
COMMISSION MEETING MINUTES

Friday, December 6, 2024, 1:00 – 3:00 PM

Chicago: Bilandic Building, 160 N. LaSalle, 5th floor, Room N-502

Springfield: 830 S. Spring Street, ICDD Conference Room

Commissioners Present

Sonni Williams, Esq., **Chair**
Garvin G. Ambrose
Paula A. Basta, M.Div

Kathryn E. Eisenhart, Esq. Representative Bob Morgan
Mary Kennelly
Mariel Hamer-Sinclair

Commissioners Absent

Representative William Q. Davis
Donald J. Dew, **Vice-Chair**
Ava George Stewart, Esq.

Executive Staff Present

Dr. Mary L. Milano, Esq.	Executive Director
Teresa Parks	Deputy Director and Director, Human Rights Authority
Anthony E. Rothert, Esq.	General Counsel
Eric Bolinger	Chief Fiscal and Financial Officer
Arlene Herron	Director, Human Resources
Veronique Baker, Esq.	Director, Legal Advocacy Services
Barry Lowy, Esq.	Director, Office of State Guardian
Adrian Pollock	Private Secretary to the Director / Springfield
Atul Chokshi	Private Secretary to the Director / Chicago
Florence Martin	Confidential Assistant to the Director

Executive Staff Absent

Angela Ryan	Director, Legislative Affairs (Written report provided)
Danielle Welliever	Director for Policy and Training (Written report provided)

The meeting was called to order by Chair Williams. Roll was taken, and a quorum was present at 1:10 pm.

OFFICE OF THE DIRECTOR

160 N. LaSalle Street • Suite S-500 • Chicago, IL 60601-3115 • (312) 793-5900 • Fax (312) 793-4311
830 S. Spring Street • Springfield, IL 62704 • (217) 785-1540 • Fax (217) 785-0877
Statewide Toll Free Intake (866) 274-8023 • Statewide TTY (866) 333-3362

ACTION ITEMS

- **Approval of September 13, 2024 minutes**
 - Motion was made by Commissioner Morgan, and 2nd by Commissioner Basta, motion passed, and the minutes were unanimously approved.

DIRECTOR'S REPORT

Dr. Mary L. Milano, Executive Director

- Director Milano began by saying that this last year for the agency had been marked by the needs of the public that it serves, that continue to grow. There are no reductions in the number of cases the agency handles in any sector, but growth points. The agency's Special Education initiative (SpEd) has grown in terms of the needs that are being presented by people, and the issues with special education services around the state.
- The Legal Advocacy Services (LAS) continues to work on expansion into additional counties that are totally without services or are without adequate service because representation of persons in involuntary proceedings or any under the mental health code, are represented by public defenders who generally have very little, if any, training in the mental health sector.
- The agency's guardianship numbers in terms of wards or persons in need of services, continue to be in the 5000s. Services have become increasingly complicated by initiatives the agency has on the table to improve the scale of services and the nature of services throughout the state.
- The agency will be conducting Alzheimer's training for various groups and has proposed that the training includes issues related to supportive decision making for both supporters and those that need to be supportive. This is a companion element in one of the bills that the Governor's office has approved for the agency to pursue.
- Several bills were approved by the Governor's office and the agency will be looking for sponsors. Each of the bills point to what the public and communities need. If training is expanded, as the agency has proposed, from persons who are guardians of the person to persons and entities that are guardians of the estate, there's training that needs to be designed and provided in those areas.
- The agency has proposed some technical changes to the Guardianship and Advocacy act, the Human Rights Authority (HRA) in terms of board quorums, and want to revise the Probate Act and the School Records Act, a proposal the agency has been working on for about 5 years to get to a point where we think we have a relative agreement of the IL State Board of Education, to mandate that agreed upon records around special education for students be kept for a period of 60, rather than 5 years, ensuring their confidentiality while doing so. This will enable access to individuals who won't know when they graduated high school, or because they didn't understand, or because their parents lost the records. With their records, individuals will be able to apply for services through the Department of Human Services (DHS) when they would otherwise be unable to do.
- The needs for service continue to grow, but the agency has not seen growth in either its budget or headcount. The headcount has expanded to 135, which if not filled currently, will be filled by people hired in the process, but that number remains inadequate for the agency to make the kind of progress the legislature would like in terms of Office of State Guardian (OSG) caseloads, and to achieve both the staffing levels of the Cook County and its judges would like, and expansion of LAS to unserved counties which most of are county scale in terms of economics and other marginalizing factors.
- The next budget year is anticipated to be extraordinarily difficult, and the agency is seeking as much funds as possible. Out of its entire budget last year, the agency finished with a surplus, monies returned to the state, in the amount of \$13. The search will continue for additional funds and additional headcount. The growth of the people the agency serves is proof that there are unmet needs and not enough of us to meet them, and we must be able to do so in a way that supports the staff and enables them to work.

