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FISCAL IMPACT REPORT

ORIGINAL DATE 2/15/07

SPONSOR Park LAST UPDATED 2/21/07 HB 1185

SHORT TITLE Bernalillo Guardianship Monitoring Study SB _____

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$200.0	Non -Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

House Bill 1185 makes an appropriation of \$200.0 to contract for a feasibility study of a permanent program in Bernalillo County that monitors guardianship and conservatorship.

FISCAL IMPLICATIONS

The appropriation of \$200.0 contained in this bill is a non-recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

SIGNIFICANT ISSUES

Currently, the Developmental Disabilities Planning Council/Office of Guardianship, and the Aging and Long Term Services Department/Adult Protective Services, provide monitoring of the 600 state corporate wards and provide oversight for abuse/neglect and exploitation. The current programs do not provide adequate monitoring of the 9,000+ family and private wards throughout the state.

The Developmental Disabilities Planning Council (DDPC) reports that House Joint Memorial 34 would convene a task force to address a board scope of issues inclusive of the monitoring issue in HB 1185. The DDPC views these two bills as complementary. The DDPC strongly

recommends that any results of this study be provided to the HJM 34 Task Force which will be composed of: “representatives from the developmental disabilities planning council, the administrative office of the courts, the adult protective services division of the aging and long-term services department, the department of health, other appropriate state agencies, New Mexico district court judges, the New Mexico guardianship association, the protection and advocacy system, the senior citizens law office, individual and corporate guardians, elders, individuals with disabilities, advocates or other representatives of elders or adults with disabilities and other interested individuals”.

Courts currently have the names of all the guardians and conservators and are monitoring guardians through annual reports. Unfortunately only about 12% of the annual reports are filed which creates the need for new solutions to monitoring private and family guardians.

The information needed to monitor guardians is sequestered by the courts and is confidential. It may be beneficial to fund the monies to the Administrative Office of the Courts so that in the contract the courts can provide access to these confidential records. Otherwise, an additional formal agreement will be necessary to access these records.

ADMINISTRATIVE IMPLICATIONS

DDPA notes that the Administrative Office of the Courts, which currently has monitoring responsibilities, might be better placed as the agency to provide performance standards for this study.

This study will provide an immediate review of 500 current guardianship and/or conservatorship cases. These wards have had little or no oversight, which may be resulting in endangerment of these wards.

RELATIONSHIP

Relates to HJM 34.

AMENDMENTS

The following amendment has been suggested:

Page 2, Line 1. insert “results of this study shall be presented to the Interim Legislative Health and Human Services Subcommittee and provided to the Developmental Disabilities Planning Council Office of Guardianship.”

WEP/mt