

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

**James R. Thompson Center
100 West Randolph Street 16th Floor
Chicago, Illinois and**

**The Governor's Office at the Capitol Building Room 205
Springfield, Illinois**

COMMISSION MINUTES

May 16, 2006 10:00 am

MEMBERS PRESENT

Glenn Jackson (Springfield)
Saul Morse (Springfield)
Kenley Wade (Springfield)
Dr. Seymour Bryson (Carbondale)
Dr. Jeanne Cotton (telephone)
Senator Don Harmon (telephone)

MEMBERS ABSENT

Senator Ira Silverstein

POSITIONS VACANT

Betty Bollmeier
Joann Perkins

EXECUTIVE STAFF PRESENT

Dr. Mary L. Milano, Executive Director
John H. Wank, General Counsel, Deputy Director for Programs and Acting Director
Helen Godlewski Brownfield, Director of the Office of State Guardian
Teresa Parks, Director of the Human Rights Authority
Carol R. Tipsord, Director of Fiscal Operations
Laura Zorich, Private Secretary
Gina Rossi, Confidential Assistant to the Director
Jerry Turnbull, Director of Financial Operations
Diane Devereux, Director Human Resources
Jeff Plesko, Legal Advocacy Director

MINUTES

The May 16, 2006 meeting of the Illinois Guardianship and Advocacy Commission (IGAC) convened at 10:00 am **and Chairman, Saul Morse**, presided.

OPENING REMARKS

Commissioner Morse greeted Commissioners and staff and asked that we please begin with the Directors Report.

DIRECTORS REPORT

Director Milano began by giving the directors report. She said that spring generally brings new growth however this spring seems to be accompanied by some suspension in key decisional activities and progress at the level where statewide issues impact on our commission and our direction. This is not due to our own commission staff; they seem to become increasingly busy as time passes, and there is confirmation of this in the programmatic information distributed in the commission meeting packets. When we last met we were excited about some steps forward in terms of budget and hiring. Concerning the first issue, the budget, we have discovered that we will be affected by the 2.5%, across the board, budget cut in our personnel line. For GAC, in real terms, this translates as funding for possibly 3 and one half positions. This does not mean a cut, as our headcount was projected to increase, but it does mean we will remain largely even or perhaps slightly ahead of the current year. We anticipate generally being able to fill positions as they become open, albeit relying on lagging to a greater extent that we would normally like. We also anticipate having to prioritize more sharply between open positions in terms of when and where to move first. This puts additional strain on our divisional management as well as supervisory and front line personnel, however we have not actually lost any ground and are still even with, maybe slightly ahead, of where we were last year. We will continue to work with the OMB folks and others advancing toward the next fiscal year and will try to avoid any potential sweep of the Guardianship fund. **Director Milano** states that Carol Tipsord is in constant contact with the Office of Management and Budget. We continue to have support from the administration and will continue to do what we can. We continue to wait for action on some personnel matters and the detail on that will follow. We believe that much of this process has been slowed down across the board among agencies during the end of the legislative session we are hoping to see some movement soon with hires, particularly the new Legal Advocacy Service Director. This particular position does require more layers of approval than normal, in part because our salary request exceeded the percentage normally approved for new hires. However, it is justifiable because the individual we seek to hire has been working in the voluntary and not-for-profit sectors for an agency that is considerably below average in remuneration but above average in performance which is one of the reasons GAC was attracted to her. Director Wank had some communications yesterday with the Governors General Counsel in this regard, we hope that this will push the process through the remaining hoops. We are making some, albeit slow, progress on the appointment front, at least one of our proposed candidates is advancing through the process. **Director Milano** then asked **Commission Harmon** if he had heard anything in regard to the appointment process and whether or not there had been recommendations on appointments or reappointments. **Commissioner Harmon** stated he had not. The Director stated that executive staff are examining policies in respect to continuing education, staff training, tuition reimbursement, etc. Another administrative area we are working on is support for our Supervisors. We are looking at the issues office by office and in general terms, Diane Devereux will be spearheading the project. The third area we are looking at is Labor Management. We continue to foster good relationship across all areas. Staff has also made some advancement in the area of IT, our email is in the process of being smoothly converted to a uniform Illinois.gov address, and **Director Milano** wanted to commend IT staff on their work on this issue. GAC is also moving forward with acquiring licenses for blackberry's and will try to equip key personnel with these devices to increase efficiency in off hours and while on the road. With **Director Tipsord** taking the lead and executive staff cooperation, she is completing our 2006 risk assessment with the Office of Internal Audit. GAC staff continues to

