

Guardianship Committee (GC)
Friday, Nov. 21, 2008 (9:00 a.m.)
Meeting Minutes

In attendance:

Ann Christensen	Janice Ladnier
Duane Christensen	Judith Liddell
Dennis Drucker	Sara Kindley for Erin Ruscetti
Frank Fajardo	Grace de Santiago
Ling Faith-Heuertz	Gabrielle Sanchez-Sandoval
Leticia Garcia	Marsha Shasteen
Luciano Garcia	Richard D. Jiron
Anna Hatanaka-Otero	Robert Richards
Doris Husted	Terry Greisch

Doris Husted opened the meeting at 9:05 a.m. She reviewed the handouts for the meeting. Agenda item #3 was simply informational that Sue Gronewold could not be here today. This item will be held for next meeting.

- Agenda with minutes -

1. 5% Budget Reduction Plan – may also impact Supplemental Request for current year (FY-09), and FY-10 budget. Each percentage would reduce the number of protected persons served by 13 for remainder of this FY. Hope to avoid any impact on APS, Jackson Class, and other priority referrals. Overall impact would increase the Waiting Time by at least six months.
Frank F announced the directive from Governor to cut budget by 5%. He and Pat Putnam will be meeting with DFA. OG plans to include 5% cut everything but direct services (e.g. personnel salaries and administrative). OG is hoping not to cut services - the Waiting List and waiting time would increase. This does not affect services for current clients at this time, nor the 137 cases are currently in the legal process. The budget cut would effect only those not already assigned to legal services. APS cases will continue to be a priority. Q: How long is the waiting list? There are 45 cases waiting to be assigned to attorneys, and will be assigned in the next few weeks. The waiting list will then only include cases needing “further information.” OG is implementing a new data base and accurate numbers should be available in January, including length of time of all cases in the legal process.
2. By-Laws (Note: By-laws may be changed with a 2/3 majority vote of members present)
 - This change was approved on Sept. 19th: "A quorum for the purpose of conducting business shall consist of at least one-third (1/3) of the total number of voting members (rounded to the next whole number)."

New version of by-laws was handed out. Example: if there are 20 voting members, the 1/3 is rounded to 7 required for a Quorum. The current voting members are:

 1. **Senior Citizens Law Office - Marsha Shasteen**
 2. **Barbara Michael**
 3. **Administrative Office of the Courts – no one designated after Susan Page**
 4. **Tierra Alta**
 5. **Necessity Case Management**
 6. **Cornerstone Guardianship Service**
 7. **Guardian Angels**
 8. **Judith Liddell**
 9. **Protection & Advocacy**

- 10. NM Arc
- 11. ARCA
- 12. Association for Developmental Disabilities Community Providers
- 13. UNM
- 14. VA Medical Center
- 15-20. Members of the DDPC Council

3. Transition education issue (students turning 18) – need to schedule for another date (Rolletta Sue Gronewold, Deputy Director, Special Education Bureau/ Public Education Dept.)
Rolletta Sue Gronewold is planning to be at our next meeting on Fri., Dec. 19th.
4. Whether the Chair of the GC should prepare and distribute the agenda and minutes of the meetings, or delegate these duties to someone else. – submitted by Janice Ladnier
By-laws ARTICLE 18. GC Meeting Records. Meeting records will be kept by the NMDDPC Office of Guardianship staff and provided to members two weeks prior to quarterly meetings.
Question discussed as to whether Chair should develop the agenda for the meetings. Article 18 of the by-laws addresses the maintenance of meeting records. Committee requested that agenda be sent out two weeks prior to the meeting date and minutes no later than two weeks following the meeting. Since OG now has a full staff, Doris stated we will work on this. There was discussion about changing the by-laws concerning these issues. Doris stated that the by-laws are a work in progress and are less than 1 year old, but it did not seem necessary to adjust the by-laws but rather improve the practice. It was recommended that the minutes be inserted under each item on the agenda to make it easier to follow. Anna inquired about the minutes from the last meeting. No minutes were taken at that meeting since there were few people, the Chair and Vice Chair were not there, and the OG was short staffed. Anna expressed concern that at the last meeting she requested copies of documents and that request was not fulfilled. We will try to piece together minutes from the last meeting.
5. Whether GC meetings should be held every month, even if the Director of the Office of Guardianship cannot attend any particular meeting. – submitted by Janice Ladnier
Note: meetings have been cancelled when several members cannot participate.
By-laws ARTICLE 10. Meetings. The GC shall conduct at least four quarterly meetings a year.
By-laws state that meetings should be held at least quarterly. Currently they are held monthly but there are frequent cancellations. Discussion followed as to whether meetings can be held in Frank's absence since this is an advisory group. Also are monthly meetings necessary? Doris asked whether members do not show up due to frequent cancellations. Doris suggested the GC meet Quarterly, and the 3rd Friday of the in-between months could be used for subcommittee meetings. It was suggested that Quarterly meetings be on an "off" schedule since so many committees meet quarterly. It was suggested that the Quarterly meeting schedule begin in December; the Quarterly meetings were then scheduled as follows:
 - Fri. Dec. 19th (9:00 a.m.).
 - Fri. April 3rd (9:00 a.m.) – delayed due to Legislative Session.
 - Fri. June 19th (9:00 a.m.).**Discussion then returned to the fact that no minutes were taken last month (similar to the end of #4 above).**
6. Status Report by Subcommittee to examine the Role and Duties of a Guardian.
Janice reported this Subcommittee was formed to address Article 4 g in the by-laws. The language in the NMGA Handbook is ambiguous and causes serious problems for corporate guardians in the state. Janice stated that the subcommittee worked hard and wanted to make revisions to the Handbook but was "stymied" by the fact that they were not permitted an electronic version of the Handbook. The subcommittee did generate a letter of recommendations. Other committee members stated that the Handbook is a work in progress and will probably have to be revised soon due to upcoming changes from the Task Force

