

## COMMISSION MEETING MINUTES

June 9, 2009 1:00 PM

### Video Conference sites:

James R. Thompson Center  
100 W. Randolph, Rm. 9-036  
Chicago, IL 60601

500 ½ Stratton Building  
Springfield, IL

Morse Library  
ISS Conference Room

### MEMBERS PRESENT

Dr. Seymour Bryson, Chairman (Carbondale)  
Representative Angelo "Skip" Saviano  
Kenley R. Wade (Springfield)  
Andrea M. Schleifer  
Anthony E. Rothert  
Inez Torres Davis  
Senator Don Harmon

### MEMBERS ABSENT

Representative Kathleen Ryg  
Senator Ira Silverstein

### GUEST

Laura Girresch, reporter, The Belleville (IL) News-Democrat. (Springfield)

### EXECUTIVE STAFF PRESENT

#### *Chicago*

Dr. Mary L. Milano	Executive Director
John H. Wank	General Counsel / Deputy Director for Programs
Veronique Baker	Director, Legal Advocacy Service
Bobbie Fox	Associate Director Human Services
Helen Godlewski Brownfield	Director, Office of State Guardian
Florence P. Martin	Private Secretary to the Director
Gina Rossi	Director of Policy and Planning
Constance Umbles-Sailers	Confidential Assistant to the Director

#### *Springfield*

Carol R. Tipsord	Director of Fiscal Operations
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### EXECUTIVE STAFF ABSENT

Teresa Parks	Director, Human Rights Authority
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Chairman Bryson called meeting to order at 1:22 pm. A quorum was present.

Motion was made by Commissioner Schleifer to approve the minutes from the April 7, 2009 meeting; motion was seconded by Commissioner Torres Davis. Motion carried.

Director Milano suggested to Chairman Bryson, because Rep. Saviano was expected in a leadership meeting at 2:00, that the Commissioner's move to ratify the election of officers, go in to closed session to ratify the issues involving the Director's compensation and lastly, ratify HRA and any other action items from the April 7, 2009 meeting.

Rep. Saviano moved that the election of the new Chairman and Vice-Chairman would be ratified, seconded by Senator Harmon. Motion carried.

Newly elected officers Anthony Rothert (Chairman) and Andrea Schleifer (Vice-Chairman) assumed leadership of the meeting.

Meeting moved into closed session for the ratification of the Director's evaluation and compensation.

Once open session was resumed, Vice-Chairman Schleifer moved to ratify the motion made at the April meeting regarding the Director's compensation and evaluation. Motion was seconded by Commissioner Wade. Motion carried.

Commissioner Bryson made a motion to approve the ratification of the Human Rights Authority's new appointments, reappointments and resignations from the April meeting. Motion was seconded by Commissioner Wade. Motion carried.

Motion was made to approve ratification of decisions made on the Human Right's Authority's enforcement referrals from the April meeting by Commissioner Wade, seconded by Commissioner Bryson. Motion carried.

Chairman Rothert appointed Commissioners Torres Davis and Wade to the Compensation and Evaluation Committee which will be chaired by Vice-Chairman Schleifer and asked that the Committee prepare a preliminary report for the next meeting.

## **DIRECTOR'S REPORT**

Director Milano stated that there have been good results regarding operations since the last meeting. The Commission had a very positive legislative session due to the legislative members of the Commission-Representatives Saviano, Ryg and Senators Harmon and Silverstein-all of whom were influential in sponsoring, moving and getting passed several substantial pieces of legislation. We were able to pass a Bill that began last year with regard to reporting of abuse in hospital emergency rooms, and will most likely come back next year or the following with some additions to that legislation; we were also able to pass legislation that improved efficiencies in the operation of the Commission and will have further work on that in the coming year: state of the art jurisdictional clarification, priorities with the Uniform Guardianship Act, standards new first time for education and certification of public guardians as well as for the Governor to appoint guardians in multiple counties and positive results with respect to protections of the disabled and victims of abuse in cases of sterilization, and of interest to our lawyers, Senator Schoenberg's bill

which provides for loan forgiveness in the case of certain public interest attorneys: he was kind to accept our recommendation to include those who work for the Commission.

