

# New Mexico Guardianship Update

Legislative Finance Committee  
October 29, 2019

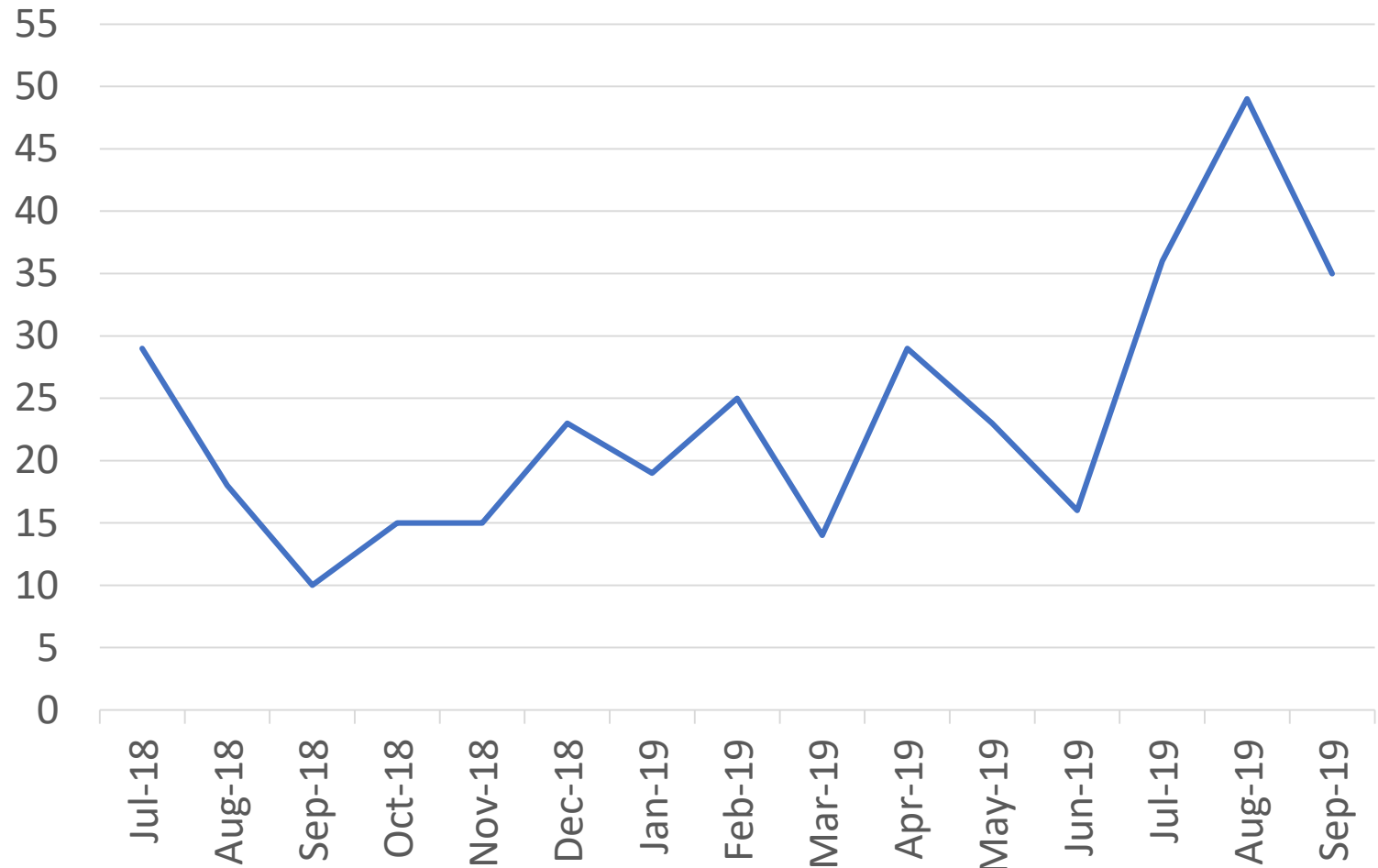
Developmental Disabilities Planning Council  
Office of Guardianship  
Alice Liu McCoy, Executive Director

