

COMMISSION MEETING MINUTES

Friday, March 28, 2025 10:00 am – 12:00 pm

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

Springfield: 830 S. Spring Street, ICDD Conference Room

Commissioners Present

Garvin G. Ambrose	Ava George-Stewart, Esq.	Mary Kennelly
Paula A. Basta, M.Div	Mariel Hamer-Sinclair	
Representative William Davis		

Commissioners Absent

Donald J. Dew, <i>Vice-Chair</i>	Representative Bob Morgan
Kathryn E. Eisenhart, 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
Angela Herron	Director, Human Resources
Danielle Welliever	Director, Policy and Training
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

The meeting was called to order by proxy Chair Basta. Roll was taken, and a quorum was present at 10:10 am.

OFFICE OF THE DIRECTOR

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ACTION ITEMS

- **Approval of December 6, 2024 minutes**

- Motion was made by Commissioner Kennelly, and 2nd by Commissioner Davis, motion passed, and the minutes were unanimously approved.

DIRECTOR'S REPORT

Dr. Mary L. Milano, Executive Director

As there were several new Commissioners in attendance, so Director Milano opened the meeting with introductions of the Executive Staff, followed by the Commissioners introducing themselves.

- Director Milano informed the Commissioners that the Agency had finished its appropriations hearings the previous week, where there were only a few questions from Legislators asked about some fine points in the budget, that CFO Eric Bolinger was able to answer. The hearings give the Agency an opportunity to step back and look at what it has done and what needs to be done in terms of planning.
- During the hearings it became clear that the Agency's programs are growing. The Special Education Initiative (SpED), a collaboration between the Human Rights Authority (HRA) and the Legal Advocacy Services (LAS) continues to grow rapidly.
- While programs continue to grow, hiring additional new staff to accommodate the growth has been difficult. Longstanding staff members continue to handle more and more responsibilities until the authority is given to hire more. One of the reasons for not increasing headcount in the budget according to the Office of Management and Budget (OMB) was that there are several vacancies. The Agency had a full head count at the end of the fiscal year and expects to have it again at the end of this fiscal year; however, an unusual number of retirements and resignations of attorneys who discovered that, with their trial experience now solidified, they could in fact make a lot more than the Agency is able to pay them. This resulted in a staff shortage in Cook County for the Legal Advocacy Service (LAS). Overall, the Agency is unable to increase the salaries of merit compensation staff or its attorneys who are earning below the market in the areas where they serve, particularly Cook County. Additionally, the timing of the hiring process through Central Management Service (CMS) has resulted in delays as long as a year to receive approval for Polish speaking staff to receive second language compensation. There have been periods when CMS has said they're shut down and there are periods when positions which in the past the Agency could say we need another Guardianship Representative (GR), in a geographical area where one hasn't been hired in a while, that position instead of being an equivalent except for geography, now has to go through the whole process of determining what tier it is, and then to a number of committees or sections at CMS. Currently there are 15 pending positions in various stages, either posted or in the interview process. Director Milano commended HR Director Arlene Herron for consistently navigating the CMS process. It is a concern because additional staff will be needed in the coming year.
- During negotiations, Dr. Milano presented operating principles she felt summarized the Agency's efforts in the new year:
 - First, to zealously professionally and creatively pursue the mandates given in our enabling act as well as their broader implications for our clients, wards, and other constituencies. The Agency will do what it traditionally does and what asked to do in each division, and we will do it with a full degree of commitment.
 - Second, to strive to improve the quality of life, as well as the place within society, of members of marginalized communities who suffer with intellectual developmental and related disabilities as well as mental illness and behavioral differences. For the agency, because of the numbers it has in terms of representation of groups that are underserved come from minority populations, and our staff which is at least 42% minority across every pay grade, and including the commissioners, we have felt that our internal processes are quite strong with respect to diversity equity inclusion and access. The Agency is now looking at is ways to achieve those goals for the populations it serves in marginalized communities and increase our outreach toward them.