With regard to hiring we've added to the guardianship and Human Rights Authority staff, including our new fiduciary officer just in time to assist us with the new audit, and an office assistant in Chicago. We have also had a very positive quarter in terms of effectiveness of operation, efficient use of staff resources, compliance with budget and the amazing feat that little over 100 people, spread through 3 division of services, can serve every county in the state.

We've also had extensive involvement with the National Guardianship Association, the Illinois Guardianship Association, the Illinois State Bar Association and the National Council of State Boards of Nursing.

We were indirectly the subject of some press in Bellville, however, we had nothing to do with what they were attempting to address. The Commission is happy to assist anyone who is interested in improving the guardianship situation in Illinois, but feel that we are pretty well, with exception to our state guardian ratios, ahead of the pack in terms of state approaches to guardianship.

We are facing difficult times because we were asked by the Governor's office to reduce expenditures and suffered about \$250K reduction in our budget, almost all in personnel as well as underfunding in pension and other obligations; we were hoping for a restoration however, that did not occur. We are also facing a shortfall as a result of supervisors moving into the bargaining unit and being eligible for a sizeable amount of compensation, particularly when they are on call, causing another \$165K decrease. The Commission has now been asked by the Governor's office, to make an additional 25% budget cut. This could result in lay offs of about 33 people, a reduction that the Commission is really unable to sustain in order to meet mandates. Chief Financial Officer Carol Tipsord has submitted a revised management plan reflecting the requested cuts.

### **Human Rights Authority Report**

**John Wank (reporting for Teresa Parks)**

John Wank (reporting for Teresa Parks) presented new business for approval: 2 new appointments, 3 reappointments, acknowledgement of end of term for one HRA member and resignation of one HRA member. Motion was made to accept new HRA business by Vice-Chairman Schleifer, seconded by Commissioner Wade. Motion carried.

### **Legal Programs Report**

**John Wank**

John Wank spoke to a series of articles on guardianship that appeared in The Belleville (IL) News-Democrat newspaper. Reporter Laura Girresch was present at the meeting. In one article Zina Naditch, Director of Equip for Equality, was quoted saying "the guardianship system in Illinois appears to be broken and requires repair" a reference was made to Equip for Equality's efforts at guardianship reform. Equip for Equality's project recommendations on guardianship reform was from 2001; none of the recommendations in the report have not been enacted into law. The executive summary from a study on Public guardianship by the American Bar Association's Institute on Aging was included in the Commissioner's information. They looked at all public

guardianship programs in the US they could find and one conclusion was that IL had more public guardianship than any other state in the country being the only state that has both county based and statewide public guardianship. While no recommendations are being made to the Commission at this time we simply wanted to provide background information so everyone is well advised. We're aware that it is not a good time to make recommendations to the general assembly, but are looking forward to the next session where we may have something more to say toward the end of the year. Director Milano further stated that if anyone has directions that they'd like the Commission to take or explore we would be happy to do so.

Wank reiterated that there was a successful legislative season and with the passage of one of the bills the work is just beginning. The legislation that will create a new mandate for the county based guardians requires them to undergo training and take a certification examination to become a registered guardian, a national certified guardian as certified by the National Guardianship Certification. Gina Rossi has been working with representatives of the Center for Guardianship Certification (CGC), GAC staff and different members of the Illinois Guardianship Association (IGA) so that we will be able to help facilitate the training and certification process for all the county public guardians. We've had communications with representatives of the Governor's Office of Boards and Commissions, letting them know what we'd like to do and how we propose to do it and Director Milano will be speaking with those representatives to fine tune those points in the future. We are pleased that the Governor's office, on own initiative, has publicly published the public guardian information on a website in a way that has never happened before. It is now possible for anyone in Illinois to access information on who is the public guardian or public administrator for a particular jurisdiction in Illinois. The site also clearly outlines the process for appointing these officials and allows them to present their credentials on line.