# What does the DDPC Office of Guardianship do?

- Contracts with petitioning attorneys, court visitors, and guardians ad litem to provide legal services to request the court to appoint a guardian for income eligible adults
- Provides professional guardians appointed by state district courts
- Provides treatment guardians appointed by mental health courts
- Monitors contract compliance to ensure clients receive quality services
- Conducts comprehensive service reviews and protected person welfare visits
- Educates professionals and the public on alternatives to guardianship, guardianship court proceeding, and guardianship best practices
- Responds to and investigates complaints against professional guardians contracted with DDPC Office of Guardianship

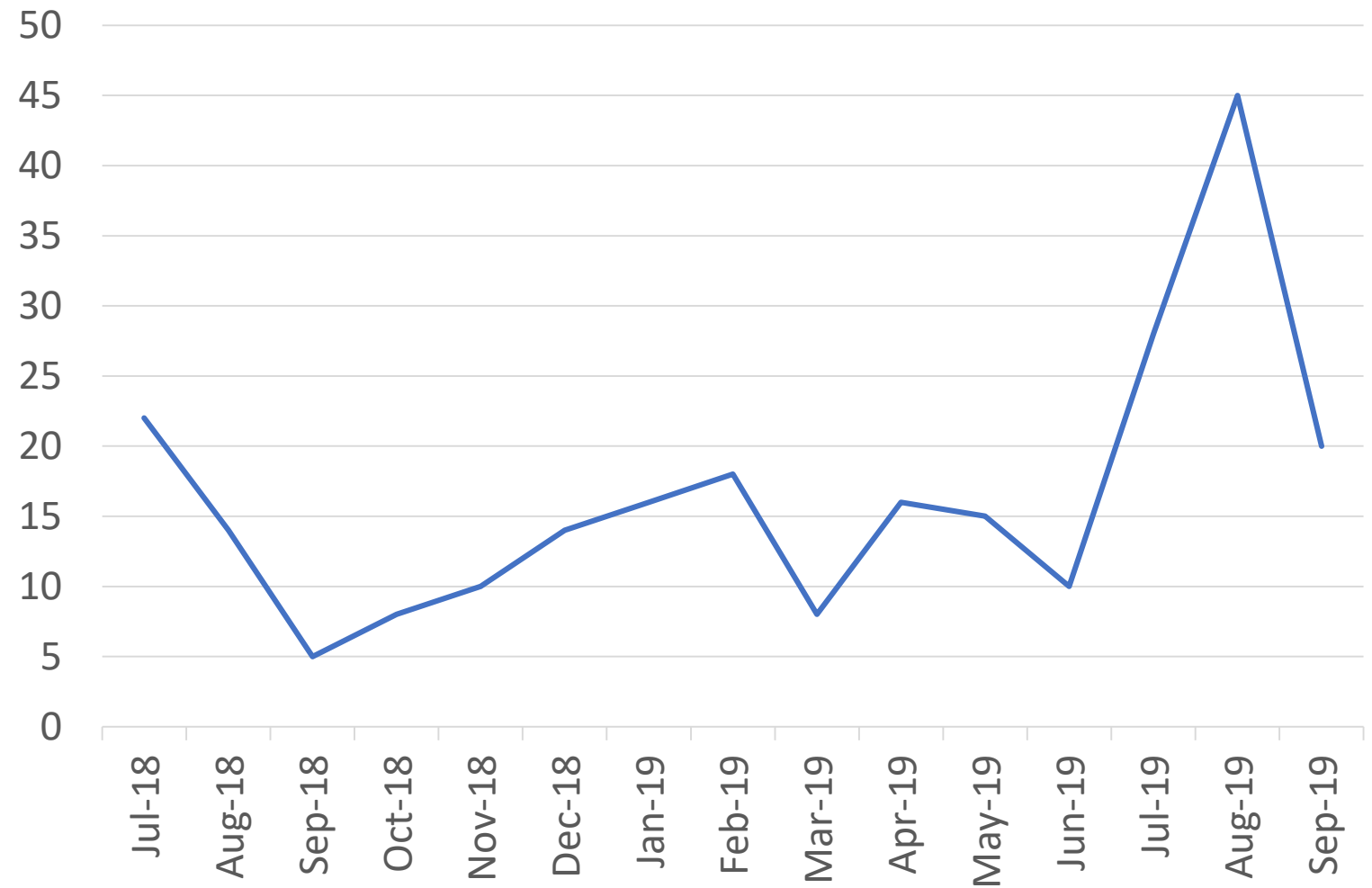
Jul-18	29
Aug-18	18
Sep-18	10
Oct-18	15
Nov-18	15
Dec-18	23
Jan-19	19
Feb-19	25
Mar-19	14
Apr-19	29
May-19	23
Jun-19	16
Jul-19	36
Aug-19	49
Sep-19	35
Total	356

