Administrative Office of the Courts

FOR IMMEDIATE RELEASE

March 22, 2018

Contact: Barry Massey, communications officer
bmassey@nmcourts.gov
505-827-4805
505-470-3436

SUPREME COURT FORMS GUARDIANSHIP COMMITTEES

SANTA FE – The New Mexico Supreme Court, working with the Executive and Legislative branches, has formed a committee with representatives from all branches of state government to assist in the implementation of newly enacted legislation for improving the adult guardianship system.

Second Judicial District Court Judge C. Shannon Bacon will chair the steering committee and District Judge Nancy Franchini will serve as vice chair.

The panel will make recommendations regarding $1 million allocated to the Administrative Office of the Courts by the Legislature for guardianship reforms. Among the possibilities are funding auditors – potentially in the State Auditor's Office – to examine financial information submitted to the courts by conservators, hiring contractors to assist in a statewide review of guardianship and conservatorship cases, and designing user-friendly online forms to ensure conservators file more accurate and consistent information with the courts, which also will help with auditing and monitoring of conservatorship reports.

Court-appointed guardians make personal and health care decisions for individuals who are incapacitated. Conservators are appointed by a court to manage the financial and possibly the property affairs of an incapacitated person, including those who may have dementia, traumatic brain injuries, a developmental disability or mental illness.

The Supreme Court has appointed a separate committee to recommend changes in rules that govern court procedures in guardianship and conservatorship cases. Gaelle McConnell, an Albuquerque attorney, will chair the Ad Hoc Guardianship and Conservatorship Rules and Forms Committee. The committee, as part of its work, will consider rule amendments necessary

to comply with the guardianship legislation (Senate Bill 19) approved during the 2018 legislative session.

The new law, which takes effect on July 1, opens court hearings that are now closed and expands access to court records for family members and others who are entitled to notice of guardianship proceedings under the new statutory requirements.

Formation of the rules committee was among the recommendations of the New Mexico Adult Guardianship Study Commission, which was appointed by the Supreme Court last year to propose improvements in the guardianship system. Other commission recommendations included changes in annual financial reports that conservators must file with courts.

The steering committee also will advise the Supreme Court on possible future steps for revising the guardianship system, including how to proceed with recommendations made by the study commission.

Other steering committee members are: Sen. James White of Albuquerque; Rep. Daymon Ely of Corrales; State Auditor Wayne Johnson; Leslie Porter, cabinet director in the Office of Gov. Susana Martinez; Third Judicial District Court Chief Judge James Martin; Thirteenth Judicial District Court Chief Judge Louis McDonald; and First Judicial District Court Judge David Thomson. Three AOC staff members are non-voting committee members: Greg Saunders, chief information officer; Celina Jones, general counsel; and Patricia Galindo, an attorney who has worked on guardianship and conservatorship issues.

Other rules committee members are: District Judges Bacon and Franchini; Mary Galvez of Guardianship and Care Management Services LLC; Alice Liu McCoy of Disability Rights New Mexico; Ruth Pregenzer, an Albuquerque attorney; Sarah Steadman of the University of New Mexico Law School; and Mary H. Smith, an Albuquerque attorney.

###