

Testimony
Department of Human Services
Human Services Committee
Representative Alon Wieland, Chairman
October 25, 2011

Chairman Wieland, members of the Human Services Committee, I am Tina Bay, Director of the Developmental Disabilities Division with the Department of Human Services. I am here today to provide information to you regarding the current guardianship services available to qualifying people with a developmental disability.

The corporate guardianship program is available to people with developmental disabilities who do not have family or friends who can be their guardian. People with appointed guardians tend to be vulnerable people who are at a significant risk in areas such as financial or medical well-being. Corporate guardianship offers them a safety net. The primary goal is to ensure that the health and safety needs of wards are met. Through the provision of guardianship services, the wards basic needs are met; they have an appropriate place to live; they have access to ongoing medical care and receive the necessary support services.

The court may appoint a guardian when a person is unable to make or communicate responsible decisions. Because a person's decision making skills are compromised, he or she is at risk of abuse, neglect or exploitation. If the court determines that a person needs the protection and support of a guardian, the court will appoint a guardian to be responsible to make decision in all areas (a full guardianship) or specific areas only (a limited guardianship) of the ward's life. Court orders typically address the following areas: 1) Medical treatment – guardian is responsible for making all medical decisions of a serious nature, 2) Place

of residence – guardian is responsible for ensuring that the ward’s safety needs are met and that he or she lives in the least restrictive environment, 3) Financial – guardian is responsible for overseeing and monitoring the ward’s finances, this includes serving as representative payee for benefits if needed, 4) Legal matters – guardian approval is required for all releases of information, legal documents, leases, etc., and 5) Educational/Vocational – guardian also participates in the decision making process concerning educational or vocational opportunities that may benefit the ward.

The Developmental Disabilities Division currently contracts with Catholic Charities North Dakota to provide corporate guardianship services on behalf of individuals with developmental disabilities who are at least 18 years old and do not have family or friends available to serve in this capacity. The contract specifies that Catholic Charities North Dakota can only accept referrals from DD Program Managers from the regional Human Service Centers in North Dakota. The guardianship division of Catholic Charities currently has nine full time guardianship division workers and four part time workers. From July 1, 2010 – June 30, 2010, Catholic Charities’ guardianship division provided services on behalf of 428 wards. Thirty-four new wards were admitted and nineteen were discharged (fourteen wards died, three cases were closed and two cases were transferred to family members).

Catholic Charities’ current contract with the ND Department of Human Services includes funding for a total of 414 individuals with developmental disabilities. As of June 30, 2011, the guardianship division was serving as guardian for 381 individuals who live in the community and 28 individuals who reside at the Developmental Center in Grafton for

a total of 409 wards. As of June 2011, Catholic Charities had 25 pending referrals as well as a list of 11 "possible" referrals. It is projected that the guardianship division will reach capacity of 414 wards by the end of October 2011. Once they are at capacity all pending referrals will be placed on a waiting list. In situations to be determined to be life threatening, a case may be accepted and services provided without deference to its place on the waiting list at the discretion of Catholic Charities' Guardianship Division Program Director or Supervisor. The current corporate guardianship program is for a total of \$2,052,416 to serve 414 wards per day during the 2011-2013 biennium. In the first year of the biennium, the daily rate is \$6.52 per ward, and in the second year, the daily rate is \$6.71. Included in the total funding is \$51,720 to pay for the court petitioning costs for indigent individuals with developmental disabilities who have been referred to the corporate guardianship program.

This concludes my testimony on the corporate guardianship program within the Developmental Disabilities Division. I would be happy to answer any questions.