

Guardian Oversight & Monitoring

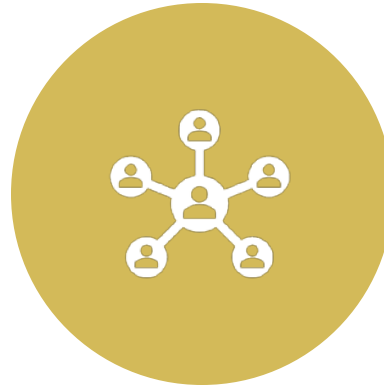
NEW MEXICO DEVELOPMENTAL
DISABILITIES PLANNING COUNCIL

SEPTEMBER 17, 2020

DDPC Office of Guardianship Priorities: A Person-Centered Approach



ENSURE QUALITY OF EXISTING
SERVICES TO INCOME-ELIGIBLE
NEW MEXICANS



DEVELOP COMPREHENSIVE LADDER
OF DECISION MAKING SUPPORT
SERVICES



EXPAND OVERSIGHT AND
MONITORING OF GUARDIANS

What is a guardian?

- A Guardian is appointed by the court to make decisions on behalf of an adult who the court has determined is incapacitated.
- Decisions may include health care, residential, financial, visitation, and other major life decisions.
- A Conservator is appointed by the court to manage the finances of an individual with substantial assets.
- A Representative Payee is appointed by the Social Security Administration to manage a person's social security income.

Who guards the guardian?

NM Courts

- **Continuing jurisdiction**
- **Ten-year review**
- **Requests for hearing**
- **Grievance form & letters to the court**

State Agencies

- **Office of the State Auditor**
 - **Pilot project**
 - **Ongoing financial audits**
- **DDPC/OOG**
 - **Contractor compliance**

DDPC
Office of
Guardianship
Oversight &
Monitoring



OOG has developed intensive compliance processes to ensure guardianship contractors provide quality services to protected persons.

- **Comprehensive Service Reviews**
- **Protected Person Welfare Visits**
- **Complaints**
- **Trainings and roundtable discussions**
- **One-on-one assistance**
- **Legal support**

OOG is the only state agency that has developed extensive expertise in guardianship standards, including best practices, legal/statutory requirements, and ethical standards.

Expanding DDPC Oversight & Monitoring: Proposed Pilot Project

- New Mexico has over 5,800 guardianship and conservatorship cases.
- DDPC/OOG oversees fewer than 1,000 guardianship cases.
- OSA conducts financial audits of guardians and conservators at the request of the courts, but no state agency oversees or monitors the quality/appropriateness of services provided by guardians, including health care, residential, visitation, and other major life decisions.
- DDPC is working with the courts to design a pilot project to increase oversight of guardians in New Mexico.

Expanding DDPC Oversight & Monitoring: Proposed Pilot Project

- The proposed pilot project will target two judicial districts, one in a more densely populated area and one in a more rural area.
- DDPC can adapt and learn from existing models:
 - Office of the State Auditor
 - Second Judicial District

Expanding DDPC's authority to oversee and monitor guardians requires legislative action.

Questions?



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