

HOUSE BILL NO. 765

INTRODUCED BY B. CLOSE

A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE WORKING INTERDISCIPLINARY NETWORK OF GUARDIANSHIP STAKEHOLDERS; AND REESTABLISHING A PUBLIC GUARDIANSHIP GRANT PROGRAM; AND PROVIDING 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

1 expenses

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

4 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
9 standards for adoption in Montana;

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

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

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

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

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

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

24 (a) recommendations of the working interdisciplinary network of guardianship stakeholders
25 provided for 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.

(4) 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. 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 5. TERMINATION. [THIS ACT] TERMINATES SEPTEMBER 30, 2032.

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