be active on the professional front, **Director Wank** will talk about the IGA meeting, a little later in the meeting and **Director Wank** also spoke at an Annual Guardianship Meeting in Texas, he continues to be active nationally and recognized as an expert in the guardianship field. **Director Milano** also mentioned that she has been appointed to the standing committee on government lawyers by the Illinois State Bar, she hopes to be able to use that as a forum for expressing concerns for attorneys working at agencies such as GAC. **Director Milano** wanted to mention programs that had been discussed in our previous meetings particularly the initiative to discover or develop better housing for persons with Mental Illness, these initiatives are moving forward as well as is our participation in the task force on self abuse and neglect. **Gina Rossi** has been able to devote increasingly more time to special projects such as these as **Diane Devereux** has now joined us, Rossi was able to relieve herself of certain HR duties. **Director Milano** will ask Rossi to outline some of the volunteer projects she has been developing and advancing which both help to address certain personnel and support gaps as well as engendering a greater degree of citizen participation in the services that we provide for and with our clients with disabilities. Overall one step forward and probably no steps back, although it's not a giant step- we continue to work at issues that affect us at a more global level as well as at the everyday operational level and the staff level. **Director Milano** asked for questions. Hearing none, **Commissioner Morse** asked that we please to move to action items before **Director Wank's** report in the event that any commissioner may have to leave the meeting early.

ACTION ITEMS

Commissioner Morse asked to move to action items, the first item would be the approval of the minutes from February 2006. **Commissioner Harmon** moved to approve and **Commissioner Bryson** seconded the motion; the motion carried. **Commissioner Morse** then asked the commissioners to consider the HRA actions items. A handout in everyone's packet lists all HRA new appointments', reappointments', a removal, resignations and end of terms. **Commissioner Morse** commented that in the past the commissioners have considered these actions on one single vote and intends to do so in this case as well. **Commissioner Morse** asked if anyone had questions concerning these action items. **Commissioner Jackson** had a question in regards to the removal of the HRA member. **Commissioner Morse** said that was fine we would get to the removal matter in a moment. **Commissioner Morse** said he would like to consider the appointments and reappointments separately first and asked for a motion to appoint and reappoint the listed HRA members:

New Appointments

Alphonso Farmer (Egyptian Regional Authority)
Patricia Getchell (North Suburban Regional Authority)
Dean Steiner (Peoria Regional Authority)
Teresa Buell (South Suburban Regional Authority)
Carol Genutis (South Suburban Regional Authority)

Reappointments

Pamela O'Conner (Egyptian Regional Authority)
Mary McMahan (Egyptian Regional Authority)

Commissioner Cotton move to approve appointments and reappointments to the HRA. The motion was seconded by **Commissioner Wade**, and the motion carried. **Commissioner Morse** then moved to the item of the removal of Dennis Haynes from the South Suburban Regional Authority. **Director Parks** explained that removal action does not often happen. Under HRA

regulations (and a copy is provided in the packet), if an HRA member misses 3 consecutive meetings he/she could be subject to removal from the authority. However there is a process which must be followed. The first step is to reach out to the individuals. In the packet there is a copy of a letter dated March 4th 2006 requesting Mr. Haynes' participation in the HRA at their April 14th meeting or at least a report on his status. He did not respond to the letter or to the subsequent phone calls. On May 1st 2006 another letter was sent, which **Director Parks** shared with the Commissioners. This letter asked for Mr. Haynes' participation in the May 5th meeting and states that should he not attend the HRA may request his removal from the authority. Mr. Haynes did not attend the meeting and the South Suburban HRA did vote to recommend his removal. Mr. Haynes has not responded to any of the correspondence or telephone calls. **Commissioner Morse** asked for any further questions; hearing none, he asked if there was a motion to remove Mr. Haynes. **Commissioner Bryson** moved to remove Dennis Haynes from the South Suburban HRA. The motion was seconded by **Commissioner Jackson**, and the motion carried. **Commissioner Morse** commented that the term expirations and resignations require no action and are provided for informational purposes. **Commissioner Morse** asked for any further action items related to the HRA or the commission as a whole. **Directors Milano** and **Wank** stated there were no further action items. **Commissioner Morse** then asked for **Director Wank** to give the Legal or Programs report.

