

**Guardianship Committee (GC)**  
**Meeting**  
**Friday, Jan. 18th (9:00 a.m.)**

**- Agenda -**

1. Article 5 re: appointment of membership – see attached
2. Article 14 re: Officers - elect a Chair and Vice Chair on an annual basis.
  - ✓ Janice Ladnier volunteered to assume one of these positions.
3. Re-convening our Subcommittee to examine the Role and Duties of a Guardian  
The following have volunteered:
  - Lead:** Janice Ladnier, E-mail: [janice@guardianangelsllc.com](mailto:janice@guardianangelsllc.com)
  - John Acker, E-mail: [jrackertaos@yahoo.com](mailto:jrackertaos@yahoo.com)
  - Gabrielle Sanchez-Sandoval, DOH, E-mail: [Gabrielle.SanchezSandoval@state.nm.us](mailto:Gabrielle.SanchezSandoval@state.nm.us)
  - Gerald McBride, ALTSD, E-mail: [gerald.mcbride@state.nm.us](mailto:gerald.mcbride@state.nm.us)
  - Jim Copeland, E-mail: [jcopeland@altamiranm.org](mailto:jcopeland@altamiranm.org) (hasn't volunteered)
4. Should the Office of Guardianship implement the Task Force recommendations re: procedures for appointing guardians? See attached.
5. Legislative Session and our Budget (DDPC Office of Guardianship)
  - ✓ Contracts for guardianship services for wards with more difficult issues.
  - ✓ Periodic review (Re-evaluation) of the need and level of guardianship.
  - ✓ Education and training
6. Wards with more difficult needs – availability of services  
Assignments to corporate guardians
7. OG Work Load Report:

Corporate guardianship:	523
Assigned to Legal Services this Fiscal Year:	145
Additions to Waiting List this Fiscal Year:	149
Waiting List for Legal Services as of 1/4/08:	299
8. Discussion of New Business and Update Old Business.
9. Review of Action Items from prior meetings.
  - minutes from our prior meeting; see minutes from Nov. 16 meeting, our December meeting was cancelled.

Our meetings are every 3<sup>rd</sup> Friday of the month at our conference room in the Office of Guardianship, DDPC, 810 W. San Mateo, Ste. C, Santa Fe, NM 87505-4144

## **Should the Office of Guardianship implement the Task Force recommendations re: procedures for appointing guardians?**

### **Amend the Probate Code**

- Require that any petition for a guardianship set forth efforts made to locate other court appointed guardians, persons with power of attorney, agents named in advance directives, or surrogates appointed by the alleged incapacitated person, and require that any such persons be notified of guardianship proceedings .**The search for such persons would obviously be limited if the guardian was being proposed for someone who never had capacity**
- Include any such previously named agents or surrogate decision-makers on the priority list of persons to be considered by the court for appointment as guardian, and allow a Court to pass over someone with higher priority for appointment only for good cause shown. (See above)
- Require the person petitioning for a guardian to serve a copy of the petition on the proposed guardian. **Hopefully, this is done by petitioning counsel already but the Office should require this.**
- Require that a copy of the proposed guardianship order be provided to the proposed guardian, to allow an opportunity to review the proposed order. (See Above)
- Require court review of guardianships at least every ten years. (The office is already doing some of this work through the evaluation process.)
- Assure that increases in the level or authority of guardians not be permitted without a full court hearing, while preserving the authority of the court to reduce guardianship through less formal processes.

### **Amend the Uniform Health Care Decisions Act**

- To spell out the limited circumstances in which the guardian, or the court, could make decisions different from or in conflict with the specific previous health care instructions executed by the adult. **Guardianship orders obtained by contract counsel should not invalidate instructions created by the ward when they had capacity**

### **Amend the Mental Health Care Treatment Decisions Act**

- To spell out the limited circumstances in which the guardian, or the court, could make decisions different from or in conflict with the specific previous mental health care instructions executed by the adult. (See above)