

**Unofficial Draft Copy**

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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."

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 guardianship laws, services, and practices in Montana.

(2) The network consists of at least [HOW MANY] members and not more than [HOW MANY] members appointed by the chief justice of the Montana supreme court as follows in a manner that reflects a geographic balance:

- (a) [MEMBER TYPE];
- (b) [MEMBER TYPE];
- (c) [MEMBER TYPE];
- (d) [ETC.]; and
- (e) up to [HOW MANY] additional members who are active in

matters relating to guardianship.

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

(4) Members shall serve staggered terms of [HOW MANY] years.

(5) The network shall meet at least [HOW MANY] times a year. Members are entitled to compensation of \$50 per day and 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;

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

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

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

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

(6) make recommendations to the chief justice on grants 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 system.

NEW SECTION. **Section 3. Grants for public guardianship programs.** (1) The judicial branch shall make grants to organizations established to 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 [AN AMOUNT] for the biennium beginning July 1, 2017, to support the activities of the working interdisciplinary network of guardianship stakeholders established in [section 1].

(2) (a) There is appropriated from the general fund to the

judicial branch [AN AMOUNT] for the biennium beginning July 1, 2017, 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 act] is effective July 1, 2017.

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