LEGAL OR PROGRAM REPORTS

Director Wank stated he was invited to attend the annual meeting for the Texas Guardianship Association and serve as their legal keynote speaker. He was able to meet the new director in charge of providing adult guardianship services in Texas. The gentleman noted that as far as he could tell his agency was the largest public guardian in the United States both in terms of size and the number of clients served. After further information **Director Wank** considered that his program was certainly larger in size, however our organization (GAC) serves more than twice as many adults with disabilities than his does. Also noteworthy was that his budget was twice the size of GAC's. The gentleman did point out though that he did get a special one-time appropriation, as Texas has had a lot of guardianship troubles over the past year, so he believes that next year his appropriation will be substantially smaller. Texas convenes their General Assembly only every other year and he felt certain that his budget would be cut. **Director Wank** thought it would be interesting to pass this information on, as it is always stimulating to see how other states approach similar guardianship issues and to determine how we in Illinois, compare. GAC will of course share this information with the Office of Management and Budget. Another item **Director Wank** wanted to talk about was the recently held Illinois Guardianship Association (IGA) meeting. **Director Wank** wanted to pause for a minute to remind the commissioners what the Illinois Guardianship Association (IGA) is, what it does, and why it is important. The organization itself is about 8 years old and was created by the commission at the urging of past director Gary Miller. Susan McMahon, a past commissioner, and **Director Wank** founded the articles of incorporation, and it was created as an Illinois corporation to provide guardianship supported services to Illinoisans. IGA is a recognized affiliate of the National Guardianship Association, and is authorized to provide training and serve as a vehicle for the NGA's national certification program for registered guardian status. The last point is the most important, IGA serves as a sort of conduit for NGA training and certification. As many know,

the great majority of commission staff receives this training and certification. The past IGA meeting took place in Springfield with about 55 people in attendance. The Registered Guardian exam was discussed and it will be held on the 28th of June in Chicago. Ten GAC staff went through the Guardianship training, and will be sitting for the exam. GAC has made the claim in the past, that well in excess of 90 percent of our guardianship staff are registered guardians through NGA. GAC works closely with IGA and NGA to ensure that this continues to be the case. IGA helps provide GAC staff as well as other Illinoisans with opportunities for certified training and additional support offered through the NGA. The IGA's new president is one of the commission's attorneys' Bill Scheidemantel who works out of our Rantoul office. **Director Wank** was elected to the IGA board, **Director Wank** has not been a part of the IGA board for some time but he is back in the saddle again. **Director Wank** has also learned that NGA has rethought some of the things it has done over the past years. NGA intends to offer a new form of membership, an organizational membership, in 2007. He thinks this might be appealing for the commission as we might be able to include more commission staff in the membership strata hopefully, at a reduced cost. Finally, NGA has announced that they intend to offer an additional conference. Their pattern for the past fifteen years or so has been to offer one annual conference held each fall, and they travel about the country offering the conference. This year the conference is in California. They indicated that they want to try a second conference that they would offer in the spring and it would be a slimmed down version from the fall conference with the focus being on training and offering the registered guardian exam and registered Guardian continuing education units. Bill Scheidemantel and **Director Wank** as representative of IGA will be writing a letter to NGA suggesting that they consider Illinois as the first sight for this new conference. We are hoping to get the ball rolling on that, it will most likely not happen until the Spring of 2008. However it is never too early to start planning for something with could potentially benefit the agency. **Commissioner Morse** thanked **Director Wank** and asked for questions, hearing none, he asked for the fiscal report.

FISCAL REPORT

Director Tipsord gave the fiscal report. She stated that our spending for FY06 through April is on target while we still maintaining our 2% reserves, she anticipates that all of GAC's monies will be expended. Of course not all of the GAC fund, but certainly general revenues will be expended. **Director Tipsord** said that was all she had to report. **Commissioner Morse** asked for questions for **Director Tipsord** then hearing none he asked for any additional questions about administrative issues. **Commissioner Morse** wanted to call attention to the fact that it was a year ago at this meeting that GAC had the election of officers to committees, it was not put on the agenda this year, but he wanted to give the commission the option, if it wishes, to discuss the appointment of officers or if the commissioner want to continue to function as a committee of the whole, that is also an option. **Commissioner Morse** proposes the idea for discussion and stated that if the commission does not want to act, or wishes to continue what was put in place a year ago, it is up to the commissioners. **Commissioner Harmon** made a motion to continue as a committee of the whole. The motion was seconded by **Commissioner Jackson** and the motion carried. **Commissioner Bryson** then made a motion that GAC continue the next year with the current officers in place. The motion was seconded by **Commissioner Harmon**, the motion carried. **Commissioner Morse** also wanted to point out that last year the officers gathered information in order to perform a performance evaluation for **John Wank** as Acting Director. He mentioned that as of recently **Director Milano** has been the appointed Director and that she

