

FEE POLICY
PROFESSIONAL GUARDIANS/CONSERVATORS
WITH CASES UNDER THE JURISDICTION OF THE FOURTH JUDICIAL DISTRICT COURT
PROBATE/MENTAL HEALTH DIVISION

HENNEPIN COUNTY
HUMAN SERVICES AND PUBLIC HEALTH DEPARTMENT
(Revised Fee Policy – Effective 01/01/2023)

INTRODUCTION

This fee policy covers the payment rate and billing process for court-appointed professional guardians/conservators. To become a court-appointed professional guardian/conservator, a petitioner must file a petition with the Fourth Judicial District Court. If a person subject to guardianship/conservatorship is considered low income, an In Forma Pauperis (IFP) application may be filed. A court may also make a finding of indigence in the case. After the court approves the petition of a professional guardian/conservator in an IFP/Indigent case, professional guardians/conservators may use this fee policy to request compensation from Hennepin County Human Services and Public Health Department (HSPHD).

POLICY

In accordance with Minnesota Statute § 524.5-502, professional guardians/conservators in IFP/Indigent cases may request compensation for necessary services rendered under the following billing policy:

1. Eligible Representatives

A court-appointed professional guardian/conservator in an IFP/Indigent case to whom Letters of Guardianship/Conservatorship have been issued. Hennepin County does not pay relatives of the person subject to guardianship/conservatorship for services provided as a guardian/conservator.

2. Payment Rate

The current rate of pay is \$40.00 per hour for professional guardian/conservator services and \$18.00 per hour for allowable travel time in IFP/Indigent cases. There is also a three-tiered hourly cap of up to 48, 60, 80 hours per year based on the following living situations of the person subject to guardianship/conservatorship as set by the Hennepin County Board of Commissioners:

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|---------------|--|---|
| Tier 1 | Person subject to guardianship/conservatorship lives in a nursing home, hospital, in the community without residence (example: staying w/friends) or is absent without leave | Up to 48 hours per year for maximum reimbursement of \$1920 at \$40/hour. |
| Tier 2 | Person subject to guardianship/conservatorship lives in an assisted living facility, group home or foster/parents' home | Up to 60 hours per year for maximum reimbursement of \$2400 at \$40/hour. |

Tier 3	Person subject to guardianship/conservatorship lives independently	Up to 80 hours per year for maximum reimbursement of \$3200 at \$40/hour.
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Hennepin County will only pay the tier rate up to the annual allotment. Guardians/conservators are responsible for managing their time within the allowed annual allotment and billing as appropriate for hours used.

All guardians/conservators providing services for which payment is being sought must have signed consents filed with the court and background checks done by/provided to the court and updated as required by the court.

3. Payment Policy

- A. To be paid, professional guardian/conservators must read this Fee Policy, complete the Acknowledgement at the end of this document, and email it to CGAInvoice@hennepin.us. The original signed form will be kept on file with HSPHD and verifies agreement to the Fee Policy. Professional guardians/conservators should also make a copy for their files and reference. Payments cannot be made unless there is a signed Acknowledgement on file for the current Fee Policy.
- B. The professional guardian/conservator in cases designated as IFP/Indigent can be paid for attending the initial hearing (up to 1 hour) if their appointment becomes confirmed and the Letters issue.
- C. The professional guardian/conservator IFP/Indigent billings may commence from the date of the issuance of Letters (the date is the court file stamped date).
- D. Professional guardian/conservators representing a person subject to guardianship/conservatorship in an IFP/Indigent case **must** submit an initial invoice within 60 days of the Letters issuance. All subsequent billings should be submitted within 30 days of the services rendered. Any subsequent billing not submitted within 60 days of the service rendered shall not be paid.
- E. Payment will be made within 35 days.
- F. All invoices must be emailed to CGAInvoice@hennepin.us.
- G. All invoices must be submitted in a manner and format acceptable to Hennepin County.
- H. A legible monthly Visit Log shall be completed each month and then submitted with the billing invoices (printed in a legible fashion and in font not less than 12 points) and an itemized statement if services exceed the visit time. All in-person visits are to be recorded on the visit log and will have:
 - i. date of visit,
 - ii. length of visit (start and stop times),
 - iii. name of person subject to guardianship/conservatorship,
 - iv. case number,
 - v. location of visit.

