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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5225

04/02/2024 Authored by Feist
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to civil law; establishing a task force on guardianship; providing
1.3 appointments; requiring a report.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.5 Section 1. LEGISLATIVE TASK FORCE ON GUARDIANSHIP.
1.6 Subdivision 1. Membership. (a) The Legislative Task Force on Guardianship consists
1.7 of the following members:
1.8 (1) one member of the house of representatives appointed by the speaker of the house
1.9 of representatives;
1.10 (2) one member of the house of representatives appointed by the minority leader of the
1.11 house of representatives;
1.12 (3) one member of the senate appointed by the senate majority leader;
1.13 (4) one member of the senate appointed by the senate minority leader;
1.14 (5) one judge who has experience working on guardianship cases appointed by the chief
1.15 justice of the supreme court;
1.16 (6) two individuals presently or formerly under guardianship or emergency guardianship
1.17 appointed by the Minnesota Council on Disability;
1.18 (7) one private, professional guardian appointed by the Minnesota Council on Disability;
1.19 (8) one private, nonprofessional guardian appointed by the Minnesota Council on
1.20 Disability;

- 2.1 (9) one representative of the Department of Human Services with knowledge of public
2.2 guardianship issues appointed by the commissioner of human services;
- 2.3 (10) one member appointed by the Minnesota Council on Disability;
- 2.4 (11) two members of two different disability advocacy organizations selected by the
2.5 Minnesota Council on Disability;
- 2.6 (12) one member of a professional or advocacy group representing the interests of the
2.7 guardian who has experience working in the judicial system on guardianship cases appointed
2.8 by the Minnesota Council on Disability;
- 2.9 (13) one member of a professional or advocacy group representing the interests of persons
2.10 subject to guardianship who has experience working in the judicial system on guardianship
2.11 cases appointed by the Minnesota Council on Disability;
- 2.12 (14) two members of two different advocacy groups representing the interests of older
2.13 Minnesotans who are or may find themselves subject to guardianship selected by the
2.14 Minnesota Council on Disability;
- 2.15 (15) one member appointed by the Minnesota Indian Affairs Council appointed by the
2.16 executive director of the council;
- 2.17 (16) one member of the Commission of the Deaf, Deafblind, and Hard-of-Hearing
2.18 appointed by the executive director of the commission;
- 2.19 (17) one member of the Council on Developmental Disabilities appointed by the executive
2.20 director of the council;
- 2.21 (18) one member as an employee of the Office of Ombudsman for Mental Health and
2.22 Developmental Disabilities appointed by the ombudsman;
- 2.23 (19) one member as an employee of the Office of Ombudsman for Long Term Care
2.24 appointed by the ombudsman;
- 2.25 (20) one member appointed by the Minnesota Association of County Social Services
2.26 Administrators (MACSSA);
- 2.27 (21) one member as an employee of the Olmstead Implementation Office appointed by
2.28 the executive director of the office; and
- 2.29 (22) one member representing an organization that is dedicated to supported decision
2.30 making alternatives to guardianship appointed by the Minnesota Council on Disability.

3.1 (b) Appointees to the task force must be named by each appointing authority by June
3.2 30, 2025. Appointments made by an agency or commissioner may also be made by a
3.3 designee.

3.4 (c) The member from the Minnesota Council on Disability serves as chair of the task
3.5 force. The chair must designate a member to serve as secretary.

3.6 Subd. 2. **Meetings; administrative support.** The first meeting of the task force must
3.7 be convened no later than September 1, 2025, if an appropriation is made by that date for
3.8 the task force. The task force must meet at least quarterly thereafter. Meetings are subject
3.9 to Minnesota Statutes, chapter 13D. The task force may meet by telephone or interactive
3.10 technology consistent with Minnesota Statutes, section 13D.015. The Minnesota Council
3.11 on Disability shall provide meeting space and administrative and research support to the
3.12 task force.

3.13 Subd. 3. **Duties.** (a) The task force must make recommendations to address concerns
3.14 and gaps related to guardianships and less restrictive alternatives to guardianships in
3.15 Minnesota, including but not limited to:

3.16 (1) developing efforts to sustain and increase the number of qualified guardians;

3.17 (2) increasing compensation for in forma pauperis (IFP) guardians by studying current
3.18 funding streams to develop approaches to ensure that the funding streams are consistent
3.19 across the state and sufficient to serve the needs of persons subject to guardianship;

3.20 (3) securing ongoing funding for guardianships and less restrictive alternatives;

3.21 (4) exploring guardian certification or licensure;

3.22 (5) identifying standards of practice for guardians and options for providing education
3.23 to guardians on standards and less restrictive alternatives;

3.24 (6) securing ongoing funding for the guardian and conservator administrative complaint
3.25 process;

3.26 (7) identifying and understanding alternatives to guardianship whenever possible to meet
3.27 the needs of patients and the challenges of providers in the delivery of health care, behavioral
3.28 health care, and residential and home-based care services;

3.29 (8) expanding supported decision making alternatives to guardianships and
3.30 conservatorships;

3.31 (9) reducing the removal of civil rights when appointing a guardian, including by ensuring
3.32 guardianship is only used as a last resort; and

4.1 (10) identifying ways to preserve and to maximize the civil rights of the person, including
4.2 due process considerations.

4.3 (b) The task force must seek input from the public, the judiciary, people subject to
4.4 guardianship, guardians, advocacy groups, and attorneys. The task force must hold hearings
4.5 to gather information to fulfill the purpose of the task force.

4.6 Subd. 4. **Compensation; expenses.** Members of the task force may receive compensation
4.7 and expense reimbursement as provided in Minnesota Statutes, section 15.059, subdivision
4.8 3.

4.9 Subd. 5. **Report; expiration.** The task force shall submit a report to the chairs and
4.10 ranking minority members of the legislative committees with jurisdiction over guardianship
4.11 issues no later than December 31, 2026. The report must describe any concerns about the
4.12 current guardianship system identified by the task force and recommend policy options to
4.13 address those concerns and to promote less restrictive alternatives to guardianship. The
4.14 report must include draft legislation to implement recommended policy.

4.15 Subd. 6. **Expiration.** The task force expires upon submission of its report, or June 1,
4.16 2025, if money is not appropriated during the 2025 legislative session for the task force.

4.17 Subd. 7. **Contingent upon 2025 funding by legislature.** The task force established by
4.18 this section is contingent upon the legislature appropriating money for the task force in
4.19 substantially similar form in the 2025 legislative session.

4.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.