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GA

**COMMISSION MEETING MINUTES**

**Monday, September 19, 2022, 1:00 – 3:00 PM**

**Via WebEx**

**Commissioners Present**

Anthony E. Rothert, Esq., Chair  
Representative Thomas M. Bennett  
Representative Jonathan Carroll  
Representative William Q. Davis  
Donald J. Dew

Kathryn E. Eisenhart, Esq.  
Ava George Stewart, Esq.  
Mary Kennelly  
Sonni Williams, Esq.

**Commissioners Absent**

Senator Julie Morrison

**Executive Staff Present**

Dr. Mary L. Milano	Executive Director
Teresa Parks	Deputy Director / Director, Human Rights Authority
Kenya Jenkins-Wright	General Counsel
Veronique Baker	Director, Legal Advocacy Service
Barry Lowy	Director, Office of State Guardian
Gia Orr	Director, Legislative Affairs / Director, Community Relationships
Atul Chokshi	Private Secretary to the Director - Chicago
Florence Martin	Confidential Assistant to the Director

**Executive Staff Absent**

Melanie Brambila	Private Secretary to the Director - Springfield
Clinton Everetts	Chief Fiscal Officer

**The meeting was called to order by Chairman Rothert at 1:02 pm. Roll was taken, and a quorum was present.**

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**OFFICE OF THE DIRECTOR**

## **DIRECTOR'S REPORT**

**Dr. Mary L. Milano, Executive Director**

Director Milano began by saying overall the Agency has had an excellent year:

- Daniel Campbell has been hired as Director of Human Resources and is working with Human Resources Specialist, Carmen Arnberger, to bring all HR matters and processes up to standards and above in terms of hiring practices, record keeping, etc.
- Director Campbell is also working on staff development to make the Agency a more desirable, creative, and constructive place to work.
- In November the Executive staff will attend its 3<sup>rd</sup> strategic planning retreat in Springfield to work further on the Agency's strategic plan. It is an ambitious plan which is driven by the Agency's desire to be a better servant of the community, its clients, and continue expanding its leadership role within the disability community and the rights of persons who are in it.
- The Agency continues to develop materials and information for the public, professionals and for State agencies concerning supportive decision making.
- The Agency's Special Education Initiative (SPED) has been extremely successful within the public-school systems across the state and requires additional personnel. The team is expanding into at least 2, possibly 3 new counties this year, and hopes to add another 2 counties next year.
- The Agency is working actively to expand the Legal Advocacy Services (LAS) attorneys into other areas and collaborations where they've not been present.
- The Office of State Guardian (OSG) continues to have enormous responsibility for wards throughout the State. The division is also making progress in the areas of hiring and attempting to keep the caseloads lower.
- Fiscally, the Agency is improving and enhancing efforts in other sources of revenue, both from our probate fee legislation and the work of its attorneys in guardianship estate cases.
- Working to expand the middle management structure in both the legal and guardianship areas.
- New initiatives are being developed, including work that will be focused on immigrant communities. This includes enhancing cultural awareness and language capacity in terms of staff and cultural awareness.

## **ACTION ITEMS**

- **Approval of October 21, 2021, meeting minutes.**
  - Motion was made by Commissioner Williams and 2<sup>nd</sup> by Commissioner Ava George Stewart. Roll call was taken, the motion passed, and the minutes were approved.
- **Nomination and election of officers.**
  - Commissioner Donald Dew nominated Commissioner Sonni Williams for Chair of the Commission. Commissioner Williams accepted the nomination. Roll call was taken, and the nomination passed. The Commission's new Chair is Sonni Williams.
  - Chair Williams nominated Commissioner Donald Dew for Vice-Chair of the Commission. Commissioner Dew accepted the nomination. Roll call was taken, and the nomination passed. The Commission's new Vice-Chair is Donald Dew.

The meeting was turned over to newly elected Chair Williams and former Chair Anthony E. Rothert was thanked for his many years of service.

## **ADMINISTRATIVE REPORTS**

### **Deputy Director Report**

**Teresa Parks, Deputy Director**

- The Supported Decision-Making Act became effective in February 2022. Supported decision making is an alternative to guardianship for adults with intellectual and developmental disabilities. Since the legislation was enacted, the Agency has presented at numerous presentations to special education programs, groups, and organizations. A webpage of resources has been created, including training for supporters and persons with

disabilities. There's a sample supportive decision-making agreement as well as releases of information, and brochure. Work is being done to expand language options for the materials.

