

March 19, 2009

S 693. PUBLIC GUARDIANSHIP/TRAINING/EDUCATION. Filed 3/19/09. *TO IMPROVE PUBLIC GUARDIANSHIP SERVICES IN NORTH CAROLINA.*

Directs the University of North Carolina Institute on Aging, in consultation with other agencies and organizations, to study public guardianship services and report its findings to departments and legislative commissions on or before October 1, 2011. Effective July 1, 2009, appropriates \$30,000 for 2009-10 from the General Fund to the UNC Board of Governors to conduct the study. Also appropriates \$30,000 for 2009-10 from the General Fund to the Department of Health and Human Services, Division of Aging and Adult Services, for education and training of guardians and appropriates \$500,000 for 2009-10 and \$500,000 for 2010-11 for public guardianship services.

Effective January 1, 2010, amends GS 35A-1101 and GS 35A-1202 to prohibit an agency from being a designated agency in proceedings in which an agency employee has been appointed as a guardian. Also amends the definition of *disinterested public agent* to remove the exception from disqualification for an agent that is employed by an agency providing funding or services to a ward. Amends GS 35A-1210 to include state or local human services agencies in those that may file an application for the appointment of a guardian. Amends GS 35A-1213 to remove the requirement that an applicant submit names of potential guardians for consideration. Prohibits a disinterested public agent from being appointed as a guardian if the agent's role would conflict with the ward's best interest and provides for the agent's resignation as guardian. Amends GS 35A-1213 and GS 35A-1224 to prohibit owners, operators, and employees of a residential treatment facility or a long-term care institution caring for a ward from becoming the ward's guardian, unless related to the ward. Amends GS 35A-1214 to expand the order of priority of individuals to be considered as a guardian. Amends GS 35A-1216 to direct the Department of Health and Human Services to adopt rules concerning public guardians. Amends GS 35A-1230 to allow the clerk to require a public guardian, disinterested public agent, or nonresident guardian to post a bond before issuing a letter of appointment. Amends GS 35A-1242 to require status reports to be filed with the clerk and with the designated agency if required. Repeals GS 35A-1271 (concerning the bond of public guardian), GS 108A-15 (concerning social services employees as guardians), and GS 122C-122 (concerning public guardians for incompetent adults). Makes conforming and technical changes.

Intro. by Dorsett.

GS 32A, 35A, 108A, 122C, APPROP, STUDY