ADMINISTRATIVE REPORTS

Deputy Director's Report

Teresa Parks, Deputy Director

- Deputy Parks reported that the Agency held a strategic planning retreat in November 2024 in Springfield, which included middle managers in the process. Several objectives in the plan were revised because all objectives had been met, and new objectives were identified as well. An updated strategic plan will be provided to the Commissioners and staff.
- Some of the new objectives include:
 - The development of a succession plan so when staff leave the agency, there's a clear understanding of the tasks that they had under their jurisdiction, and new staff can be brought on board with better understanding of their responsibilities.
 - Creating a retention plan to maintain its existing staff for as long as possible, and to develop a disability language guide which would benefit staff and others that work with people with disabilities.
 - Creating some data points specifically for women's health care for females that are served by OSG.
- The Agency's 2024 public accountability report was approved by the Comptroller's office. The report is submitted annually and includes very comprehensive programmatic measures for each of the agency's programs.
- An additional report submitted to the Deputy Governor for Health and Human Services, that provides updates about the agency, in addition to their regular report Director Milano and Deputy Parks give when they meet with the Deputy Governor's staff monthly.
- There are ongoing collaborations with the IL Guardianship Association, and the Cook County Public Guardian as well. In October there was a jointly sponsored conference held in Springfield on guardianship related topics. Several GAC staff presented, including OSG Director Barry Lowy, who co-presented with a physician on the topic of decisional capacity. LAS attorney Alan James co-presented with a representative from DHS; Jeremy Polk, a Disability Rights Manager from HRA staff presented on disability rights restrictions, and OSG Guardianship Representative Jennifer Lee co-presented on barriers faced by sex offenders who are people with disabilities and have difficulty in finding places to live. The conference offered staff the opportunity to earn CEUs through the Center for Guardianship Certification, and CLEs for attorneys.
- The Agency continues to work on the implementation of sex education legislation for people with intellectual and developmental disabilities. There is an oversight workgroup that met in September, and they have another meeting set for January. DHS is now providing quarterly webinars to service providers regarding sex education mandate, and the workgroup will be a part of a panel presentation in Chicago in the spring, that will include information on the mandate.

Fiscal Report

Eric Bolinger, Chief Financial Officer

- The Commissioners were provided with a detailed outline of the FY26 budget requests, and CFO Bolinger pointed out that it is the agency's initial request to the Governor's Office of Management and Budget (GOMB). Their instructions were to submit the agency's maintenance budget. GOMB's definition of maintenance budget is not what is happening currently, not program expansions, but what would it take to continue providing the services the agency is providing today throughout FY26.
- Agencies were required to provide two additional scenarios: a 5% reduction to the maintenance scenario one, which is not a 5% reduction to the FY25 appropriation, and a 7.5% reduction to the maintenance scenario. CFO Bolinger had some additional conversations with GOMB, and if additional revenue ideas do not pan out, he anticipates the agency receiving between its maintenance scenario and the 5% reduction to the maintenance scenario.
- He reiterated the agency's need to increase staffing for LAS, particularly in Cook County and included it in the maintenance scenario figures. If ideas for additional revenue aren't successful, the budget could be somewhere between scenarios one and two.
- A third scenario that he has been advocating since starting at the agency, is the need to develop additional revenue streams that are independent of the general revenue fund. (GRF) Each year has been a struggle for the agency to increase its headcount because of the constraints on the GRF. His mission is to help the agency to

