

HOUSE BILL NO. 70

INTRODUCED BY J. KARJALA

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT STRENGTHENING GUARDIANSHIP SERVICES IN MONTANA; ESTABLISHING A WORKING INTERDISCIPLINARY NETWORK OF GUARDIANSHIP STAKEHOLDERS; ESTABLISHING A PUBLIC GUARDIANSHIP GRANT PROGRAM; ~~PROVIDING APPROPRIATIONS;~~ PROVIDING APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Working interdisciplinary network of guardianship stakeholders. (1)**

There is a working interdisciplinary network of guardianship stakeholders to provide ongoing evaluation of Montana laws, services, and practices related to adult guardianship and conservatorship.

(2) The network consists of nine members appointed by the chief justice of the Montana supreme court as follows, in a manner that reflects a geographic balance:

- (a) a representative of a district court;
- (b) a representative of the department of public health and human services who works in the area of adult protective services;
- (c) a representative of an advocacy group for individuals with developmental disabilities;
- (d) a representative of an advocacy group for senior citizens;
- (e) a professional guardian or conservator;
- (f) an unpaid guardian or conservator;
- (g) a member of a volunteer guardianship council;
- (h) a member of the Montana state bar association; and
- (i) a health care provider with experience in working with patients in need of a guardianship.

(3) The chief justice shall appoint the presiding officer.

(4) After the initial appointments, members shall serve staggered 4-year terms and may be reappointed. Initial appointments must be for terms of at least 2 years.

(5) The network shall meet at least four times a year. Members may be reimbursed for travel expenses



1 as provided for in 2-18-501 through 2-18-503.

2

3 **NEW SECTION. Section 2. Duties of the working interdisciplinary network of guardianship**

4 **stakeholders.** The working interdisciplinary network of guardianship stakeholders shall:

5 (1) identify strengths and weaknesses in the state's current system of adult guardianship and  
6 conservatorship;

7 (2) identify less restrictive decisionmaking options for incapacitated persons;

8 (3) review national standards on guardianship and conservatorship practices and recommend standards  
9 for adoption in Montana;

10 (4) propose methods of training guardians and conservators in best practices or adopted standards;

11 (5) recommend or conduct other outreach, education, and training as needed;

12 (6) make recommendations to the supreme court administrator regarding grants to be awarded as  
13 provided in [section 3]; and

14 (7) serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life  
15 for adults who are or may soon be in the guardianship or conservatorship system.

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17 **NEW SECTION. Section 3. Grants for public guardianship programs.** (1) The judicial branch shall;

18 ~~WITHIN EXISTING RESOURCES,~~ make grants to organizations that provide guardianship services to indigent  
19 individuals for whom a guardian is not otherwise available. The grants must be used to provide training and  
20 guidance to family members serving as guardians, TO PUBLIC DEFENDERS AND DISTRICT COURT JUDGES WHO ARE  
21 HANDLING GUARDIANSHIP CASES, and to volunteer guardians of indigent individuals who are unable to pay for  
22 guardianship services.

23 (2) In making grants, the judicial branch shall consider:

24 (a) recommendations of the working interdisciplinary network of guardianship stakeholders provided for  
25 in [section 2]; and

26 (b) geographic balance if awarding grants to more than one organization.

27 (3) GRANT FUNDS MAY NOT BE ALLOCATED TO OR USED BY ANY ORGANIZATION OR INDIVIDUAL THAT SERVES ON  
28 THE WORKING INTERDISCIPLINARY NETWORK OF GUARDIANSHIP STAKEHOLDERS.

29 ~~(3)~~(4) The supreme court administrator shall establish procedures for grant applications, grant awards,  
30 grant distribution, and the accountability of money appropriated for the grant program.

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 2 NEW SECTION. SECTION 4. APPROPRIATION. (1) THERE IS APPROPRIATED \$80,000 FROM THE GENERAL FUND  
 3 TO THE JUDICIAL BRANCH FOR THE BIENNIUM BEGINNING JULY 1, 2017, TO SUPPORT THE ACTIVITIES OF THE WORKING  
 4 INTERDISCIPLINARY NETWORK OF GUARDIANSHIP STAKEHOLDERS ESTABLISHED IN [SECTION 1], INCLUDING HIRING A 0.50  
 5 FTE.

6 (2) THE LEGISLATURE INTENDS THAT THE APPROPRIATION BE CONSIDERED A PART OF THE ONGOING BASE FOR  
 7 THE NEXT LEGISLATIVE SESSION.

8 (3) MONEY FROM THE APPROPRIATION THAT IS NOT SPENT DURING THE BIENNIUM MUST REVERT TO THE GENERAL  
 9 FUND.

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 11 NEW SECTION. SECTION 5. APPROPRIATION. (1) (A) THERE IS APPROPRIATED \$120,000 FROM THE GENERAL  
 12 FUND TO THE JUDICIAL BRANCH FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, TO MAKE GRANTS FOR PUBLIC  
 13 GUARDIANSHIP PROGRAMS AS PROVIDED IN [SECTION 3].

14 (B) THE APPROPRIATION MAY BE USED ONLY FOR DIRECT GRANTS TO ORGANIZATIONS.

15 (2) THE LEGISLATURE INTENDS THAT THE APPROPRIATION BE CONSIDERED A PART OF THE ONGOING BASE FOR  
 16 THE NEXT LEGISLATIVE SESSION.

17 (3) MONEY FROM THE APPROPRIATION THAT IS NOT SPENT DURING THE BIENNIUM MUST REVERT TO THE GENERAL  
 18 FUND.

19  
 20 ~~NEW SECTION. SECTION 4. Appropriation. (1) There is appropriated \$80,000 from the general fund~~  
 21 ~~to the judicial branch for the biennium beginning July 1, 2017, to support the activities of the working~~  
 22 ~~interdisciplinary network of guardianship stakeholders established in [section 1], including hiring a 0.50 FTE.~~

23 ~~(2) (a) There is appropriated \$120,000 from the general fund to the judicial branch for the fiscal year~~  
 24 ~~beginning July 1, 2018, to make grants for public guardianship programs as provided in [section 3].~~

25 ~~(b) The appropriation in this subsection (2) may be used only for direct grants to organizations.~~

26 ~~(3) The legislature intends that the appropriations in this section be considered a part of the ongoing~~  
 27 ~~base for the next legislative session.~~

28 ~~(4) Money from the appropriations that is not spent during the biennium must revert to the general fund.~~

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 30 NEW SECTION. SECTION 6. Codification instruction. [Sections 1 through 3] are intended to be codified

1 as an integral part of Title 3, chapter 1, part 7, and the provisions of Title 3, chapter 1, part 7, apply to [sections  
2 1 through 3].

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4 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2017.

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6 NEW SECTION. **Section 8. Termination.** [Sections 1 through 3] terminate June 30, 2023.

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