

House Human Services Committee

Testimony on Senate Bill 2029

Representative Matthew Ruby – Chairman

March 18th, 2025

Chairman Ruby and members of the House Human Services Committee, my name is Donna Byzewski and I am the Program Director of the corporate guardianship program for individuals with intellectual disabilities at Catholic Charities North Dakota. I oppose Senate Bill 2029 in its current form but I wholeheartedly support the amendments presented today by Senator Lee.

These amendments are a win for individuals served under guardianship, the courts, guardianship providers and the legislature:

- The amendments change the wording from a “may” to a “shall” in key areas such as:
 - the requirement that guardians and conservators be licensed in North Dakota, giving the courts a clear path to remove unethical guardians or conservators;
 - the requirement that guardians and conservators carry insurance or are bonded which will help in the financial recovery of the individual if funds or assets are mismanaged or exploited by the guardian or conservator;
 - the provision of training for guardians and conservators. Having well trained guardians and conservators will improve the services that individuals under guardianship receive and, in turn, reduce the number of complaints and investigations. Training and education are great tools to prevent issues before they become a problem.
- Funding of additional slots which will have an immediate and positive impact for the person who is vulnerable and at risk of abuse, neglect or exploitation. The additional slots will assist in the reduction of waiting lists for guardianship services and help reduce the stress for the courts when they are in need of a guardian.
- The amendments move the home of the Office of Guardianship and Conservatorship (OGC) from under the Supreme Court to a division under the Department of Health and Human Services (DHHS). This provides a neutral home for the OGC which is especially important to guardianship providers. This neutrality of the OGC is also a critical point

for guardianship providers as the OGC will be responsible for the creation of the administrative rules that will carry out the intent of the provisions of SB 2029.

- The amendments create a more collaborative effort between guardians, the courts and protective services by the creation of the Review Board whose members include a retired judge, an attorney with experience in guardianship, a representative from adult protective services, a representative from the Protection and Advocacy Project, a licensed guardian who provides services for individuals with intellectual disabilities, a licensed guardian who provides services for indigent individuals, a family guardian and a member of the public. Per the amendment, the makeup of the Review Board includes people who have experience and/or expertise in the area of guardianship. While the primary focus of the Review Board is to protect the individual under guardianship, a critical secondary focus is to help family guardians and professional guardians have an opportunity to improve their care and services, if appropriate, rather than removing them from the guardianship. Recommendations for more education or training for the family guardian or professional guardian would be critical. Recommendations by the Review Board could also include suggestions to improve the professional guardian's policies and procedures. That said, there is no professional guardian in this room who would oppose actions by the Review Board that could include referrals for criminal investigation and/or removal of the guardian's license. We want compassionate and caring guardians who perform their complex duties with expertise, competence and diligence.
- The amendments also fulfill the wishes of the 2023 legislature as the OGC will address the need to improve guardian accountability as well as placing all legislative funding for guardianship services in one location - the OGC.

I respectfully ask that the House Human Services Committee support the amendments as presented today. Thank you for the opportunity to stand before you today and I would be happy to try to answer any questions you may have.