

**IMMEDIATE RELEASE**

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## **Rep. Matthews, Office of Guardianship introduce legislation to require licensure for professional guardians**

SANTA FE – Today, Rep. Marian Matthews and the New Mexico Developmental Disabilities Planning Council [DDPC] Office of Guardianship will present House Bill 234 before the House State Government, Elections and Indians Affairs Committee. HB 234 requires state licensure for professional guardians and professional conservators, and strengthens oversight of state-funded guardianship service providers. Additional sponsors for the bill include Rep. Joanne Ferrary, Sen. Gerald Ortiz y Pino, Sen. Linda Lopez, and Sen. Katy Duhigg.

“Guardians are charged with protecting the safety, welfare, and rights of the people they serve,” Rep. Matthews said. “Guardians make crucial life decisions on behalf of their protected persons, including health, medical, residential, employment, and financial decisions. Guardians and conservators have enormous power over their protected persons, yet the state currently has no way to monitor guardians or conservators and their activities, outside of individual court proceedings. State licensure provides a streamlined, comprehensive oversight mechanism to hold professional guardians and conservators accountable for their practices.”

HB 234 authorizes DDPC Office of Guardianship to license professional guardians and professional conservators, and requires licensure to be eligible for appointment by a court. Additionally, the bill requires DDPC to conduct annual comprehensive service reviews and other monitoring activities of its service providers to ensure protected persons served by DDPC are receiving appropriate services. The bill also requires the head of the Office of Guardianship to be an attorney licensed in New Mexico.

“Passage of HB 234 will be a major step toward better protecting our most vulnerable citizens—older New Mexicans and people living with disabilities,” said Rep. Ferrary. “While guardian certification was a good first step, we must establish additional safeguards in our guardianship system. Otherwise, more and more people will fall prey to unscrupulous practices. This bill is long overdue.”

The courts currently have over 5,800 active guardianship and conservatorship cases across the state. The National Guardianship Association’s Center for Guardianship Certification currently certifies over 100 professional guardians in New Mexico. Over 80 of those guardians are DDPC service providers.

“The Office of Guardianship is committed to providing high quality guardianship services that prioritize the self-determination, well-being, and dignity of our protected persons,” said DDPC Executive Director Alice Liu McCoy. “The guardianship system is evolving across the country. New Mexico can become a national leader by developing a comprehensive support system that truly meets the needs of people with disabilities, which should include ethical guardianship services as well as a broad range of alternatives to guardianship. To accomplish this goal, we need strong guardianship oversight and monitoring.”

The number of guardianship cases is expected to increase significantly, as pandemic complications arise and the state’s population ages rapidly. DDPC’s wait lists have dramatically increased in the past year. Strengthening oversight will not only benefit existing protected persons, but will benefit anticipated

protected persons and their families. The courts also benefit when DDPC notifies the courts of any issues resulting from its licensing activities, providing another layer of oversight.

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