# Applications Received



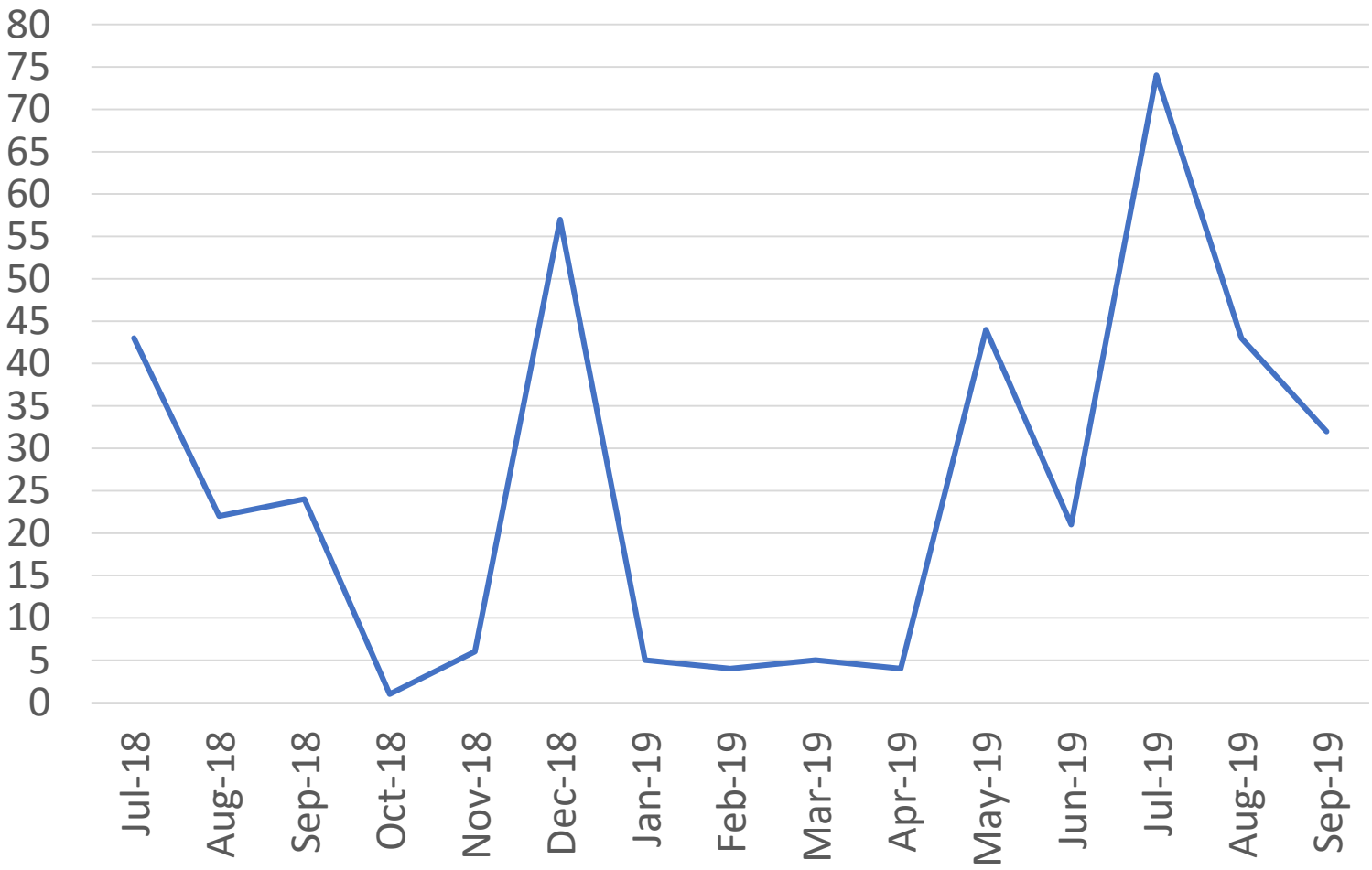
Jul-18	22
Aug-18	14
Sep-18	5
Oct-18	8
Nov-18	10
Dec-18	14
Jan-19	16
Feb-19	18
Mar-19	8
Apr-19	16
May-19	15
Jun-19	10
Jul-19	28
Aug-19	45
Sep-19	20
Total	249
Percent of Applications Received	70%