All in-person visits reported on the Personal Well Being Reports shall be documented on a completed Visit Log.

A Visit Log can be used for multiple persons subject to guardianship/conservatorship for visits by the same guardian/conservator, but each guardian/conservator must have separate visit logs.

All employees of appointed guardian/conservator providing any services for the person subject to guardianship/conservatorship must have a signed consent and background check filed with the court.

The Visit Log **must** be completed for reimbursement. (*See online form*)

- I. An itemized listing of service (printed in a legible fashion and in a font not less than 12 points) shall be submitted with each invoice. The itemized listing will have:
 - i. name of person subject to guardianship/conservatorship and court case number,
 - ii. name of guardian/conservator who provided the service,
 - iii. date of service,
 - iv. explanation of the service,
 - v. length of time for each service, rounded to the nearest minute,
 - vi. contact person(s) with phone number(s) for all telephone calls made by guardian/conservator for person subject to guardianship/conservator,
 - vii. one grand total, rounded to the nearest 10th of an hour, for all the services on the invoice.

- J. Double billing is not permitted.
 - i. When providing services for a person subject to guardianship/conservatorship, a professional guardian/conservator shall not bill another person subject to guardianship/conservatorship for services within the same time period.
 - ii. When on paid time by another employer, a professional guardian/conservator shall not have any charges for persons subject to guardianship/conservatorship.
 - iii. If providing a group visit with several IFP/Indigent persons subject to guardianship/conservatorship, the complete time shall be divided equally among all persons subject to guardianship/conservatorship billings.

- K. If the reports required by the court are “past due,” guardianship/conservatorship payments will not be made for services until the reports “are filed.” Professional guardians/conservators will need to re-bill for the persons subject to guardianship/conservator whose court reports are filed within the 60 days if they were not paid. No payment will be made, and payment will be considered forfeited if outstanding reports are not filed with the court within 60 days of the date of service.

- L. If the person subject to guardianship/conservatorship is on Medical Assistance (MA), a

guardian/conservator may be allowed to retain a portion of the monthly income for the person subject to guardianship/conservatorship. A guardian/conservator is required to apply to the MA financial case worker to see what MA rules allow. The amount, if allowable, shall be shown on the invoice when billing Hennepin County. This amount shall then be deducted from the fee indicated above. If the amount obtained from income exceeds the fees, there will be no payment by Hennepin County. This also applies for any fees collected for being Rep Payee for the person subject to guardianship/conservatorship.

M. The guardian/conservator shall reimburse fees previously paid by Hennepin County:

- i. If an IFP is revoked.
- ii. If a person subject to guardianship/conservatorship receives an inheritance, or otherwise acquires or liquidates assets (except if there is a Special Needs Trust or Supplemental Needs Trust) of which the person subject to guardianship/conservatorship is a beneficiary. The assets in such a trust shall not be considered for purposes of repayment.
- iii. If there is an MA spend down, after the necessary needs of the persons subject to guardianship/conservatorship have been met.

The guardian/conservator shall reimburse Hennepin County for past payments before the guardian/conservator may submit new billings for subsequent time periods to either the County or the other source(s) of payment.

4. Non-Reimbursable Activities and Expenses:

- A. Hennepin County will not pay for clerical/secretarial time, internal tickler noticing, more than one (1) staff member per service, phone messaging, and billing inquiry and/or time. Note that “phone messaging” refers to leaving of call back information only (e.g., name and number). Electronic communication, such as voice mail exchanges of relevant information, are not considered “phone messaging.”
- B. Mileage, as it is included in the hourly fee.
- C. Travel time within one (1) hour of normal one-way travel time considered from the Hennepin County Government Center is not reimbursable.
- D. Office and business expenses such as parking, postage, telephone expenses, photocopies, and training/consultation of/with in-house personnel.

