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FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/07

SPONSOR Trujillo LAST UPDATED _____ HB HJM 34

SHORT TITLE Review Guardianship of Adults SB _____

ANALYST Hanika Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1 see narrative			Recurring	General fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Joint Memorial 34 directs the developmental disabilities planning council to convene a task force to review the processes by which guardians of adults under the Uniform Probate Code are appointed, trained, supervised and reviewed.

The memorial provides that the task force be composed of representatives from the developmental disabilities 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. The representatives of state agencies should constitute less than fifty percent of the membership of the task force.

The task force should consider potential statutory or regulatory changes, training requirements, identification and dissemination of best practices and other recommendations that would improve New Mexico's system for qualification, appointment and oversight of guardians of adults with limited capacity.

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The recommendations of the task force should be presented to the interim legislative health and human services committee no later than October 31, 2007.

Copies of this memorial are to be transmitted to the developmental disabilities council.

FISCAL IMPLICATIONS

There will be a fiscal impact on state agencies associated with time spent by staff to participate on the task force.

PERFORMANCE IMPLICATIONS

By reviewing the process by which guardians of adults under the Uniform Probate Code are appointed, trained, supervised and reviewed, recommendations can be made to improve the system.

OTHER SUBSTANTIVE ISSUES

The memorial states that recent studies have demonstrated that there is very little effective oversight of guardianship arrangements once they have been established, including one study that showed that only twelve percent of private guardians have filed required annual reports.

The memorial further states that there is no systematic process through which existing guardianship orders and arrangements are reviewed to determine whether such arrangements are still needed or appropriate, even though some existing orders are twenty years old or more and the ward's circumstances or capacity may have changed;

AHO/nt