has been in the position slightly more than six months generally evaluations are done on an annual basis. He asked what the pleasure of the commission is in regard to the performance evaluation of the director. Do commissioners wish it be left to officers to discuss in their role as a personnel or executive committee? **Commissioner Wade** made a motion that the officers acting as an executive committee conduct an evaluation of **Director Milano** and report back to the full committee in an executive session. The motion was seconded by **Commissioner Harmon**, and the motion carried. **Commissioner Morse** then asked to move to program reports starting with the Human Rights Authority

HUMAN RIGHTS AUTHORITY

Director Parks began the HRA report with an update of personnel matters. She announced the hiring of Patricia Betzen, HRA coordinator of the Chicago Region. Ms. Betzen started the position in March and comes to the Commission with a wealth of experience in human services. HRA supervisor Jon Burnet has been covering this position from Rockford since November. The HRA is very pleased to have the position filled. The HRA continues to have a vacant staff position for the Peoria HRA. The HRA also had a contractual worker to cover the East Central HRA; the contract expired in March, and HRA is hoping to have the contract renewed. **Director Parks** continues to cover the Peoria and East Central HRAs with the assistance of an Office of State Guardian Representative, Kathy Sturm. In regard to HRA membership, there are currently vacancies in regions across the state, and the HRAs are working hard to get the positions filled. Recently Gina Rossi has provided resources for targeted recruitment particularly in the Northern Regions. **Director Parks** also wanted to mention that the HRA recognized HRA Members during National Volunteer Week in April and she wanted to thank **Dr. Mary Milano** for sending a letter of appreciation to each HRA member. Finally **Director Parks** wanted to call the Commissioners' attention to some statistics as provided in the Commission packet sent earlier in the month. The statistics indicated that the HRA continues to keep the same pace in terms of number of cases and referrals in spite of the staff shortages. As of March, the HRA handled 712 cases this fiscal year and the closed cases have benefited over 8,000 persons with disabilities. Most cases have involved mental health providers including, state operated facilities, private psychiatric hospitals mainly in the Chicago area, and hospital psychiatric units. The majority of the complaints focus around treatment, medication issues, and admission and discharge practices. **Director Parks** concluded her report and asked for questions.

LEGAL ADVOCACY SERVICE

Jeff Plesko, LAS Director, reported first on the addition of personnel; Barbara Goeben, she will be filling the Alton staff attorney position vacated by Tony Rothert, with a start date of June 1st. Ms. Goeben comes to LAS with a background in legal services in the Metro East region, and with kudos from members of the bar and bench. John Wank and **Director Plesko** will be coordinating Ms. Goeben's orientation and training, and are hoping to include some travel to other offices around the state as part of that orientation. In the Rockford office, Terri Berge was appointed by a judge in Mt. Carroll, Illinois under the Adoption Act, for a parent with mental illness involved in parental rights proceedings. From time to time LAS and/or OSG attorneys have been appointed, or approached for appointment, since the Commission is listed in the statute as available for appointed counsel duty, similar to the provision for our appointment under the Mental Health and Developmental Disabilities Code. However, it was necessary to stress our unavailability for those proceedings, as we have in past cases, due to the rising

numbers of court appointments under the Mental Health Code, considering our primary mandate. The public defender is to be appointed, pursuant to the statute, when GAC is unavailable.