think outside the box and work on some additional revenue ideas. The latest proposal involves the potential use of cannabis funds. The cannabis program in IL has had tremendous growth, and cannabis revenues are thought to be somewhat resistant to any economic downturns. The idea was presented to the agency's budget analyst at GOMB. After speaking with them, it was presented to the Deputy Governor and 1st Assistant Deputy Governor. They're going to talk to each other and figure out if the idea is attainable. The initial idea was to tap into recreational cannabis funds, but the agency is also researching medical cannabis funds. The next task is to develop a rationale as to why the agency would fit into using those funds. During his research in the agency's case management system, there are some clients who use some form of cannabis as part of their medications. A possibility would be to educate OSG Guardianship Representatives on what qualifies for the medical cannabis program, and they could in turn better the lives of some clients by and get them into the medical cannabis program. The goal is to not only get the agency through the next fiscal year, and the one after that, but to find revenue streams that will get the agency through and take care of the issues that it has had for a very long time.

Legal Report

Anthony E. Rothert, General Counsel

- Counsel Rothert reminded the Commissioners that it was mandatory training time for 2024, and to please log onto OneNet and complete the trainings. If the Commissioners were unable to connect to OneNet, there is an option for an email format.

Human Resources Report

Arlene Herron, Director Human Resources

- Director Herron reported that as of December 1, 2024, the agency's headcount was 123 fully staffed employees with 12 vacancies. The goal is to complete and fill those vacancies before June. She is working on requisitions and having all requirements ready for January 2, 2025. There are several Guardianship Representative and staff attorney positions available.
- At the last Commission meeting Director Herron mentioned that she introduced a proposal for a new trainee and promotional title for attorneys. The proposal was a success, and there is now a Student Intern position and a Technical Advisor 1 position added to the other Technical Advisor positions. LAS Director Veronique Baker, and LAS Managing Attorney Jennifer Shaw collaborated on the job descriptions. The student intern title is a part-time position, aimed at law students who are still in law school and will be posted in spring 2025. The goal is for law students to apply and then have a semi-auto promotion to the Technical Advisor 1 position, for while they're working on passing their bar exam. Hopefully, with the addition of these two positions, the agency will have better success hiring and retaining attorneys long term.
- The next position the agency would like to create is for a paralegal, which may take longer to develop than the others. OSG Director Lowy brought the Director Herron's attention that the agency only offers the paralegal assistant title.

PROGRAM REPORTS

Office of State Guardian

Barry Lowy, Director

- Director Lowy began by saying that, due to circumstances beyond the agency's control, there hadn't been as much forward movement on the items presented at the previous Commission meeting as hoped. DHS continues to approach issues at Choate Developmental Center as it was previously.
- There have been meetings scheduled with Adult Protective Services (APS), aside from the one overview meeting to discuss the parameters of training, 3 additional meetings were cancelled. 18% of the OSG caseload comes from APS. One thing unique about those cases is when they come to OSG, every ward is in crisis. APS has a very cavalier attitude; they get OSG appointed and they leave. The agency is appointed on cases of financial exploitation, when we ask the APS agency for bank records, they refuse, saying they can't, and produces a redacted copy, so we don't have documentation. So out of the training he's hoping to develop, Director Lowy hopes to build a bridge and identify mutual areas of frustration for all involved, and from there move into a memorandum of understanding. The current situation is causing a lot of frustration with the agency's management and line staff.