## **Fiscal Report            Carol Tipsord**

There is a possibility of cuts. While HB 2145 (general revenue) gives us funding for personal services and social security; there is no funding in that bill for retirement. There is enough funding to sustain about 112 staff throughout the year at any given time and also provides \$918K for other operating expenses (travel, mileage to visit the wards, facilities management charges, telecom charges, any EDP) and that will be enough for us to get by and support our 9 regional offices.

We are waiting to see what the final budget will be and hopefully HB 2145, the general revenue portion of the funding, will go through as is and it does not include a 50% cut; the General Revenue Fund was not cut except for the retirement portion of that bill. HB 2206 which provides appropriations for the GAC fund will provide authorization of \$187.7K for expenditures which is based on the fees we collect from the wards and she doesn't anticipate that to be much over about \$70K for next year.

Chairman Rothert then asked if the additional 25% is not imposed, would lay offs be required. Ms. Tipsord stated we're hoping not and that we would be able to meet any shortfall with attrition or other means; furlough days have been mentioned which would assist but hopefully we could cover the 25% with hiring lag.

## **INFORMATION ITEMS**

### **Office of the State Guardian            Helen Godlewski Brownfield**

OSG currently serve as legal guardian for about 4900 wards statewide, residing in about 1600 different locations throughout the state and represented in virtually every county. Current average caseload size is about 118 wards per worker but caseload sizes do range as high as 200 in regions that have had some staff retirements and attrition.

Since the last meeting we have been able to process one hire for the program: Kendra Moses is now the guardianship regional administrator for the Peoria region, the region with the largest caseloads in the state. She is a licensed, clinical social worker with experience in adult guardianship and people with developmental disabilities in both the public and private sector. We are extremely happy to have her on board. We are also in the process of filling a caseworker vacancy in that region which will hopefully stabilize the caseload sizes in that area. Peoria region stretches on the South from Sangamon County to the Quad cities on the North and I-55 on the East to the Mississippi River so it is a very large area to cover

With regard to staff development we hosted a training session in conjunction with the Illinois Guardianship Association's annual meeting, April 21 in Springfield. In the coming week there is a training session planned at Madden Mental Health Center which will feature seminars on various topics such as wound care-prevention and treatment and a presentation by the comptroller's office on pre-planned burial trusts and funeral homes. Each staff person attending the training will earn 5 hours of continuing education units. Gina Rossi was thanked for organizing the training agenda. The training is open to all Commission staff and to all public guardians and members of the Illinois Guardianship Association.

Last to be discussed is Howe and the ongoing discussion on it closing, staying open etc. Governor Quinn appointed Ann Shannon to review the situation there and make some final recommendations in July of this year. At meeting time there were 34 wards at Howe, 17 are being screened for community placement and the other 17 will most likely because of their behavioral issues remain in state operation development centers. Should Howe closed we will work with the Dept. of Human Services to transfer those individuals. Jennifer Miller and Joyce Ebster were thanked for their work on the process.

### **Human Rights Authority                    John Wank (reporting for Theresa Parks)**

Cathy Wolf is the new HRA coordinator handling the East Central/Rantoul office. She comes to the Commission with more than 20 years experience in different aspects of human services: she was once head start teacher, public aid caseworker and more recently a family support specialist with the IL Department of Healthcare and Family Services. A vacancy was posted in Peoria for another coordinator position which became vacant 60 days prior. The HRA has also benefited greatly from a volunteer, Patricia Hobbs, who is a SIU Carbondale student, has assisted both Metro East and Springfield HRA regions with program evaluations, etc. The HRA is a volunteer driven organization: all 81 members are volunteers. The Commissioners were asked to inform

staff if they know of anyone who may have an interest in volunteering with HRA. There are currently vacancies in East Central (2), Egyptian (2), Metro East (2), Rockford (4), and Peoria (1).

Lastly Ms. Parks wanted the Commissioners to know that we did execute the plan with respect to the enforcement actions that were preliminarily voted on at the last meeting and ratified in today's meeting. We have not heard any response to those inquiries but will keep you posted.

