

Guardianship Council (GC)

Meeting

Friday, Dec. 19, 2008 (9:00 a.m.)

- Meeting Minutes-

1. Transition education issue (students turning 18) – Rolletta Sue Gronewold, Deputy Director, Special Education Bureau/ Public Education Dept.
Sue Gronewold, Deputy Director of Special Education Bureau/Public Education Dept. discussed their current practice under their regulations and under the Federal Individuals with Disabilities Education Act (IDEA) related to students with concerns related to mental capacity and educational decision-making. The PED is considering a revision to the regulations based on a proposal submitted by the P&A thru the DDPC with a 3-tier approach:
 - 1.) Student chooses to designate a parent to assist the student with decision-making.
 - 2.) Student chooses to designate someone other than a parent - an educational representative to assist the student with decision-making.
 - 3.) If the student does not have the capacity to choose, two professionals recommend designating an educational representative (a parent or someone else).**The 4th tier would be a guardian appointed under the Probate Code (limited or full). Any changes to existing regulations will follow a rule-making process seeking comments. This topic was brought to the attention of the GC by Dennis Drucker with the understanding the 3-tier approach may reduce the number of requests for guardianships referred by the schools to the OG. Dennis mentioned the proposed 3-tier approach is similar to the Uniform Health Care Decisions Act (Surrogate Decision-makers). Sue will send Frank any proposed changes to the regulations for distribution to the GC.**
2. 5% Budget Reduction Plan – may also impact Supplemental Request for current year (FY-09), and FY-10 budget.
Pat Putnam mentioned there has been a 5% cut on everything but direct services (e.g. personnel salaries and administrative) that has not yet affected services. The OG requested a supplemental of \$75,000 for the current fiscal year.
3. Do non-members (e.g. State agency representatives) have voting power on sub-committees?
A clarification was made by Doris that everyone is equal in the Sub-committees. There is no need to address this further since there was no disagreement.
4. New Subcommittee to be formed to develop “Best Practices.”
No volunteer were received by Doris or Frank and Janice Ladnier was not at this meeting; this item will be on the agenda for the next Quarterly meeting), but a Sub-committee may meet prior to then.
5. New Subcommittee to be formed to review all of the By-Laws and recommend changes, including related to the Open Meetings Act.
Doris needs to appoint members to a Sub-committee to review the By-Laws. This will include all of the By-laws, including the reference to the Open Meetings Act. Anna and Richard Jiron reported they began to discuss and decided to post-pone the review until after the Legislative Session. Doris will also be involved in the review. Richard Jiron volunteered to receive any recommendations for the review, and Robert Richards volunteered to assist.
6. Guardianship Task Force (HM6) – draft Bill being prepared by the Legislative Council Service (LCS). ALTSD and DOH are supporting the Bill to be introduced on our Task Force recommendations.
Pat Putnam explained the process for the Bill by the Legislative Council Service (LCS). He also confirmed ALTSD and DOH are supporting the Bill to be introduced on the Task Force recommendations. This includes the proposed changes to the statutes, the proposed monitoring study Bernalillo County, and the proposed training program. The draft Bill with the proposed changes to the statutes is based on the attachment to the Task Force Report. Jim Jackson and

ALTSD are expected to be the technical witnesses on the statute changes, Greg MacKenzie the technical witness on the monitoring study, and the training program is under the DDPC Budget request.

7. OG Work Load Report

Frank reported on the Office of Guardianship's current work load in regards to clients being served, etc:

Corporate guardianship:	627
Assigned to Legal Services this FY	146
Waiting List for Legal Services	43
Waiting for Eligibility information	73

Frank also explained that the Office of Guardianship is hoping to get the waiting list for legal services down to zero. He assured the Council that the budget reduction has not affected any services yet. Frank expects to include a standard report from the new data base showing the length of time awaiting guardianship.

8. Discussion of New Business and Update Old Business.

A. Member terms (members were appointed on May 16, 2008 – see attached)

Article 6. Terms.

- a. One half of the initial appointments to the GC will serve a one-year renewable term, one half will serve a two year renewable term.
- b. Thereafter, all Members may serve two-year renewable terms as long as they remain active and are willing to serve.

Decision was made that members may volunteer to no longer serve, and if there is not enough volunteers, then members will draw straws to determine those who will only serve a one-year renewable term (May 2008-May 2009). Pat Putnam will make the final decision and actual appointment of the members of the committee with an official letter to each appointee. There was also discussion of other parts of the By-laws related to membership and removal.

B. Officer terms (Officers were elected on May 16, 2008- Chair Doris Husted; and Vice-Chair Janice Ladnier)

Article 14. Officers.

- a. The GC shall elect a Chair and Vice Chair on an annual basis.
- b. The first election shall be held during the first quarterly meeting scheduled after the appointment of members and annually thereafter.
- c. No one shall serve more than three consecutive terms as either Chair or Vice Chair.

Article 14 was discussed and confirmed in regards to the appointment of the Officers terms. Doris announced that if any nominations were to be made, the person who wanted to nominate someone must ask that person before placing the nomination. An E-mail should then be sent to Frank, and he would prepare a ballot for the next scheduled Quarterly meeting on April 3rd.

C. Other OG contractors - how to also get their input. – Corporate Guardians, Mental Health Treatment Guardian program, Petitioning Attorneys, GAL, and Court Visitors.

Discussion was made on how to communicate and get input from other OG contractors. A few recommendations were made which included feedback on a survey, sending meeting minutes and have the contractors give input to official members, and possibly opening the advisory council conference call to the contractors.

Decision made to change meetings from monthly to Quarterly:

- o April 3rd, 2009 (postponed from March due to legislative session)
- o June 19, 2009

It was confirmed that meetings were changed from monthly to quarterly.

Our meetings are in the conference room at the Office of Guardianship, DDPC, 810 W. San Mateo, Ste. C, Santa Fe, NM 87505-4144

Doris adjourned meeting at 10:45 A.M.

Submitted by: Cecilia L. Salazar December 22, 2008