Director Plesko offered an update on the case of In re Ronald K., a case implicating the Probate Act as well as the Mental Health Code. The Commissioners may remember that the case involves multiple trial court orders under both statutory schemes, and that LAS attorney Laurel Spahn had to seek the Illinois Supreme Court's assistance in ordering the 2nd Dist. Appellate Court to allow the probate orders to be part of the appeal. Subsequently the Mental Health Association in Illinois sought approval, which was granted, to file a brief as *amicus curiae*. The most recent development in the case is the unfortunate expiration of our client, Ronald K. Ms. Spahn has asked the Appellate Court to continue to hear and decide the case, because the issues involved constitute an exception to the mootness doctrine as it would generally be applied in such a situation, because the issues are of public interest and their decision will benefit others. The other notable activity, which has been discussed in the past, is the continuing dispute over smoking privileges at Choate Mental Health and Developmental Center, as raised by a circuit judge and the State's Attorney in Union County. The issue has not been resolved yet, although the Attorney General has sent counsel to proceedings in Union County on multiple occasions. Motions to Intervene remain undecided while negotiations continue. Lastly, in the Prye case, the voting rights case which is still pending in the Western District of Missouri, the U.S. Attorney has intervened to argue the constitutionality of Title II of the Americans with Disabilities Act and that it is not preempted by the 11th Amendment as argued by the defendants in this case.

On the legislative front, Prof. Mark Heyrman's proposal to add forcible feeding of individuals with eating disorders under the terms of 405 ILCS 5/2-107.1 of the MHDD Code, the forced treatment statute, is being recommended the Illinois State Bar Association's Mental Health Committee.

OFFICE OF STATE GUARDIAN

Director Godlewski gave the program report for OSG. The Office of State Guardian continues to serve as guardian for approximately 5200 wards, OSG also manages 250 fiduciary and estate cases. 40% of wards live in community based settings or group homes with fewer than 16 beds. Wards live in nearly 1700 different placements throughout the state. The average caseload size is now 117, the largest caseloads continue to be in the Egyptian region; those caseloads average 144 cases per worker. New case appointments continue to be challenging, with complicated family dynamics, difficult estate issues, issues with service provision, and unknown immigration and funding status. Detailed monthly statistics can be found in the commission meeting packet. OSG's current position vacancies include two guardianship representatives in the Egyptian region, an attorney in the Peoria region and a regional administrator in Rantoul which is in the East Central region. Mona Bass recently resigned from her position as regional administrator to be able to spend more time with her family; Mona worked in state government for more than 20 years and will be missed. Due to the recent death of Jay Moses, and the resignation of Mona Bass, Bill Scheidemantel, our managing attorney in East Central is now handling all day-to-day administrative matters in this region. In addition, he is overseeing all legal work in the Peoria, Egyptian, and East Central regions, covering approximately 1800 wards in 70 counties in central and southern Illinois. This territory is also responsible for 50% of all statewide fiduciary cases. Bill is also delegating some routine matters to program attorneys located in adjacent regions. Meanwhile OSG managing administrator, Krista Butler and **Director Godlewski** are providing

long distance case-management and supervision to guardianship representatives in the East Central region. The East Central region is the largest geographic region in the state and third largest in terms in numbers of wards, numbers of estate cases, number of staff and the number of facilities providing services to wards. **Director Godlewski** wants to thank all our program and managerial staff for stepping forward to address ward needs and to cover personnel shortages in these regions.

Additional Initiatives

Gina Rossi reported that currently OSG has five volunteer guardians working in the state. These five volunteers alone, by the end of the year will have increased visits from 20 to 60. This adds up to forty supplemental visits- ranging from additional review of care plans and services to simply spending quality time with the wards, playing games or just talking. Wards and volunteers are very happy with the program. GAC continues to do out reach for the program and have two additional volunteers coming on board this month and around five making their way through the screening process. Targeted recruitment has been initiated to assist regional offices with filing and other office support. Last year GAC averaged about 5000 hours from office volunteers and interns alone.

Additionally, three of our wards in the Chicago area have been identified to participate in a transition initiative through the mental health provider, Thresholds. These individuals will be given work opportunities and linked with case management, while living at the IMD and eventually Thresholds will prepare them for community living. Thresholds anticipate they may receive more funding for this program and as they do GAC will continue to refer wards that we feel are appropriate for community living.

CLOSING

Commissioner Morse asked for comments or questions from anyone. He then stated that the next commission meeting will be decided upon via email. **Director Milano** stated that **Laura Zorich** would handle the administrative matters and information would be forthcoming.

A motion was made by **Commissioner Harmon** to adjourn; it was seconded and carried by **Commissioner Wade**. The meeting adjourned at 11:30 pm