Co-Chairman Schleifer pointed out that this may be a perfect time to solicit students and/or new graduates who are looking for jobs from law school. If they are students they could serve as interns giving them work experience, being sure to check with the schools to be sure it would be approved as an internship. If they are graduates perhaps they could function as volunteers to help with the workload. Director Milano stated that she thought we are pursuing getting some interns for the HRA. We are hoping to conclude a deal with Illinois Institute of Technology graduate program in Public Administration which will give us 2 graduate students to serve as interns from the People's Republic of China. Gina Rossi stated that we will also have an undergraduate student from the University of Chicago and a graduate student from University of Illinois coming to the agency as volunteers. Last year's pro bono help either attorneys helping one of our programs or students the agency captured approximately 750 hours of volunteer help. John Wank said that he would make a point to talk Teresa Parks regarding volunteers for the Human Rights Authority.

### **Legal Advocacy Services**

### **Veronique Baker**

Since the last meeting we've had a dramatic increase in the amount of actual commitment and medication hearings being held around the state and particularly in Cook County there has been an effort by the judges to take more cases to hearing. 11 staff attorneys with LAS attorneys have represented well over 800 people in various aspects around the state.

New updates with respect to LAS is that there was a decision on Supreme Court case Alfred HH: they affirmed the appellate court decision finding a particular case as moot, but also required the justices to look at this on a case by case basis not just routinely dismiss it as moot. They affirmed that the mootness exception still applies. The impact that this has on LAS is there may be cases where we will need to do expedited appeals. This will create another burden on already overworked LAS attorneys due to the fact they'll need to put aside other things to work on the expedited cases. Handling expedited cases will also require cooperation in counties where LAS is not the trial attorney and cooperation with the Public Defender's office which hasn't always been the easiest thing to obtain.

Court has been opened at Madden Mental Health center, hearing only cases that are filed from there, on Thursdays. The idea behind it was the hospitals were saying that if the cases were heard there at the hospital there would be more cases taken to hearing. They are also restructuring the way that mental health cases are handled in Cook County, which is creating a huge upheaval in LAS because there's been one formula for so many years and now that formula has been thrown out the window. LAS has begun to restructure the way cases are being assigned to the attorneys so they are running around the county having hearings everyday.

There are still a couple of Supreme Courts cases pending. We're waiting for oral arguments to be set, one out of Rockford and some petitions that we are hopeful to have heard.

The LAS continues to provide representation with a very small staff and limited resources and still manages to get the work done.

Co-chair Schleifer asked if the restructuring in Cook County was initiated by the presiding judge and Ms. Baker responded yes. It was in response to the hospitals claiming that there are so many petitions filed in Cook County per year, but very few go to hearing. LAS position has always been we don't control what cases are heard; that is between the hospitals and the state's attorneys. If a hospital accepts voluntaries, decides to discharge a patient or if the state's attorney, even after a petition has been filed decides they aren't going to move forward on it, there won't be a hearing. But the hospitals have always complained it costs them too much to come to Tinley or Reed to have the cases heard. So the presiding judge has decided to try to have the cases heard at the private facilities or hospitals and the first step is having court opened at Madden so cases at Madden can be heard on the premises, thinking there will be an increase in the number of hearings.

### **Other Business**

Laura Girresch, a reporter from The Belleville (IL) News-Democrat newspaper noted that earlier in the meeting Director Milano state that the recommendations stated in previously published stories had nothing to do with the Commission and then spoke about the various successes during the legislative year. She wanted to know what role the Commission played in the passage of the bill regarding the certification of public guardians, because if it did play a role, then the recommendations made in the articles do pertain to the Commission.

Dr. Milano clarified that she intended to say that the problems identified in the articles pertained to the county situation and not to us. With respect to the bill relating to the certification, yes; the Commission recommended, drafted and advocated for it. The legislative members of the Commission introduced and sponsored the legislation. We think it will be helpful in terms of efficiency and in the level of knowledge that appointees will have. John Wank also pointed out that with the passage of the legislation Illinois would be one of the first states to require any regulation at all for any type of guardian. We would be one of the first states to require certification for our public guardians.

Motion to adjourn made by Co-chair Andrea Schleifer and seconded by Commissioner Torres Davis. Motion carried.

Meeting was adjourned at 2:30.