

SJR 22: Guardianship/Alzheimer's Disease ***LCCF07 Options: Considerations and Decision Points***

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Background

During a review of LCCF07 in May, the Children, Families, Health, and Human Services Interim Committee discussed various options for establishing a working interdisciplinary network of guardianship stakeholders, or WINGS group. Committee members noted that legislation to create such an entity could range from a broad directive to set up a group to detailed requirements for the group's membership and duties.

For their June meeting, committee members agreed to review a document provided earlier in the interim and to look at a range of options for establishing a WINGS group.

The document, *WINGS Tips: State Replication Guide for Working Interdisciplinary Networks of Guardianship Stakeholders 2014*, summarized efforts in seven states. It also outlined 10 steps for creating and maintaining WINGS. Those steps included, among other things:

- designating a coordinator and a steering committee. In four pilot projects funded by the National Guardianship Network, the steering committees ranged from five or six members to more than 20 people.
- holding a “consensus-building” meeting to launch WINGS and develop initial recommendations; and
- identifying funding sources and strategies to sustain the group.

This briefing paper discusses possible approaches to creating a Montana WINGS as presented in three bill drafts — LCCF7a, LCCF7b, and LCCF7c. It also discusses cost considerations for each option.

LCCF7a: Appropriation for a WINGS Conference

LCCF7a would fund a statewide conference of guardianship stakeholders, similar to the meetings held in the four states that received pilot project funding. The bill draft appropriates money to the judicial branch to hold the conference and sets out a minimum number of topics to cover at the conference, including:

- the state of Montana's current guardianship laws, services, and practices;
- ways to improve outreach, education, and training on guardianship matters; and

- whether a permanent WINGS entity should be formed, including how it should be structured and how it could be funded.

The amount of the appropriation could range from \$7,000 to \$35,000 or more. The National Guardianship Network provided \$7,000 for each of four WINGS pilot projects in 2013. The money was used primarily to pay for initial meeting expenses in the pilot states of New York, Oregon, Texas, and Utah.

An informal survey of state agencies and other Montana groups that put on conferences indicated that costs could range from about \$6,000 a day for a meeting room and related expenses to \$35,000 to \$40,000 for two days, if some speakers receive honorariums or some travel costs are covered. Total costs would also depend on the number of attendees and whether a conference coordinator is hired.

LCCF7b: Establish a WINGS Group and Grant Program

LCCF7b represents the most detailed approach of the three bill drafts. It would establish in law the makeup and duties of the group. It also would fund a grant program for public guardianship activities.

Among other things, the bill would:

- require the chief justice of the Montana Supreme Court to appoint members who represent specific interested parties;
- require the group to meet a minimum number of times each year;
- spell out the group's duties; and
- appropriate money for meetings and for a grant program.

Potential costs over the biennium could range from about \$16,000 for an eight-member group that meets twice a year with minimal staff support to nearly \$362,000 for a bill that creates a 15-member group, requires six meetings a year, funds a half-time support person, and includes a grant program funded at the level suggested by stakeholders.

The actual costs will depend on committee decisions related to:

- the size of the group and number of times it meets each year;
- reimbursement for time and travel for WINGS members;
- staff or contracted support services; and
- funding for a grant program.

The table below shows the two-year costs of reimbursing WINGS members for their time and travel. The costs assume that members are paid \$50 a day for meeting days and are reimbursed the standard rate allowed by law for travel expenses.

Costs are estimated for a group of eight, 10, 12, or 15 members. Stakeholders have suggested that the committee have either a minimum of nine members or a minimum of 13 members, as detailed on Page 6.

Biennial Costs of Time and Travel

Members	Number of Meetings Per Year		
	2	4	6
8	\$11,108	\$22,216	\$33,324
10	\$13,880	\$27,760	\$41,640
12	\$16,656	\$33,312	\$49,968
15	\$20,824	\$41,648	\$62,472

Key support costs include staff time, printing, and postage. The staff costs could vary from a small amount of contracted secretarial support to more intensive support that includes research and other activities to assist the group in its work.

The table below shows three different possibilities for support costs, ranging from minimal secretarial support to a half-time employee who could provide more robust support. The estimates also include printing and postage costs based on the size of the committee.

Biennial Support Costs

Type of Support	Number of Members			
	8	10	12	15
Contracted Secretary	\$4,760	\$5,200	\$5,640	\$6,300
.25 FTE or Contracted Support	\$23,360	\$23,800	\$24,240	\$24,900
.5 FTE Program Officer	\$57,760	\$58,200	\$58,640	\$59,300

Finally, stakeholders have suggested that a WINGS bill include a grant component to fund public guardianship services. They've proposed that \$120,000 be appropriated in each year of the biennium to make grants to support public guardianship efforts.