- The Agency's Sex Education legislation, which acknowledges the sexual expression rights of adults with intellectual and developmental disabilities and requires that individuals with disabilities who are served in certain settings have access to sex education as well as sex education resources is now being fully enforced. Effective this year, the Department of Human Services is monitoring provider compliance to that legislation. There are 7 pre-approved curricula service providers can choose and a train the trainer webinar series to educate service provider staff on delivering the sex education to persons with disabilities, a comprehensive resource list and a wide range of other materials.
- The Agency continues to collaborate with numerous organizations and meet regularly with the Department of Human Services Office of Inspector General, the IL Council of Developmental Disabilities and meet periodically with the Department of Human Services, DCFS and the IL State Board of Education on various goals and objectives.
- Agency staff are heavily involved with the IL Guardianship Association. Staff members serve on its board as well as on committees like our education committee and they plan educational webinars throughout the year.
- In October here are 3 webinars planned in collaboration with the IL Guardianship Association:
  - Two attorneys from the Legal Advocacy Services will conduct a session on mental health admissions.
  - A session is scheduled on violence prevention involving people with disabilities as well as the aging population.
  - A session planned that will focus on service animals, their use and the laws that surround their use.
  - All webinars are available at no cost to the public and individuals can earn CLEs as well as CEUs.

#### **Program Report - Human Rights Authority      Teresa Parks, Director**

- Most HRA cases involve mental health, mental health rights and services that people with mental illnesses received.
- The division had a 97% success rate during fiscal year 2022, which means that 97% of the recommendations the HRA issued to service providers for rights improvements were accepted and implemented by those service providers that were investigated.
- The HRA has been fully staffed for 2 years; however, there are still vacancies on the Regional HRA panels.
- 3 student interns are working for the HRA. 1 is an internal staff who is finishing up their MSW and 2 interns that started in the fall: 1 from Commissioner Eisenhart's legal studies program at the University of IL Springfield and another from Bradley University's legal studies program.
- The Special Education Initiative (SPED) continues to grow. The program added on a second advocate so there are now 2 advocates who provide individualized assistance and advocacy for families. The program also has an attorney and paralegal through the Legal Advocacy Services, who are now handling mediation and due process cases.
- The SPED team provides training on special education laws as well as special education rights and plans to develop self-advocacy training to present in schools to educate students on self-advocacy. There are also plans to involve HRA members as lay advocates to assist and attend meetings.

#### **Fiscal Report                                  Clinton Everetts, CFO**

- For FY23, the GAC fund appropriation remained the same as FY22.
- There was an increase this year of \$1,000,000 in the GRF, which helped cover the 3.95% cost of living increase that everyone received July 1<sup>st</sup>, as well as the step increases that will happen throughout the fiscal year.
- There was an increase in the Agency's obligated/maximum headcount, from 119 to 125.
- The Agency is working with OMB about its DoIT employees. At one point the Agency was paying them, then they switched over to DoIT and the fund they're being processed from costs the Agency more, which wasn't known until the first bill was received and not taken into effect when the budget was made.
- The Agency is working with OMB to get a supplemental appropriation, this could happen in the Fall or Spring session to offset some of DoIT costs and continue hiring efforts.

- There was an upward trend in hiring; in the beginning of FY22 the Agency had 104 employees and headcount is currently 113. There are currently 3 TAI (Staff Attorney) positions posted, 1 Office Associate and 1 Guardianship Representative position, to replace people who have left the Agency due to turn over or retirement.
- The Agency is excited to create some new positions: a middle manager for the Legal Advocacy Services and a Managing Attorney in the Egyptian region which has been in development for several years.
- The FY21-22 audit engagement was released on August 30<sup>th</sup> and there was significant improvement in findings. In the previous year there were 14 material and 3 immaterial findings. This year only 6 material and 2 immaterial, 2 of which have been resolved and the other 4 are on the way to resolution.
- GAC's Springfield office is now in one location having relocated from the Stratton Building to 830 S. Spring Street.
- The Agency is working on rewriting the language for probate fees and generating additional revenue for the GAC fund. There were once 7 counties that were not remitting probate fees; since reaching out to them, 2 counties have agreed to pay probate fees on a regular basis and hoping to get the other 5 to do the same.
- The AOT grant established with SIU and used by LAS, which generates approximately \$82,000 a year was renewed for another year.

## Legal Report

### Kenya Jenkins-Wright, General Counsel

- Counsel Jenkins-Wright reminded the Commissioners that it is time for the annual Ethics and Sexual Harassment Trainings. The trainings will be available in paper format as well as electronically. They will receive an email once their names have been added to the OneNet system.
- There is also Diversity, Equity, and Inclusion training, which *must* be taken electronically through OneNet, and an email will be sent regarding accessing it also. Legislators and judges are welcome to take whatever trainings they'd like, but since they don't fall under the Executive Branch, they cannot be forced to take it.
- With HR Director Daniel Campbell Counsel Jenkins-Wright is working to update the Agency's policy manual which will be retitled the Employee Handbook. They hope to have it finished by the end of the year so it will be new for 2023.
- State of IL employees have been given the opportunity to work remotely. The Agency is in the process of signing the MOU for remote work, working to clarify some language in it. Everything is working out well for AFSCME; once the language is finalized the MOU will be signed.