5. Billing Adjustment and Appeals

The County may reduce or deny payment without notice on non-compliant or excessive items. If the guardian/conservator wishes to file a challenge for any billing reduction or denial, that challenge should be sent by written request to:

Human Services and Public Health Department
Financial Analysis and Accounting
Attn: Accounts Payable Manager
300 South Sixth Street, Mail code 150

7. Right to Audit

All invoices and supporting documentation (visit log and itemized statements) are subject to random audit of fees and billing practices for seven (7) years after services. Acceptance of payment from Hennepin County indicates a professional guardian/conservator's willingness to comply with all audits.

8. Compliance with Policy

Hennepin County reserves the right to request that the Court not appoint a guardian/conservator on future cases or to remove a guardian/conservator who is non-compliant with the policy, including the audit provisions, or for any reason that is in the best interest of the person subject to guardianship/conservatorship.

FEE PAYMENT PROCEDURE
PROFESSIONAL GUARDIAN/CONSERVATORS
WITH CASES UNDER THE JURISDICTION OF THE FOURTH JUDICIAL DISTRICT COURT
PROBATE/MENTAL HEALTH DIVISION
HENNEPIN COUNTY
HUMAN SERVICES AND PUBLIC HEALTH DEPARTMENT
(Revised Fee Procedure – Effective 01/01/2023)

In accordance with Minnesota Statute § 524.5-502, professional guardians/conservators in IFP/Indigent cases professional guardians and conservators may request compensation for necessary services rendered under the following billing procedure:

PROCEDURE

To effectively implement these policies, Hennepin County requires that the below procedure be followed by all guardian/conservators appointed by the court to represent the person subject to guardianship/conservatorship in an IFP/Indigent cases who are seeking payment from Hennepin County.

1. A valid signed **Acknowledgment** of the **Fee Policy and Procedure** must be on file. Every year a new acknowledgement should be signed, or any time there are changes made to the policy. Payments cannot be made unless there is a signed Acknowledgement on file.
2. One (1) Hennepin County Guardian/Conservator Invoice must be submitted for each person subject to guardianship/conservatorship served in a format consistent with the invoice form suggested by HSPHD and found online at <https://www.hennepin.us/guardians>.
3. Invoices and cover sheets should not be submitted more than once. If a professional guardian/conservator has a question about receipt of an invoice and/or cover sheet, please contact HSPHD as indicated in #14 below.
4. All Hennepin County Guardian/Conservator Invoices must contain the original signature of the Guardian/Conservator appointed to provide services as well as their printed name. No signature stamps, mechanical recreations, photocopied or copied signatures will be accepted.
5. The invoice must include either the date the IFP application was approved or provide a court order finding that the person subject to guardianship/conservatorship is indigent as required under Minn. Stat. § 524.5-502.
6. An itemized listing of services must accompany all invoices that exceed the visit time on the Visit Log. The itemized listing must include:

- A. The name of the person subject to guardianship/conservatorship and court case number
 - B. name of guardian/conservator who provided the service,
 - C. date of service,
 - D. explanation of the necessary service,
 - E. actual length of time for each service rounded to the nearest minute,
 - F. contact person(s) with phone number(s) for all telephone calls made by guardian/conservator for person subject to guardianship/conservatorship,
 - G. one grand total, rounded to the nearest 10th of an hour, for all the services on the bill.
7. If a professional guardian/conservator is submitting invoices for multiple persons subject to guardianship/conservatorship, they must provide a cover sheet that lists all the names for the persons subject to guardianship/conservatorship with court file numbers, amount claimed per person subject to guardianship/conservatorship, and total amount claimed. The cover sheet(s) must have the professional guardian/conservator's name, address, and vendor number as a heading on all pages. The cover sheet must be consistent with the HSPHD sample. Hennepin County reserves the right to require professional guardians/conservators to reformat cover sheet to a format acceptable to the County. A separate signed letter is NOT necessary and should not be included.
 8. All invoices are to be filled in legibly and the itemized statements and cover sheets shall be legible (printed in a legible fashion and in a font not less than 12 points).
 9. All invoices must be filled out completely. If not filled in, they will be returned and could jeopardize payment if not filed in compliance with the timelines established in this fee policy.
 10. If a person subject to guardianship/conservatorship changes their residence and that affects the established tier rate, the guardian/conservator should indicate the change on the invoice or attach a statement explaining the change of residence. *Note: Any changes to the residency of a person subject to guardianship/conservatorship should be reported to the Probate Court within 30 days of the change.*
 11. Email all cover sheets and invoices with visit logs and itemized statements to CGAInvoice@hennepin.us.
 12. Any reimbursements due to Hennepin County shall be sent to the mailing address below with checks made payable to the Hennepin County Treasurer. Reimbursements owed to Hennepin County and not paid shall be turned over for collections.

Hennepin County
Human Services and Public Health Department
PO Box 1520
Minneapolis MN 55440-1520

13. Policy or procedure questions should be direct to CGAInvoice@hennepin.us.

14. Appeals should be sent in writing to:

Human Services and Public Health Department
Financial Analysis and Accounting
Attn: Accounts Payable Manager MC150
300 South Sixth Street
Minneapolis MN 55487

15. Website address is: <https://www.hennepin.us/guardians>

DEFINITIONS

Conservator: person who is appointed by a court to manage the estate of a person subject to conservatorship and includes a limited conservator. The conservator typically has the power to enter contracts, pay bills, invest assets, and perform other financial functions for the person subject to conservatorship.

Guardian: person who has qualified as a guardian of a minor or incapacitated person pursuant to appointment by a parent or spouse, or by the court, and includes a limited, emergency, or temporary substitute guardian. The guardian has authority to make decisions on behalf of the person subject to guardianship about such things as where to live, medical decisions, training, and education, etc. For more information on guardianship and conservatorship, visit: <http://www.mncourts.gov/Help-Topics/Guardianship-and-Conservatorship.aspx>

In Forma Pauperis (IFP): Minnesota Statute 563.01 states that the court may authorize guardianship or conservatorship proceedings to proceed in forma pauperis, which waives payment of court fees for low-income individuals. For more fee waiver information, visit: <http://www.mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>

Person subject to conservatorship: person who has an appointed conservator because they lack similar capacity and have demonstrated an inability to make decisions regarding their financial affairs or estate.

Person subject to guardianship: person who has an appointed guardian because they lack sufficient understanding or capacity to make or communicate responsible personal decisions, and who have an inability to meet personal needs for medical care, nutrition, clothing, shelter, or safety.

Petitioner: person who brings a petition before the court. For more information on petitioning for appointment of general conservator or guardian, visit: <http://www.mncourts.gov/GetForms.aspx?c=21&f=433>

Professional Guardian or Conservator: guardian or conservator who (usually) has no prior relationship with the person subject to guardianship/conservatorship and charges the person subject to guardianship/conservatorship a fee for performance of duties.

ACKNOWLEDGEMENT

I acknowledge the receipt of and have read the above Hennepin County Fee Policy and the Procedure for Professional Guardian/Conservators. I accept the terms of this Fee Policy and the Fee Payment Procedure and agree to follow the described policy and procedure.

Signature (original signature no stamps) Date

Print Name

Name: _____

Firm Name: _____

Address: _____

(provide serviceable address as well as

PO Box- if that is

used for business

mailings) _____

City State Zip Code

Business Phone: _____

Mobile Phone: _____