- Third, to engage in advocacy and speak when and where our constituencies are rendered voiceless, and where structural or systemic discrimination or violation of rights occurs. The Agency believes it is a voice for those who have disabilities, are marginalized, and a voice for the rights of the elderly. The best way of protecting all these populations, is in the first instance to make sure that the rights of each of those populations are protected. In some ways this is counterintuitive to an agency that does guardianship because most of the legislation which we have sponsored or is pending in the General Assembly this term are bills that seek to enlarge the pool of those who are assisted or supported. Although the Agency is the largest guardianship agency in the country, it doesn't want to be. Rather it would like to find ways that it can assist with the integration of people into larger communities and work change in those communities, so not only do persons disabilities benefit from being in communities. Those communities benefit from having persons with differences in them.
- Finally, to maintain and to place Illinois in the forefront of developing and implementing service to those who are marginalized by ability, age, ethnicity, by difference or by lack of recognition of their legal status. The Agency has staff members who work assiduously at their jobs, but also influence professional organizations, community associations and all sorts of members of the public, the legislature through legislation it proposes.
- In the appropriations hearings the Agency presented a budget which had slightly under a 3% increase in general revenue to cover the COLAs and bargaining unit compensation increases. That was the only item that allowed our budget to exceed last years. The allocation from the Guardianship and Advocacy Commission (GAC) fund, which is everything else with was flat. The Agency only lapsed \$13.13 in GRF last year, meaning the Agency is putting the money to good use, and not requesting monies and returning funds.
- The need for more staff is crucial. There are opportunities for expansion or enhancement where the Agency has been asked by chief judges or others to bring services to their county or circuit to a greater extent. The Agency has increased the number for of counties that are served by the Legal Advocacy Service (LAS) to 15 countries. It is unable to serve more unless additional lawyers are hired. And as previously mentioned the Agency's SpED initiative has grown enormously and handled 400 cases last year. There is only one attorney in that collaboration between divisions that must travel across the state whenever there is a need, and things go to a certain point in special education process. The Agency is being asked to help with more cases of juveniles who ae placed inappropriately or held beyond medical necessity, or otherwise have their rights violated while in a mental institution, in cases where individuals with mental illness are in county jails and can be held for long periods of time without medication. The Agency cannot move forward to help unless it can hire additional lawyers.

ADMINISTRATIVE REPORTS

Deputy Director's Report

Teresa Parks, Deputy Director

- Deputy Parks reported that the Agency holds meetings with its managers at least quarterly and last met February 25th. The meetings are used to update managers on budget, headcount, legislation, public awareness activities, etc.
- The Agency is in the process of creating a series of podcasts about the Commission 's work. So far episodes have been created about the special education initiative, one on the Human Rights Authority (HRA) where 2 HRA members participated as a volunteer recruitment tool, and one on supported decision making with several more being developed.
- Collaborations continue with the Illinois Guardianship Association (IGA) and the Cook County Public Guardian. There are several staff members and Dr. Milano who participate in the IGA. They either serve on the board or on committees. The Agency is co-sponsoring with the Cook County Public Guardian an IGA conference, which is scheduled for April 30th in Chicago.
- The Agency maintains a connection with the National Guardianship Association (NGA). Director Parks often participates in affiliate calls of the association and finds it helpful to learn about guardianship practices in other States and as well as getting updates from the NGA.

- The Agency has routine contact with the Department of Human Services (DHS). They are concentrating specifically on individuals who by the Office of State Guardian (OSG) are in state operated facilities. The Agency is working on transfer plans to move them out of those facilities, hoping to move them into community settings. There has been some difficulty in getting community providers to admit them, and for some individuals it's sending out multiple information packets. Together with DHS the agency is moving toward relocating them and keeping them apprised of how many packets have gone out and the providers who have been willing to admit.
- Deputy Parks mentioned the Agency's continued efforts to implement the sex education legislation that passed a few years ago. The implementation workgroup continues to meet and last met in January. DHS is providing quarterly webinars to both service providers and families regarding the expectations of providers and as well as the mandate requirements. DHS is now monitoring provider compliance.
- Lastly, the Agency will be part of a panel presentation on May 8th sponsored by the Evanston ombudsman program that will include information on the sex education mandate.