# Eligible for Services

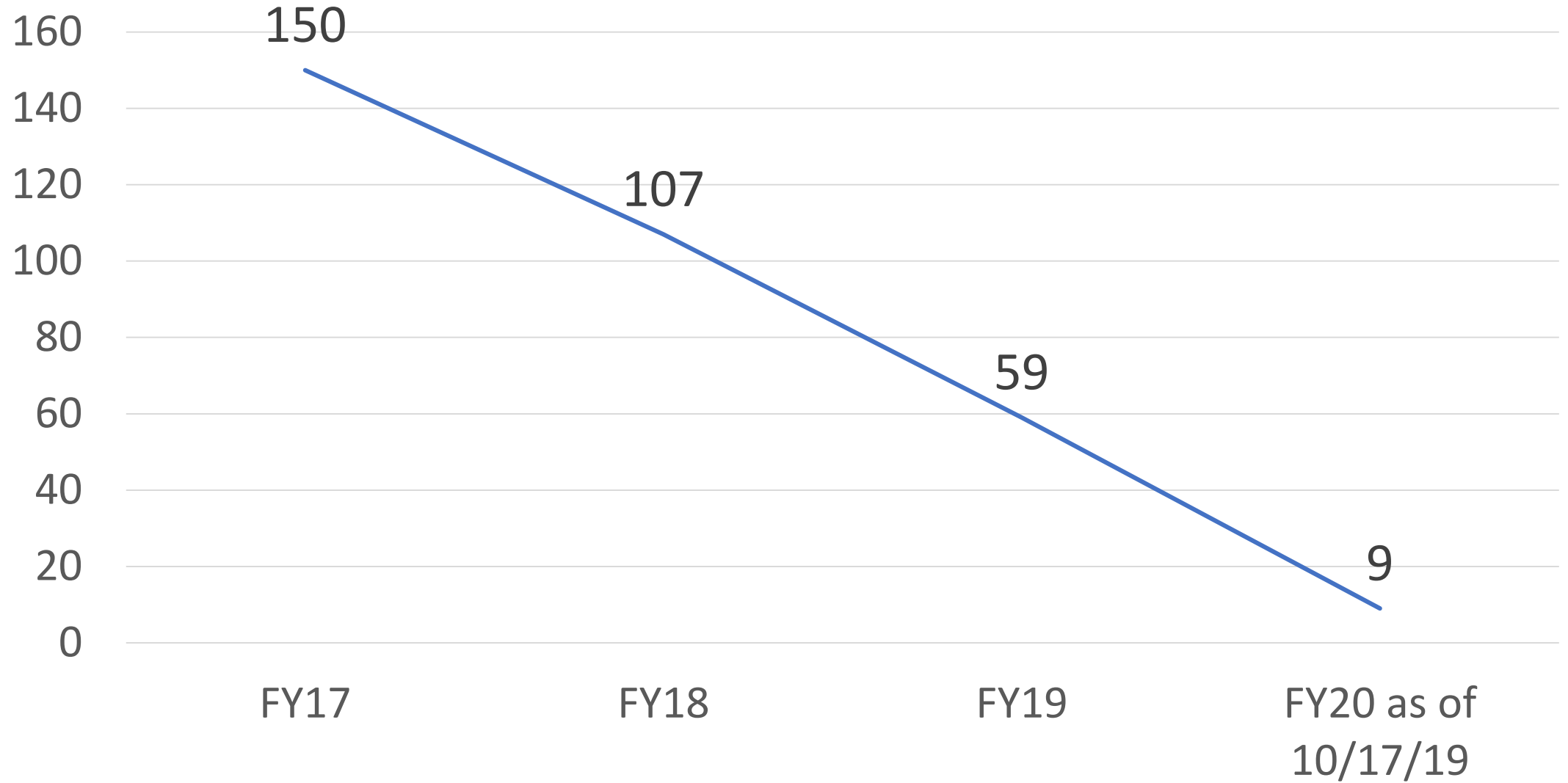


Jul-18	43
Aug-18	22
Sep-18	24
Oct-18	1
Nov-18	6
Dec-18	57
Jan-19	5
Feb-19	4
Mar-19	5
Apr-19	4
May-19	44
Jun-19	21
Jul-19	74
Aug-19	43
Sep-19	32
Total	385

# Cases Assigned



# History of Wait List



# Sample Cost Per Case

	Assignment	Petitioned	Notice of Hearing	Months Appointed	Cost
Sample Case	7/11/2019	9/16/2019	12/23/2019	7	\$ 2,275.00
			Cost	Family	Professional
Petitioning Attorney			Fixed	\$ 900	\$ 900
Guardian ad Litem			Fixed	\$ 650	\$ 650
Court Visitor			Fixed	\$ 325	\$ 325
Extra Ordinary (Per Diem, Travel) up to 20% of legal services			Variable *	\$ -	\$ -
Process Server Fee - \$30 to \$85			Variable *	\$ -	\$ -
Professional Guardian			Variable **	\$ -	\$ 2,275
Total Cost				\$ 1,875	\$ 4,150
* Variable Cost for areas with no legal resources					
** Variable Cost until Appointed, becomes fixed reoccurring cost of \$325 per month, per client					

# DDPC Office of Guardianship Budget Projections

- Inaccurate historical budget projections resulted in drastically growing waitlists, large general fund reversions, and ballooning OOG fund
- Significantly more accurate projections, increased monitoring of contracts, and reduction/elimination of waitlist resulted in very small FY19 general fund reversion, projected FY20 budget shortfall, and a large BAR from OOG fund (if approved)
- OOG has already halted new case assignments for FY20 and expects the waitlist to grow drastically in the next few months
- OOG anticipates the OOG fund will be depleted by early FY21
- Without a significant budget increase, OOG anticipates very few new case assignments in the foreseeable future



# Person-Centered Strategies to Maximize Resources

- Collaborate with state agencies to build comprehensive, sustainable community-based supports to adequately serve New Mexicans living with disabilities
- Educate the public, guardianship professionals, and the courts on least restrictive options and alternatives to guardianship
- Connect New Mexicans seeking guardianship with least restrictive options, including alternatives to guardianship
- Evaluate guardianship needs of clients to ensure quality contractor service and appropriate level of guardianship
- Empower clients to graduate from guardianship when appropriate
- Partner with the courts on a pilot program to monitor guardians and other substitute decision makers