



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0777.01: Generally revise guardian and conservator laws**

Primary Sponsor: Brian Close Status: As Introduced

☐ Included in the Executive Budget ☒ Needs to be included in HB 2 ☐ Significant Local Gov Impact
☐ Significant Long-Term Impacts ☒ Technical Concerns ☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
Expenditures				
General Fund (01)	\$0	\$0	\$0	\$5,675
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$5,675)</u>
General Fund Balance				

Description of fiscal impact

HB 777 revises guardianship and conservatorship laws including requiring certification of professional guardians or conservators and clarifying the duties of a guardian. The bill also requires that a guardian of an adult submit a guardianship plan.

FISCAL ANALYSIS

Assumptions

State Auditor's Office (SAO)

- HB 777 changes guardianship and conservatorship laws which do not apply to the SAO; therefore, will not have a fiscal impact on the SAO.

Department of Justice (DOJ)

- HB 777 adds three new sections and contains amended language in existing sections that intend to revise guardianship and conservatorship laws. DOJ has never played a direct role in petitioning for guardianship or conservatorship or monitoring them, so these additions and amendments will not have a fiscal impact on DOJ.

Department of Public Health and Human Services (department)

- Section 2 (a) requires a professional guardian or conservator be certified by the Center for Guardianship Certification (CGC). It's assumed the professional certification exam would cost \$400 per guardian and the certification would last for two years.
- There are currently five adult protective services (APS) staff serving as guardians to approximately 75 individuals. The total cost for certification would be \$2,000 (\$400 * 5) every two years. This would be funded with 100% general fund. It's assumed the five APS guardians would apply for certification by Oct 1, 2028.
- According to the CGC, individuals applying for certification must submit proof of having attained 20

Fiscal Note Request - As Introduced*(continued)*

continuing education units (CEU) of accepted coursework. It is assumed the CEUs would cost of \$35 per credit for a total cost of \$3,500 (\$35 * 20 * 5) every two years, all general fund.


6. According to the CGC, individuals applying for certification must submit to a background check. It's estimated the cost of a background check would be \$35 per guardian for a total cost of \$175 (\$35* 5) every two years, all general fund.
7. The department assumes the fiscal impact in section 3 guardian's plan will be minimal and will be absorbed by the department.

Fiscal Analysis Table

Department of Public Health and Human Services				
	FY 2026 Difference	FY 2027 Difference	FY 2028 Difference	FY 2029 Difference
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Operating Expenses	\$0	\$0	\$0	\$5,675
TOTAL Expenditures	\$0	\$0	\$0	\$5,675
<u>Funding of Expenditures</u>				
General Fund (01)	\$0	\$0	\$0	\$5,675
TOTAL Funding of Expenditures	\$0	\$0	\$0	\$5,675
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	\$0	\$0	\$0	(\$5,675)

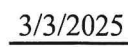
Technical Concerns**Department of Public Health and Human Services**

1. Section 1 of the bill could prevent individuals or family members from serving as guardianship/conservators due to criminal history or having been a debtor in a bankruptcy or insolvency. This could result in increased appointments to the department, but the department is unable to determine what the overall impact of this could be.
2. The language in section 2 (a) requiring professional guardians to be certified could result in fewer people taking on a guardianship role due to the certification requirements and costs. This could lead to more guardianships being referred to APS, but the department is unable to determine what the overall impact could be.
3. There are situations where APS petitions for guardianship on behalf of another agency or individual. It's unclear who would be responsible for the costs of certification, CEUs and background check.


 Sponsor's Initials


 Date


 Budget Director's Initials


 Date