Fiscal Report

Eric Bolinger, Chief Financial Officer

- CFO Eric Bolinger discussed Senate Bill 2447, which was introduced by Senator Elgie Sims, and would have a significant impact on the Agency's budget. The bill would change the circuit clerk fees the Agency receives in its GAC fund. Currently there is a \$100.00 fee assessed for all applicable probate fees filed in the state of Illinois and of that \$95.00 comes to the Agency through the state treasurer's office. The legislation would change that and instead of just probate cases, the Agency would receive \$3.00 for every civil case filed in the State. He calculated numbers based on the latest available data from the administrative office of the Illinois courts in 2023. Based on these scenarios we would have collected approximately \$4,500,000 if that had been in effect in 2023, whereas the Agency collected roughly around \$1,500,000 so it would be a positive impact if it were to pass. The Agency would like to see that \$3.00 become \$5.00 but will take anything it can get. A \$5.00 fee instead of \$3.00, the figure would be closer to \$7,500,000 and if it were \$7.00 nearly \$10,500,000. As Director Milano mentioned that amount, even the \$5.00 amount, would allow the agency to take solve much of the staffing issues and would allow LAS to expand to 12 additional counties. He asked the Legislators on the Commission to please support in any way they can to assist with the Bill passing.
- Among CFO Bolinger's responsibilities are facilities. The Agency has a lot of office space in DHS facilities, rent free which is important given its small budget. There are some long-standing facility issues, possibly impact on health and safety issues in some of the locations. He and Director Parks have been working most recently with the satellite office at the Shapiro Developmental Center in Kankakee. There are some persistent issues with that location. They've been in communication with the chief of staff at DHS and pleased to announce there's beginning to be some positive movement to take care of those issues. It will be continuously monitored to ensure that our staff are in a safe environment.
- Director Milano added that the Agency recently relocated its Alton office to Edwardsville because mold issues were overwhelming at the Alton DHS facility. There are concerns about the West Suburban office located in Hines, IL, and the Agency is actively looking to possibly divide that location into two, and place one office closer to the West side of the city, and another some place in a South Suburban corridor, and a facility that would far surpass current West suburban facility which has an array of problems. She asked the Commissioners that if they're aware of space that would look like it would be a good fit, to please contact the team.
- The Agency's audit cycle is complete, and the auditors have returned for the next audit cycle which will begin in May, with hopes of showcasing some of the things that are being worked on.
- Finally, there are a few initiatives that Adrian Pollock, Private Secretary to the Director in Springfield, are working on to modernize and maximize efficiency and hopefully save some money and make operations run a little smoother.

Legal Report

Anthony E. Rothert, General Counsel

There Agency is optimistic about 3 initiatives:

- The first Bill involves mandatory training for those individuals appointed as guardian of the estate. Currently training is required for people appointed as guardian of the person, but not of the estate. The Agency would provide the training at no cost.
- The second Bill would change the number of members required and how a quorum is established for HRA meetings, which would make those more efficient.
- And the 3rd Bill would modify the School Records Act to create a permanent record of an individual's involvement with an individual education plan, so later there is documentation of, when possible, disabilities had onset, which can be important for accessing benefits.
- There is a Bill in the Senate assignments about changing how fees are assessed. It is motivated primarily by conforming fees, so they don't violate the free access clause of the Illinois constitution. There could be some vulnerability to those fees in the way it's currently assessed, and the Bill would remedy that. While it did not get out of committee, it is in response to a Supreme Court committee on statutory fees report. Other bills that have addressed that report have managed to be passed in the past, so it is one the Agency is watching.
- House Bill 2387 is likely to result in an increased number of cases in which LAS is appointed as counsel and the Agency is watching that because it doesn't have the resources to shoulder more cases.
- Counsel Rothert gave an update on an appeal from a service provider that was trying to challenge the HRA's publication of a report. Their petition to appeal was denied and that brings a successful conclusion to that litigation.

Policy and Training Report

Danielle Welliever, Director, Policy and Training

- Director Welliever reported on all the Agency's annual mandatory trainings. Last year a reminder process was put in place for staff, and it helped in making sure that everyone completed their trainings even ahead of the of the December 31st deadline. Also, when paper-based training was made available for HRA members and for the Commissioners that preferred it over online training, that helped as well. The log in process was difficult for several Commissioners and HRA members and so we feel that the paper-based training is the way to go. Tony Rothert will be working with the Commissioners again this year after the legislative session.

Human Resources Report

Arlene Herron, Director Human Resources

- The Agency's current headcount is 122 fully staffed employees. There are 16 positions in different stages of processing: they're either being posted, in interviews or waiting for employees to get hired. There's a new employee starting on April 1, and 3 starting on April 16.
- In the coming week interviews will begin for the student law interns in the Chicago office. This is the pilot program the Agency worked with CMS to establish to bring law students into the Agency, because we were having trouble hiring Chicago attorneys. This will bring new law students into the workforce and into the agency. The pilot is starting in Chicago and Springfield offices. There was a better pool of applicants for the Chicago office: 22 students applied. There were 7 applicants for Springfield, and only 2 that made it through for interview. The interviews for the Springfield office are scheduled on April 8th. Director Baker and Director Herron are going to open those positions targeting areas where law schools are located, such as Champaign to attract a better pool of candidates. These individuals are part-time, and not a part of the headcount, will intern for 6 months and afterwards, pending the results of their evaluations, are semi-automatically promote to the position of Technical Advisor 1, which is a full-time position, with benefits.

