

SB 2029
House Human Services Committee
Testimony Presented by Karissa Azure, NCG
Finance Director of Guardian and Protective Services
March 18, 2025

Chairman Ruby, members of the House Human Services Committee, I am Karissa Azure, Finance Director of Guardian and Protective Services and I also serve on the board of Guardianship Association of North Dakota.

I stand in support of Senator Lee's proposed Amended Version of SB 2029. Thank you for the thoughtful attention you are giving to this very important issue.

I was present at the last hearing and there were things said that greatly concerned me as the person charged with overseeing the financial well-being of vulnerable adults. I thought it might be helpful to provide some background information from the finance side of guardianship and conservatorship.

As I listened to the testimony of all parties In Favor of this bill, I couldn't help but think about how little they know about guardianship and what a guardian does for the vulnerable adults of our state.

In the testimony offered on March 10, written testimony touched on the repeated misconduct of one guardianship agency (page 2 Mismanagement of Professional Guardianship Entity). What the testimony failed to mention is that **ND courts had the power to reassign the guardianship cases** appointed to that entity each time they were found guilty of or liable for misconduct, and the court did, somewhat. GaPS received 10 of those guardianship cases in October 2014, after the first incident.

It was ND Courts who continued to appoint cases to this felony convicted agency. The Fargo Forum published an article in the May 31, 2022, edition titled Why North Dakota Can't Stop Hiring a Guardianship Company with a Dubious Record, in which, the State Court Administrator, was interviewed. In the article they are quoted as saying, "because of a shortage of guardianship services many guardianship cases were given back to DKK." They went on to say, "even if the civil judgement against the Koropatnicki's and DKK is upheld on appeal, it's likely that judges will continue to allow the company to handle guardianship cases, simply because there are no alternatives."

In the testimony it was referenced that the entity that does national certification didn't pull their certification. This was given as a reason for the lack of response by the Court. It

should be noted that North Dakota Courts have their own certification process for guardians. I guess the question would be, **why did they not strip this agency of their certification when the inappropriate actions were discovered?** Frankly, waiting for the National Guardianship Agency to rescind certification was unnecessary.

Ultimately, the Court did intervene. Professional guardians came to the rescue. They voluntarily absorbed the clients that had been poorly served by an agency we all knew was acting unethically and illegally. It was the guardians that stepped in and helped the court ensure quality guardianship services for ND vulnerable adults in a deplorable situation.

The same testimony also states that there is no oversight of guardians. This is wrong and clearly indicates that the individual, speaking on behalf of the Judiciary, does not know or understand the monitoring that is already in place.

Donna Byzewski, of Catholic Charities, touched on the oversight she faces in DD guardianship cases. Guardian and Protective Services does not serve DD clients. However, we have plenty of oversight and processes of accountability and are not opposed to it. For example:

- Guardians submit annual breakdowns of all assets, liabilities, income, and expenses to ND Courts
- Cases will get pulled into the Guardianship Monitoring Program where guardians are required to submit bank statements, receipts, and any other documents requested. From this same review by the Guardianship Monitor there will be a series of questions pertaining to the information provided.
- Guardians also must do an annual report to the Social Security Administration for those whose SSA/SSI/SSDI funds we manage, as well as an audit on six random recipients of the funds. In fact, GaPS have a standing weekly call with the SSA.
- If guardians manage Veteran Administration funds for a client, the VA conducts an annual report and verbal review.
- As a company, GaPS has internal procedures for managing client's assets and finances, such as a multi person approval process for check writing, making sure all receipts/invoices are saved as backup for every penny spent of a clients.
- GaPS also utilizes a safe web-based data program for client data and demographics, case note entry, and finance management. A system, if the Court wanted to, could be accessed by the Monitoring Program where they could see in 'real time' all the transactions, and generate reports.
- We also hold ourselves to high ethical standards.

I would also like to provide some insight into the concerns surfaced by the NDHA Representative. They are hoping that SB 2029 will resolve the issue with long, non-medical-related hospital stays. That somehow a guardian will appear and solve all problems related to extensive unnecessary hospitalizations. It will not.

GaPS has been appointed guardian on several cases where the client is hospitalized and needs immediate placement. For example, GaPS was appointed the guardian of a vulnerable adult after a bank filed a report with Adult Protective Services. Once appointed guardian, GaPS applied for ND Medicaid with the intention of moving the client to a long-term care facility, but the client had been significantly exploited financially.

After a forensic audit it was clear this individual had been exploited out of at least \$90,000. We know it was more, but this is all we could concretely prove. That amount, in the ND Medicaid world is known as a disqualifying transfer. They will only approve Medicaid AFTER the client has accrued a bill totaling the amount of the disqualifying transfer. In this case \$90,000.

This client did not get accepted at a long-term care facility because no facility was willing to take on \$90,000 in debt. In other words, they didn't want the individual living there for 'free' until they had accrued a debt equal to the disqualifying transfer.

Sadly, this client never left the hospital and died 5 months after GaPS was appointed, leaving CHI with a debt...and this was all after a guardian had been appointed. SB2029 provides no quick fix for this.

Unfortunately, this bill does not solve several significant problems this state is currently having. The largest problems this state currently has is:

- A lack of guardians due to minimal reimbursement rate for services
- A lack of prosecution on exploitation cases
- A lack of education to those outside the guardianship world required to interface with guardians on a regular basis.

Senator Lee's amended version of SB 2029 creates an office that will protect and serve the vulnerable by training the next generation of guardians and providing functional, not retributational, accountability. The focus of the OGC, in the amended version, will be helping those who face challenges every day.

Senator Lee's Amended Version is an excellent step in the right direction.

Thank you for listening and I stand for any questions.

ONE MINUTE SUMMARY

The document is summary of testimony presented by **Karissa Azure, NCG**, the Finance Director of Guardian and Protective Services, to the **House Human Services Committee** on **March 18, 2025**. Karissa Azure stands in support of the Senator Lee's Amended Version of **SB 2029** and provides background information from the finance side of guardianship and conservatorship.

Karissa Azure addresses concerns raised during previous hearings, emphasizing the importance of guardianship and the oversight mechanisms in place. She highlights the misconduct of a guardianship agency and the subsequent actions taken by the ND Courts to reassign guardianship cases.

Karissa Azure also discusses the oversight faced by guardians, including annual breakdowns of assets, liabilities, expenses, and income submitted to the ND Courts, as well as reports to the Social Security Administration and the Veteran Administration.

Karissa Azure provides insight into the challenges faced by guardians, such as the lack of guardians due to minimal reimbursement rates, lack of prosecution on exploitation cases, and lack of education for those outside the guardianship world. She concludes by Senator Lee's Amended Version of SB 2029 is a significant step in helping to solve issues currently faced by the State regarding guardianship.