

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>05-0027/1</b>	<b>Introduction Number</b> <b>SB-391</b>
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**Description**  
 Guardianships, conservatorships, and wards; involuntary administration of psychotropic medication; protective placements and protective services; powers of attorney for health care; durable powers of attorney; venue, residence, and county of responsibility; requiring the exercise of rule-making authority; and providing a penalty

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DHFS/ Donna Moore (608) 266-8156	<b>Authorized Signature</b> Andy Forsaith (608) 266-7684	<b>Date</b> 11/14/2005
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## Fiscal Estimate Narratives

DHFS 11/14/2005

LRB Number	05-0027/1	Introduction Number	SB-391	Estimate Type	Original
<b>Description</b> Guardianships, conservatorships, and wards; involuntary administration of psychotropic medication; protective placements and protective services; powers of attorney for health care; durable powers of attorney; venue, residence, and county of responsibility; requiring the exercise of rule-making authority; and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Current guardianship laws specify standards and procedures for determinations by courts that certain individuals are proper subjects for guardianship or conservatorship because of incompetency, spendthriftiness, or minority. For such an individual, after presentation of evidence in a hearing, the court may approve a petition for guardianship and appoint a guardian of the person or guardian of the estate, or both, may dismiss the petition, or, for small estates, order that certain payments be made on behalf of the individual without appointment of a guardian. A court may consider a petition for appointment of a temporary guardian and, after presentation of evidence in a hearing, appoint a temporary guardian for a period not to exceed 60 days or may consider a petition for limited guardianship of property and, after presentation of evidence in a hearing, appoint such a limited guardian of property. As an alternative to guardianship, a court may after presentation of evidence in a hearing, appoint a conservator for an adult who feels unable to manage his or her own property and has applied for a conservatorship. No adult may be protectively placed or receive protective services unless he or she has been determined incompetent under the guardianship laws.

Modifications to current law in the bill would require the Department of Health and Family Services (DHFS) to make procedural changes in regards to the administering of psychotropic medications for patients or residents of DHFS institutions. Counties may also be required to modify procedures for their clients.

The cost factors related to these modifications should not be significantly different for either the State or counties when compared to current costs. While there are some sections of the bill that may cause an increase in costs in one area, these costs are offset in another area (e.g., a person who experiences a change of status after appointment of a guardian and protective placement and now needs involuntary administration of psychotropic medications, will need a new court hearing under Chapter 880 and Chapter 55, but this is in place of a need for a petition for an involuntary commitment under Chapter 51). Some counties may incur significant additional costs related to these modifications. However, this would only apply if the county and guardian ad litem are not currently performing a comprehensive assessment of a person's needs that are the basis for determining the need for guardianship and protective placement.

### Long-Range Fiscal Implications