- Regarding hiring, as Dr. Milano stated, the CMS process is lengthy. There was a GR position that was filled internally with 3 GR 's and the process took 4 months from start to finish CMS has so many steps that involve checking the requisition continuously from start to finish from the time posting begins to the end. In the interview process, candidates are reminded it will 2 to 3 weeks before they're contacted. Unfortunately, in the interim we lose top candidates because they've already interviewed at so many other places, they've accepted other job offers.

PROGRAM REPORTS

Office of State Guardian

Barry Lowy, Director

- Director Lowy gave update on the Alden Mental Health Center class action suit. OSG was approached by AARP, Equip for Equality, and some private law firms about wards acting as class representatives in a class action in state court against Alden for substandard care. OSG agreed and several OSG wards participated as plaintiffs. Some have died. Alden has gotten new counsel, and another round of new motions to dismiss; this is the 4th one. It is frustrating when judges allow motion after motion, as opposed to compelling an answer. Our management has agreed to work with our counsel to make this motion the last, so there's some finality move the case moving forward.
- To expand on the discussion on the legislation for mandatory guardian of the Estate training, Director Lowy stated that when he began working at the Agency, he worked with Dr. Milano on her vision of training guardians of the person. They had several meetings with Cook County judges and agreed to amend our legislation so that there would be an exemption for Cook County. That exemption was agreed upon and lifted with the Chief Probate Judge and developed the training for all person who are the appointed guardians of the person. Two months ago, he checked the statistics, and the Agency has trained over 7000 new guardians of the person, which has now expanded to training for those who are appointed as guardians of the estate. These individuals will now be educated on their bookkeeping and other financial responsibilities regarding comingling, and not designed for large estates that can afford legal representation, but for smaller estates. We are filling a need.
- It is time to renew the contract for OSG's Panoramic case management system, it has been 5 years since the system was implemented. This could be an opportunity to expand the system and see if any changes can be made. The Agency is working with its IT technicians and a survey will be sent to staff for their input and a wish list of changes. Some areas that have been identified, and plan is to get the details to CFO Bolinger and incorporate them into negotiations with Panoramic for the renewal.

Human Rights Authority

Teresa Parks, Director

- The HRA staff met virtually in February and are examining some changes in the HRA structure and process. With the help of HR Director Arlene Herron, a SharePoint was created for onboarding new HRA members, to help better track completion of their training and other requirements. The Authority has also started the process of reviewing its regulations with the help of General Counsel and there will be changes in the future.
- The division continues to be fully staffed. It hopes to hire an additional staff person to assist with case backlogs downstate as part of future headcount requests. Someone was hired to do that in the northern regions and has been successful, so we'd like to do the same for the southern region.

Legal Advocacy Services

Veronique Baker, Director

- From 2022 through the end of FY2024, LAS had an increase of 1000 cases, served 800 more clients and 400 hearings done on an annual basis. There are currently 51 appellate cases pending, with 4 attorneys designated to handle those cases.
- LAS hired 2 new attorneys that started in March, one starting on the first, the other on the 17th. A paralegal will begin work in the following week, and another attorney will start on May 1st. These are the only positions that

were vacated and being filled. The only new position is the paralegal position, so it isn't an increase in headcount that would reduce caseloads, they are just filling what was depleted. Current staff members are being used to cover Adams County. The attorney hired to cover the Adams County has consistently been working in Cook County, LAS has not moved into Adams County. An attorney was hired for Kane County but had to be terminated. It took a long time to hire someone new, but this is the attorney that will start on May 1st. Interviews were just held for a position in Springfield. The candidate will not be hired, so the Springfield and Peoria positions must be reposted. Again, we are using current staff to assist with those cases.

- Director Baker agreed is also excited about the prospective 3rd year law students starting on a part-time basis and hopefully remaining with the Agency and working as a staff attorney and moving through the ranks. She and Managing Attorney Jennifer Shaw will be reaching out to Illinois law schools, as well as law schools that touch Illinois, Minnesota, Wisconsin, Indiana, and Missouri. They hope to be invited to the various fairs and other events so they can attend and talk about the work LAS does and encourage interested students to apply when they are ready and available.

Motion to adjourn was made to adjourn and by Commissioner Hamer-Sinclair, seconded by Commissioner Ambrose. Motion was unanimously passed, and the meeting was adjourned at 11:35 pm.