

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2345  
(Senators Hogan, Lee)

AN ACT to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the task force on guardianship monitoring to promote the accountability of all guardians; to amend and reenact subsection 4 of section 43-41-09 of the North Dakota Century Code, relating to the licensure of social workers; and to provide an appropriation.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new chapter to title 27 of the North Dakota Century Code is created and enacted as follows:

**Task force on guardianship monitoring.**

1. The North Dakota supreme court shall establish a task force on guardianship monitoring to address matters of guardianship accountability and further protections of individuals under guardianship. The task force on guardianship monitoring must include representatives from the guardianship monitoring program and protection and advocacy project and individuals representing guardianship service providers, family guardians, district court judges, and attorneys.
2. The task force shall recommend the regulations necessary to enhance the guardianship monitoring program to investigate suspected guardian mismanagement or illegal behavior. The regulations must include:
  - a. Appropriate certification, training, and background requirements for the guardian investigator position relating to specialized training in guardianship services, financial management, investigations involving allegations of neglect, abuse, and exploitation of vulnerable adults, and training with the national guardianship association's guardianship and conservator auditor and monitor investigator program;
  - b. Procedures for investigating referrals from a judicial officer, the division of the department of health and human services that oversees vulnerable adult services, protection and advocacy, social workers, the ombudsman program, the Medicaid fraud control unit, and any entity that oversees or provides services for vulnerable adults;
  - c. Procedures relating to the investigation of a single guardian or an entire guardianship service provider managed by a guardianship investigator; and
  - d. Any findings, recommendations, or improvements issued to the district court for review.
3. The task force on guardianship monitoring shall make the recommendations under subsection 2 to the supreme court. Upon receiving the recommendations, the supreme court may adopt rules implementing the recommendations.

**SECTION 2. AMENDMENT.** Subsection 4 of section 43-41-09 of the North Dakota Century Code is amended and reenacted as follows:

4. Approve examinations for licensing~~License~~ social workers. The board may:
  - a. Suspend the use of an examination for licensure.

- b. Waive examination requirements and create a process under which an applicant may apply for a waiver to licensure examination requirements.
- c. Create alternative requirements that do not require an examination to ascertain the qualifications and fitness of a candidate for a license to engage in the practice of social work.

**SECTION 3. APPROPRIATION - JUDICIAL BRANCH - FULL-TIME EQUIVALENT POSITION.**

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$290,000, or so much of the sum as may be necessary, to the judicial branch for the purpose of administering the guardianship monitoring program, for the biennium beginning July 1, 2023, and ending June 30, 2025. The judicial branch is authorized a full-time equivalent position to administer the guardianship monitoring program.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2345.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 74            Nays 19           Absent 1

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State