## Legislative Report

### Gia Orr, Director, Legislative Affairs / Community Relationships

- Director Orr thanked all of Commissioners that are part of the General Assembly for championing bills that were brought to them to sponsor, and in some instance assisting to ensure some bills that the agency does not agree with are spoken about on the Floor or in committee hearings and helping to support bills that GAC supports that are not specifically written or sponsored by the GAC.
- There are several pieces of legislation that are not public. The Agency proposes its legislative initiatives to the Governor's office, and his legislation and policy team reviews them. The Agency then does a formal presentation to their team and then awaits approval to proceed with sponsorship and filing of legislation. These pieces of legislation have not been filed; they are in draft mode:
  - Electronic Monitoring in State Operated Facilities Act
  - Probate fees collection update
  - The Legal Advocacy Services appointment as counsel
  - Office of State Guardian Marriage for Adults with Disability amendment
  - Rights Admonishment Amendment
  - School Records Act Amendment
  - Supportive Decision-Making Omnibus Bill
  - A visitation amendment to the mental health developmental with disabilities code
  - Disability Training for Licensed Daycare Staff

## PROGRAM REPORTS

### Office of State Guardian

### Barry Lowy, Director

- Director Lowy clarified that the Marriage for Adults with Disabilities Bill is a little more than cleaning up the language of the Probate Act. The Probate Act does include language that states the guardian *may* petition for authorization for the ward to marry but doesn't *require* it. GAC has long recognized that marriage is a fundamental right. There's been a longstanding State Supreme Court precedent that if a person understands the nature of marriage, they can get married regardless of being under guardianship. Currently a ward must petition for leave of court to get married, notwithstanding the fact that marriage is recognized constitutionally as a fundamental right. It is GAC's hope to address this and change how things currently stand.
- OSG is back on track, post pandemic, to appointments exceeding the number of deaths. This means caseloads will begin to increase. There was a significant loss of wards to "excess death", as the term is used. Courts are beginning to ramp up appointments, particularly in the West and North suburban regions, as well as the Metro East Region.
- The Agency has hired additional Guardianship Representatives in the East St. Louis area and 1 each in the North and West suburban regions, to help address the increasing caseloads.

### Legal Advocacy Services

### Veronique Baker, Director

- The Legal Advocacy Services has hired 2 new attorneys: 1 each in the Chicago and Champaign areas. The 3, TALL (staff attorney) positions mentioned by CFO Everetts are also for LAS, for an additional attorney in Chicago and 2 in Springfield.
- There have been significant appellate decisions: the 2 Marcus S. decisions, the Kathleen E., and the Angela C. These are all appeals that began 2016/2017 and just received opinions this year. These 3 cases basically highlight all the things that could go wrong in a mental health of commitment and treatment petition. The disregard for the rights of people living with mental illness in these areas, prompted the hire of attorneys to cover the Peoria and Champaign areas, McLean, and LaSalle counties.
- There are 2 new opinions from the 5<sup>th</sup> appellate district regarding treatment cases and how the matters were not handled correctly. These are 2 cases out of Chester Mental Health Center and involve the same judge, same psychiatrist that was the expert witness, and the same Public Defender. All these cases demonstrate the need for LAS to handle the trial calls in those areas.
- LAS is seeking to expand to Randolph, Kane, and Adams counties before the end of this calendar year. The positions to hire for the expansion are being processed by CMS and once that process is complete, the Agency can post them.
- LAS did an oral argument before the IL Supreme Court on the Craig H. matter. This involved an involuntary treatment out of Springfield, the 4<sup>th</sup> appellate district. The recipient has a power of attorney for healthcare, his mother was his agent and refused the treatment per the directions of her son. This case involves what does a court need to do if they want to circumvent the power of attorney for healthcare.
- One piece of legislation passed during the last session and became effective January 1, 2022. It is the transfer between state operated facilities. DHS was supposed to provide training for their staff and develop a form for recipients to request services. LAS met with DHS' legal team and, at the time of the meeting DHS had not provided the training or created documents so clients would be able to take advantage of the services. LAS is in the process of doing these things and will be forwarding it to the 2 attorneys who were involved with DHS and get things implemented.

Motion was made to adjourn by Commissioner Ava George Stewart and seconded by Commissioner Kathryn Eisenhart.

Motion passed and the meeting was adjourned at 2:27pm.