



Office of the Governor

MICHELLE LUJAN GRISHAM

FOR IMMEDIATE RELEASE

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Gov. Lujan Grisham authorizes measure strengthening guardian oversight to protect vulnerable adults

SANTA FE – Gov. Michelle Lujan Grisham on Thursday signed into law extensive guardianship reform legislation, creating much-needed oversight of legal guardians and conservators that control medical, financial, residential and other major life decisions of more than 6,000 New Mexicans who are aging or living with disabilities. Inadequate oversight of guardianship and conservatorship cases have left many of the most at-risk adults in this state susceptible to abuse, neglect or exploitation.

Sponsored by Rep. Marian Matthews and co-sponsored by Rep. Joanne Ferrary, Sen. Jerry Ortiz y Pino, Sen. Linda Lopez and Sen. Katy Duhigg, House Bill 234 establishes a court visitor pilot project, a partnership between the courts and the Developmental Disabilities Council's Office of Guardianship to provide eyes and ears on the ground for judges to monitor guardianship cases. The goal of the pilot project is to build a program that will allow judges to assign volunteer court visitors to meet with and submit a report about every person under guardianship in New Mexico at least once a year.

The bill also establishes the Working Interdisciplinary Network of Guardianship Stakeholders program, or WINGS, based on a national model that studies and implements best practices in guardianship and alternatives to guardianship.

“This legislation will help ensure that our guardianship system provides adults with the least restrictive alternatives to managing and living their lives,” said Gov. Michelle Lujan Grisham. “We must commit to the ongoing work of reforming and evolving beyond guardianship. Through the WINGS program, we will bring to New Mexico the most innovative ideas from around the country on how to best protect the rights of people who are subject to guardianship and ensure that they and their families have a voice.”

House Bill 234 requires the Office of Guardianship, Administrative Office of the Courts and Office of the State Auditor to oversee and monitor guardians and conservators in meaningful ways. Specifically, the bill requires the Office of Guardianship to conduct annual comprehensive reviews of state-funded guardianship services, as well as welfare visits of protected persons receiving those services. Additionally, the bill requires the Administrative Office of the Courts to establish a guardianship annual report review division and authorizes the Office of the State Auditor to review annual conservator's reports, access financial records in conservatorship cases, and conduct full audits, if necessary.

“For too long, the guardianship system in New Mexico has been paternalistic, overly restrictive, and unexamined,” said Executive Director Alice Liu McCoy of the New Mexico Developmental Disabilities Council. “HB 234 will hold everyone in the guardianship system accountable – which include not only guardians and conservators, but legal professionals, state agencies, and the courts. Most importantly, it requires everyone in the guardianship system to continually seek the least restrictive options to meet the protected person's needs.”

The bill requires the Office of Guardianship to publish an annual report about publicly funded guardianship services in New Mexico, which will increase transparency and support evidence-based policy recommendations to improve the guardianship system. The bill also requires the head of the Office of Guardianship to be an attorney licensed in New Mexico.

The number of guardianship cases is expected to increase significantly, as pandemic complications arise and the state's population ages rapidly. The Office of Guardianship's wait lists have dramatically increased in the past year.

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