- Regarding hiring, there have been some OSG hires over the past few years. A couple of the downstate offices, where the agency has managed through both COVID attrition as well as the additional hiring, and gotten the case loads below 100, which is progress. For the first time, the caseloads in the North Suburban office are over 1000, almost 1050. There has been a steady increase in that office and in the Rockford office. The hiring plan is going to focus on those areas and two additional headcounts has been allocated to the North Suburban office which has helped.
- Director Milano asked Director Lowy to address some legislative issues.
 - The School Records Act is crucial. It got halted with principals that don't want to keep another piece of paper, but the agency has worked with DHS and ISBE to develop a summary of performance form, which DHS indicated it will accept as evidence of age of onset. Age of onset removes OSG wards out of the eligibility because they can't find the records they need during their development, to establish that they were diagnosed with an intellectual developmental disability at that time.
 - The agency is looking to make some modest revisions to the Probate Act. The agency is looking to suspend the power of attorneys that are there when OSG is appointed, to facilitate a smoother transition for its work. There is a mechanism where the power of attorney, if they're going to want to act in their capacity, instead of just tossing it to OSG, they can go to court and have a hearing to establish that.
 - The Agency is looking to do a state training for newly appointed guardians. There are all kinds of guardians of the estate, mom, dad, siblings, etc., and when they're appointed guardian of an estate, the lawyers don't advise them what their responsibilities are, resulting in appropriate records not being kept, and they're committing fraud or mismanagement. The focus of the training would be that audience.

Human Rights Authority

Teresa Parks, Director

- FY25 first quarter statistics were provided for the Commissioners. Most HRA complaints involved persons with mental illness and mental health facilities, which has been the trend for the past couple of years; however, the agency continues to receive complaints regarding a variety of service entities, including jails, when persons with disabilities interface with the criminal justice system.
- The HRA had an all staff, in person meeting in November, including some annual trainings. Topics covered were how to deal with challenging cases, and HRA member issues, as well as an update on the Special Education (SpED) initiative.
- Thanks to General Counsel Rothert and HRA Administrator Jon Burnet, the agency did a review of the involuntary commitment process and decisional capacity issues. We discussed how to increase public awareness and recruit more members.
- One of the legislative proposals that was approved was to change the HRA membership panel. Current, 9 members are required for each region and there are 9 regions, equaling 81 volunteers across the state. There's difficulty in getting the full 9-member, 81 memberships across the state. The proposal would allow a range of members, at least 7 and up to 9 members due to the challenges in recruitment. The proposal would also change the quorum requirement to a majority of appointed members vs the current set quorum of 5. It should assist in HRA case progressions and help with case backlogs. With the help of the Human Resources team, the agency is exploring a process for streamlining the collection and maintenance of HRA member's required documents.
- The Special Education Initiative continues to grow. One of the human rights administrators, Laura Hart, was promoted on December 1 to a much-needed Special Education Manager.

Legal Advocacy Services

Veronique Baker, Director

- LAS served over 10,000 clients and had about 9000 cases.
- Director Baker provided a list of the number of pending appeals by county. She did so to show the difference between the counties where there is an LAS attorney that cases are filed at the trial level, where clients are appealing or not appealing, as opposed to cases where there aren't cases being filed. In DuPage and Randolph counties. There are several counties where LAS handles the trial court mental health petitions, and don't have to appeal, because the clients believe they got a fair trial at the trial court level.

- LAS doesn't have enough manpower to cover the amount of appeals it is receiving. In Cook County there stands to be about 6000 mental health cases filed in the calendar year from January 2024. There are currently 7 attorneys assigned to Cook County. To handle all the petitions that have been filed, LAS has borrowed the attorney that is supposed to cover Adams County, but they are still assisting in Cook. In January or February of 2024, and that attorney will have to begin covering Adams County.
- LAS is reposting a position in Kane County. The attorney that was hired in September of 2023 did not work out and was terminated. The attorney that covered Peoria County was appointed a judge in Peoria County, which is sad for the agency because it has lost a qualified attorney.
- Interviews for paralegal assistant have concluded, and interviews have been scheduled for a managing attorney in the northern part of the state.

Motion to adjourn was made by Commissioner Morgan, seconded by Commissioner Hamer-Sinclair. Motion was unanimously passed, and the meeting was adjourned at 3:05 pm.