

- SUBJECT:** Grants to guardianship programs providing money management services
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 6 ayes — Rose, S. King, Herrero, Hughes, Naishtat, Parker
0 nays
3 absent — J. Davis, Eissler, Pierson
- WITNESSES:** For — Bruce Bower, Alternatives to Guardianship, Inc.; Aaryce Hayes, Advocacy, Inc.; Carlos Higgins, Texas Silver-Haired Legislature;
(*Registered, but did not testify:* Denise Brady, Mental Health America Texas)
Against — None
- BACKGROUND:** The Department of Aging and Disability Services is responsible for guardianship programs that provide protection for adults who are incapacitated. The Probate Code defines an incapacitated individual as “an adult individual who, because of a physical or mental condition, is substantially unable to provide food, clothing, or shelter to himself or herself, to care for the individual’s own physical health, or to manage the individual’s own financial affairs.” The Health and Human Services Commission (HHSC) administers a grant program that provides grants to organizations that provide local guardianship services.
- DIGEST:** CSHB 2691 would authorize HHSC to award grants to local guardianship programs only if the programs met a requirement to offer or submit a plan to offer money management services. The guardianship program either could provide the services directly or by referral. The money management service would be required to:
- use employees or volunteers to provide bill payment or representative payee services;
 - provide the service’s employees and volunteers with training, technical support, monitoring, and supervision;

- ensure the employees and volunteer match was agreeable to both the employee or volunteer and the client;
- insure each employee and volunteer, and hold them harmless from liability for duties or functions provided within the organization;
- have an advisory council that met regularly composed of persons who were knowledgeable regarding guardianship, alternatives to guardianship, and related social services programs;
- be administered by a nonprofit corporation; and
- refer clients who were in need of other services from an area agency on aging to the appropriate area agency.

On request by a local guardianship program, the commission could waive a requirement for the money management program if it would strengthen the continuum of local guardianship programs in a geographic area.

CSHB 2691 would take effect September 1, 2007, and would apply to grants awarded by the HHSC on or after this date.

**SUPPORTERS
SAY:**

CSHB 2691 would help adults avoid entrance into local guardianship programs if all they required to maintain independence was assistance with money management. Adults who must enter the guardianship program must deal with the stigma of being labeled incapacitated. The guardianship program also is expensive because each guardianship case requires court oversight and the provision of additional services.

The measures proposed in CSHB 2691 would provide appropriate safeguards to money management program participants by mandating training of volunteers as well as providing monitoring and guidance from community experts on local advisory councils. Participation in the program would be voluntary, and a person could cease participation or pursue a different volunteer match if the person had concerns about the services the person received.

Volunteers and employees would be protected through the provision of insurance and would be held harmless from liability. The hold harmless provision would be critical to encourage more voluntarism to expand money management programs. The bill would allow a local guardianship program to submit a plan for the implementation of a money management program in lieu of offering a money management program in the event that the local program could not yet support providing money management services. This bill not only would assist existing guardianship programs in

developing their money management services but would encourage additional money management programs to begin operating.

A floor amendment would address concerns about the ability of guardianship programs in small counties to comply with requirements to offer or plan to provide money management services.

**OPPONENTS
SAY:**

This bill could prevent certain local guardianship programs from receiving grant funds if the local guardianship program was too small to support the provision of money management services. An entire local guardianship program should not suffer because it lacks the means of larger counties to provide more services to program participants.

CSHB 2691 should provide some mechanism for program participants to bring forward complaints about the services they were provided because of the severe repercussions that could occur from inappropriately handling a person's finances. This bill would limit a program participant's protections by holding volunteers and employees harmless for money management services rendered.

NOTES:

The author intends to accept a floor amendment that would allow counties with populations under 150,000 to receive local guardianship program funding whether or not they provided or planned to provide money management services. The amendment would also permit local guardianship programs that already provide money management services directly to continue operating under their current program model.