

Revised

Fiscal Note

2019-2020 Legislative Session

HF3391 - 0 - Guardian and Conservator; Modernized and Modified

Chief Author: **Kelly Moller**
 Committee: **Judiciary Finance & Civil Law Division**
 Date Completed: **3/4/2020 1:42:37 PM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023
Total	-	-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2019	FY2020	FY2021	FY2022	FY2023
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Adam Blom **Date:** 3/4/2020 1:42:37 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2019	FY2020	FY2021	FY2022	FY2023	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

HF3391-0 modifies provisions related to guardianship and conservatorship and allows for the use of alternative dispute resolution. This bill creates new terminology to be used by replacing “ward” with “person subject to guardianship” and “protected person” with “person subject to conservatorship” and creates a new term of “interested party.” This bill clarifies an interested person may notify the court in writing if they do not wish to receive copies of notices.

This bill requires additional information to be included in petitions seeking guardianship / conservatorship and court orders. This bill creates a new requirement for a Bill of Particulars, which is used for reporting confidential and nonpublic information. This bill establishes that health and financial information of the person subject to guardianship/conservatorship is confidential, and must be listed on a Bill of Particulars. This bill also establishes that the visitor’s report is confidential. This bill authorizes the court to set a durational limit on guardianships and for persons under 30 years of age, the duration cannot exceed 72 months. This bill requires the guardian to include a copy of the bill of rights with annual notices / documents that are sent out to the person subject to guardianship/conservatorship and interested persons. This bill establishes the guardian’s annual report is to be filed as confidential.

This bill establishes that an emergency / temporary appointment of conservatorship may be continued once after the 60 day time frame and only for another 60 days. This bill clarifies if the conservator is a bank or trust company, a bond is not required unless the assets exceed \$1,000,000. This bill clarifies any wages or salary earned by the person subject to conservatorship shall not be part of the conservatorship estate. This bill clarifies the conservator must notify all known interested persons and the court as soon as reasonably practical of the death of the person subject to conservatorship.

Assumptions

This bill creates new terminology to be used by replacing “ward” with “person subject to guardianship” and “protected person” with “person subject to conservatorship” and creates a new term of “interested party.” This will require the Judicial Branch to make changes to its electronic case management system, which will require additional IT and Business resources. Conservators are required by court rule to use an electronic application for filing their inventory and annual accounts and a similar application is now available for Guardians to electronically file their annual reports. This bill will require changes to the MyMinnesota Conservator (MMC) and MyMinnesota Guardian (MMG) applications, court rules, court forms, court administration processes (CAPS), and training materials and it is assumed the Judicial Branch will require 6 months to implement these changes. It is assumed the work required to make changes to the electronic case management system, MMC and MMG applications, development, and configuration will be absorbed. It is further assumed that testing of the changes to the applications may require the work to be performed by contractors at an estimated cost of \$30,624.

This bill clarifies that an interested party may participate in the action but only if that person meets the statutory definition of an interested party. It is not possible to predict if this bill may impact the number of filings by interested parties.

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The petition for guardianship / conservatorship is a public document pursuant to the Minnesota Rules of Public Access to Records of the Judicial Branch. Pursuant to statute, the petition must contain information regarding the proposed person in need of guardianship / conservatorship. This bill establishes that health and financial information of the person subject to guardianship/conservatorship is confidential, as well as the visitor's report and the annual personal well-being report. It is assumed the petition, which contains more than just health and financial information, will require changes to clarify that health and financial information will be contained on a Bill of Particulars and that the petition for guardianship / conservatorship remains a public document. It is further assumed that filers will be required to ensure no confidential information is included in the petition or other documents filed with the court pursuant to current court rules, and that additional safeguards may need to be implemented, such as instructions for filers and use of specific event codes, to ensure both electronically and paper filings are properly classified upon filing. This bill does not require the State Court Administrator to develop a Bill of Particulars court form, and under court rules, filers are responsible to ensure no confidential information appears in public court filings.

Expenditure and/or Revenue Formula

It is not possible to estimate how this bill will impact the number of filings by interested parties, hearing times, and order writing time of judicial officers.

This bill will require changes to the MyMinnesota Conservator (MMC) and MyMinnesota Guardian (MMG) applications, Judicial Branch case management system, court rules, court forms, court administration processes (CAPS), and training materials. The cost will be absorbed by the Branch.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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