

STUDY OF GUARDIANSHIP SERVICES - DELIVERY MODEL FOR GUARDIANSHIP SERVICES - PRELIMINARY ESTIMATED COSTS

BACKGROUND

The final report for the study of guardianship services completed by Mr. Winsor C. Schmidt, faculty member, University of Louisville School of Medicine, included the following recommendation regarding the state's delivery model for guardianships services:

Change the state's delivery model for guardianship services from the hybrid of the social service agency model and the county model to a model based on the strengths and weaknesses of each model and the particular needs of North Dakota. The recommended prioritization of models for North Dakota is:

1. Independent state office model - Establish a new state agency modeled after the North Dakota Commission on Legal Counsel for Indigents to provide public guardianship services.
2. County model - Timely and effective public administrator responsibilities and services appear to require replacement of uneven county funding with state funding of a public administrator in each of North Dakota's 53 counties at a funding level that would reduce the guardianship caseload ratio from the reported 1:22-29 on a part-time basis to a 1:20 staff-to-client ratio on a full-time basis.
3. Alternative county model - Establish an independent office of public guardian within each of North Dakota's counties.
4. Judicial model - Establish an office of public guardianship within the administrative office of the court. The judiciary is one of the appropriate locations for housing the office of public guardianship because a legal guardian is an agency of the court, appointed by the court, and accountable to the court.

PRELIMINARY ESTIMATED COSTS

A summary of preliminary estimated costs of implementing the proposed guardianship services models is listed below. The estimates are preliminary and are subject to change as determinations are made and additional information becomes available.

Proposed Model	Preliminary Estimated Costs	
Independent state office model	The following is a summary of estimated biennial costs for establishing an independent state office for providing guardianship services. The estimate was prepared by the Legislative Council based on the current structure of the Commission on Legal Counsel for Indigents and the commission's 2011-13 legislative appropriation.	
	Salaries and wages - Administrative staff (15 full-time equivalent (FTE) positions)	\$1,900,000
	Salaries and wages - Guardians (38 FTE positions ¹)	3,850,000
	Operating and capital asset expenses	1,760,000 ²
	Total	\$7,510,000 ³
	¹ This number is based on the projected total population-based need for plenary public guardian services in North Dakota of 751 individuals and the recommended staff-to-client ratio of 1:20.	
	² The Commission on Legal Counsel for Indigents' 2011-13 legislative appropriation includes approximately \$5.5 million for professional services. This amount has been reduced to \$500,000 for this cost estimate due to the assumption that the new state agency will not need as many professional services.	
	³ The estimate assumes the Department of Human Services Division of Developmental Disabilities would no longer provide guardianship services to eligible recipients. The department received a legislative appropriation of \$2,052,416 of total funds for providing guardianship services and petitioning costs for the 2011-13 biennium. Deducting this amount results in a net cost of \$5,457,584.	

Proposed Model	Preliminary Estimated Costs	
County model	North Dakota Century Code Section 11-21-01 provides that the presiding judge of the judicial district in which a county is located may appoint a public administrator for that county. A public administrator may be an individual, corporation, or limited liability company. Twenty-five of North Dakota's 53 counties do have a public administrator, and twenty-eight counties do not have a public administrator. The following is a summary of counties with and counties without a public administrator:	
	Counties With a Public Administrator	Counties Without a Public Administrator
	Benson Burleigh ¹ Cass Cavalier Dickey ¹ Emmons ¹ Grand Forks Grant ¹ Griggs Kidder ¹ Logan ¹ McIntosh ¹ McLean ¹ Mercer ¹ Morton ¹ Nelson Oliver ¹ Ramsey Rolette Sheridan ¹ Stutsman Towner Traill Ward Williams	Adams Barnes Billings Bottineau Bowman Burke Divide Dunn Eddy Foster Golden Valley Hettinger LaMoure McHenry McKenzie Mountrail Pembina Pierce Ransom Renville Richland Sargent Sioux Slope Stark Steele Walsh Wells
	¹ These counties contract for public administrator services through a nonprofit corporation with offices in Bismarck.	
Alternative county model	Based on information provided by the North Dakota Association of Counties, counties are currently expending approximately \$200,000 per year (or \$400,000 per biennium) on guardian ad litem costs and public administrator services. The North Dakota Association of Counties estimates the total amount of state funding needed to provide public administrator services in each of the 53 counties is \$600,000 per year (or \$1.2 million per biennium). This estimate assumes the Department of Human Services Division of Developmental Disabilities will continue to provide guardianship services at the same level it is currently providing.	
Judicial model	The North Dakota Association of Counties estimates the total cost for establishing an independent office of public guardian within each county is \$680,000 per year (or \$1.36 million per biennium). This estimate assumes the Department of Human Services Division of Developmental Disabilities will continue to provide guardianship services at the same level it is currently providing. The cost estimate for the judicial branch to contract with a public or private entity to provide public guardianship services for 305 wards, the estimated population with an unmet need of guardianship services, is \$4,577,549. This assumes the Department of Human Services Division of Developmental Disabilities will continue to provide guardianship services at the same level it is currently providing. In addition, the judicial branch would provide guardian training, ensure program compliance with laws and regulations, collect program data, and monitor the use of state funding for the guardianship program. The cost estimate for the judicial branch to contract for guardianship services for 751 wards, the projected total population-based need for plenary guardianship services, is \$8,254,851. See the attached appendix for additional information.	