must also cover the cost of mileage and time for its staff to travel to see individuals monthly for a required face to face visit. If truth be told, on average, a guardianship worker spends 6 - 10 hours a month on a case. Guardians can travel over 100 (+) miles one way to visit a client. In 2022, we, at CCND, made 1,632 visits on behalf of 85 clients this past year traveling 36,336 miles in 19 counties.

In closing, just remember, day in and day out we deal with the most difficult of guardianship cases. This takes time, dedication, expertise, human resources, and funding to support these vulnerable individuals in need. At the current rate we receive (\$10/day), we will not be able to continue to provide the current services much longer. We spend double the time to complete what is *necessary* to maintain the health and safety of the individual. We need to receive an increase in the rates that reflects that work being done. For the biennium we need 8,100,000 (\$20/day). The reason I say this, is the fifteen being suggested in SB 2345 will only cover current costs and not allow for us to add workers, to assist the weekly social workers calls from: vulnerable adult protection services (VAP's), counties, hospitals, nursing homes, families and the state hospital. Without the increase funding of (\$20/day) our only option is to provide the courts definition of the work; to be a decision maker. It would be my exception that there will be a lot more ER visits, hospitalization, falls, people in jail, and more people in the state hospital. All of which will cost the state a lot more money than what is being requested.