

House Human Services Committee
Testimony on Senate Bill 2345
Representative Robin Weisz – Chairman

March 8, 2023

Chair Weisz and members of the House Human Services Committee, I am Scott Bernstein, the Executive Director of Guardian and Protective Services here in Bismarck. I am asking this committee to support SB 2345 regarding establishing a task force on guardianship.

This task force differs from the Guardianship Standards Workgroup chaired by the Honorable Judge Feland. As this bill has been in motion there seems to have been some confusion between the Guardianship Standards Workgroup and the Task Force proposed in SB 2345.

The Guardianship Standards Workgroup has and does provide invaluable work regarding guardianship. The focus of the Workgroup is predominately based on Supreme Court Administrative Rule 59, and is generally granular in nature. In other words, it looks at the Century Code and rules and recommends changes in wording that bring greater clarification to the code or updates the code or a rule. For example – removing the word ‘ward’ and using the more inclusive term of ‘protected person’, Etc.

Recommendations are made on updating forms commonly used by the Court to reflect the Century Code and rules and bring consistency. However, the Guardianship Standards Workgroup **cannot** recommend any action be taken to investigate or remove a guardian that is providing inadequate care, exploiting or operating outside clearly defined ethical boundaries.

Guardian agencies, providing services within the prescribed limits of the law and ethical boundaries established by Center for Guardianship Certification (CGC) and the National Guardianship Association (NGA), are angered, embarrassed and humiliated when a ‘bad actor’ is not uncovered before there is an incident and quickly held accountable when discovered. The very persons we have been charged to serve become the victims.

The proposed task force on guardianship monitoring in SB 2345 would draw on the deep expertise of competent and certified guardians in North Dakota and nationally to evaluate and recommend appropriate safeguards. It would examine training, financial management, the means to investigate allegation and procedures of investigation. The recommendations fall under the North Dakota Supreme Court. Guardianship is very complex and links to the judicial branch. The goal is development safeguards that

benefit protected persons and ensure that those that provide guardianship provide the highest standard of service.

Professional Guardians across the State would ask you to support establishing the Task Force on Guardianship Monitoring.

Thank you for this opportunity to stand in support of SB 2345. If you have questions I will do my best to answer them.