LCCF7c: WINGS Steering Committee

LCCF7c establishes a WINGS steering committee to review guardianship standards and practices. Under this bill:

- the chief justice would determine the size and makeup of the steering committee from among people who have been nominated or who have volunteered to serve; and
- the steering committee would review current guardianship laws, services, and practices and determine whether Montana would benefit from a full-fledged WINGS organization.

The cost for LCCF7c could range from \$15,000 for a small committee that meets twice a year to about \$95,000 for a larger committee that meets six times a year and is staffed with a half-time employee.

The appropriation will depend on the number of members, the number of in-person meetings, whether members are compensated for their time and travel, and the degree to which staff support is provided to the group. Steering committees usually have fewer members than other types of advisory committees. The assumptions used to develop the cost estimates for LCC7b were also used to develop the costs shown in the table below for a steering committee of either five or seven members. Those costs include a \$50 per day stipend, travel costs of \$297 per member, and printing, postage, and other costs of \$220 per member.

A biennial cost for support staff should be included in any appropriation. For legislative cost assumptions, contracted secretarial services are estimated at \$3,000 per interim.

The table below shows the approximate biennial costs for steering committees of either five or seven members that meet either two, four, or six times a year and have contracted secretarial services of \$3,000 per biennium.

Potential Biennial Costs of Steering Committee

Members	Number of Meetings Per Year		
	2	4	6
5	\$14,340	\$25,680	\$37,020
7	\$18,876	\$34,752	\$50,628

If a higher level of staff support is believed to be necessary, the committee could use the estimates in the table on Page 3 to develop a final appropriation.

Committee Decision Points

1. Does the committee want to introduce a bill related to a working interdisciplinary network of guardianship stakeholders? If so, does the committee want to introduce:
 - a. LCCF7a, to fund a WINGS conference;
 - b. LCCF7b, to establish a group with a defined membership and statutory duties;
 - c. LCCF7c, to create a WINGS steering committee; or
 - d. another option?
 - i. If the committee decides another option is needed, members will need to identify the elements to be included in the bill.
2. If the committee decides to introduce **LCCF7a**, the committee will need to decide:
 - a. the appropriation needed for the conference; and
 - b. whether an entity other than the judicial branch should arrange the conference.
3. If the committee decides to introduce **LCCF7b**, the committee will need to decide:
 - a. whether the chief justice or another individual should appoint the WINGS members;
 - b. the number of members and how long they will serve;
 - c. what entities should be represented (see Page 6 for stakeholder suggestions);
 - d. the number of times the group will meet per year;
 - e. whether members will be reimbursed for their time and travel;
 - f. whether any changes are needed to the duties of the group;
 - g. the level of contracted or staff support necessary for the group; and
 - h. whether the bill should include a grant program.
 - i. If a grant program is included, what amount of money should be appropriated for it?
4. If the committee decides to introduce **LCCF7c**, the committee will need to decide:
 - a. the number of members on the steering committee;
 - b. the number of times the steering committee will meet per year;
 - c. whether members are paid for their time and travel; and
 - d. the level of staff support needed.
5. If the committee decides to introduce **any one of the three** bill drafts, members should decide:
 - a. whether the appropriation is to be one time only or built into the base budget for the next biennium; and
 - b. if unspent funds should revert to the general fund.

Two stakeholder groups — AARP Montana and the Voices for Seniors Guardianship Committee of Yellowstone County — have made suggestions on the entities that should be represented on a WINGS panel, as shown below.

Potential Membership of Appointed WINGS Group

Group Represented	AARP-Montana	Guardianship Committee
District Judge	x	
District Court	x (2)	x
DPHHS O	x	x
DD Advocacy Group	x	x
Senior Advocacy Group	x	x
Professional Guardianship Business	x	x*
Unpaid Guardian	x	x*
Professional Conservator Service	x	
Unpaid Conservator	x	
Montana State Bar	x	x
Volunteer Guardianship Council	x	x
Designated Protection/Advocacy System for People with Significant Mental Illness	x	
Health Care Community		x
Total Specified Members	13	9

* The Voices for Seniors Guardianship Committee of Yellowstone County has suggested that this appointee could represent either a guardian or a conservator.

Both groups have also suggested that the chief justice be allowed to appoint additional members representing other interested parties. The guardianship committee has suggested the WINGS committee's total membership be capped at 12. AARP Montana has not suggested a maximum number of members.