

Unofficial Draft Copy

As of: July 26, 2016 (12:07pm)

LCCF7b

**** Bill No. ****

Introduced By *****

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; 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) Members shall serve staggered four-year terms and may be reappointed. Initial appointments must be for terms of at least two years.

(5) The network shall meet at least four times a year. Members may be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

NEW SECTION. Section 2. Duties of the working interdisciplinary network of guardianship stakeholders. The working interdisciplinary network of guardianship stakeholders shall:

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

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

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

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

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

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

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

NEW SECTION. **Section 3. Grants for public guardianship programs.** (1) The judicial branch shall make grants to organizations that provide guardianship services to indigent individuals for whom a guardian is not otherwise available. The grants must be used to provide training and guidance to family members serving as guardians and to volunteer guardians of indigent individuals who are unable to pay for guardianship services.

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

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

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

(3) The supreme court administrator shall establish procedures for grant applications, grant awards, grant distribution, and the accountability of money appropriated for

the grant program.

NEW SECTION. **Section 4. Appropriation.** (1) There is appropriated from the general fund to the judicial branch \$80,000 for the biennium beginning July 1, 2017, to support the activities of the working interdisciplinary network of guardianship stakeholders established in [section 1], including hiring a .50 FTE.

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

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

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

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

NEW SECTION. **Section 5. {standard} Codification instruction.** [Sections 1 through 3] are intended to be codified as an integral part of Title 3, chapter 1, part 7, and the provisions of Title 3, chapter 1, part 7, apply to [sections 1 through 3].

NEW SECTION. **Section 6. {standard} Effective date.** [This

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act] is effective July 1, 2017.

NEW SECTION. **Section 7. {standard} Termination.** [This act]
terminates June 30, 2023.

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