recommendations. Frank said that suggestions to changes in the handbook on a separate document can be considered. It was pointed out that the Handbook is not a legal document. Janice suggested that the subcommittee create another document in addition to the current Handbook that would clear up confusion over the role of guardianship especially for corporate guardians. Ann recommended that what is needed regarding corporate guardians should be done by OG regulations, etc., and Frank agreed to consider such changes to OG regulations or to the contracts, or developing an inter-agency agreement. Several members stated that trust is a problem on the GC. Duane put forth a motion to dissolve the current subcommittee and create a new subcommittee basically with a new role to address “Best Practices” for guardianship. This was seconded by Letticia and passed. Janice will temporarily be the Lead for the new subcommittee until the group selects a new Leader. It was agreed that Doris/Frank send out an e-mail to GC members regarding the forming of a new subcommittee and seeking volunteers. Janice reported that the prior Subcommittee had agreed to meet at an alternate location. Janice was very upset that the subcommittee had been locked out of the conference room here for their most recent meeting. Frank said that if he is informed that the subcommittee needs the OG conference room, he will schedule it.

7. Guardianship Task Force (HM6) – all Legislative committee presentations were completed. ALTSD and DOH are supporting the Bill to be introduced on our Task Force recommendations. **Presentations were given to the Legislative Committees (Health & Human Services, Finance, and Courts, Corrections & Justice). The Draft Legislative Bill does not have a title and is being revised. ALTSD will be supporting it as a Department Bill and DOH is supporting it as well. A motion was set forth that a copy of the Bill be distributed to the GC, but it is not yet available for distribution.**

8. By-Laws

- Article 10b of the By-Laws: “All meetings shall be held in accordance with the Open Meetings Act, and or other applicable law.”

Note: GC meetings are not subject to the provisions of the Open Meetings Act.

- ARTICLE 20. Revisions and Modifications of By-laws.

By-laws shall be reviewed biannually or as needed.

A discussion was held concerning whether the GC is under the Open Meetings Act, and whether the By-Laws should be amended. **The GC is an “advisory” group, and therefore is not a policy-making body under the Open Meetings Act. The Attorney General’s website has a copy of the Guidelines and of the Open Meetings Act. The GC has not been following the requirements of the Open Meetings Act; e.g. public notice in the news media. There was discussion that the meetings just be “open” rather than requiring that “All meetings shall be held in accordance with the Open Meetings Act, “ since there was also a cost factor. Richard J. asked where else the public would be able to discuss the issues of Guardianship. The OG role is limited to corporate guardians which amounts to about 10% of all guardianships, and the GC is an advisory group to the OG. Doris does not believe the GC is the appropriate forum for the broader issues of guardianship. The Guardianship Task Force was formed by the Legislature for the broader issues. A motion was set forth by Anna that a sub work group be formed to review all of the By-Laws and recommend changes, including the Open Meetings Act. Janice seconded Anna’s motion, and the Motion passed.**

9. Update from the Office of Guardianship provided at prior meeting:

- Contract with UNM for re-evaluations state-wide.

Summary for initial contract (7/1/06 thru 6/30/08); Total evaluations: 127 (plus 5 for 6 no-shows)			
No Change in level	- 103 (81.1%)	To another guardian (family)	- 1 (0.8%)
Lesser guardianship	- 11 (8.7%)	Re-evaluation	- 3 (2.4%)
Remove guardianship	- 1 (0.8%)	Correction to Court Order	- 1 (0.8%)
Greater guardianship	- 2 (1.6%)	Other	- 4 (3.1%)
Temporary to Permanent	- 1 (0.8%)		

Note: this fiscal year we have extended these evaluations outside the Albuquerque area.

Frank stated that the UNM contract extends through 6/30/09 and funding beyond that will depend on the FY-10 budget.

10. OG Work Load Report

Corporate guardianship:	624 (as of 10/31/08)
Assigned to Legal Services this Fiscal Year:	137 (as of 10/31/08)
Waiting List for Legal Services:	45 (as of 9/30/08)
Waiting for Eligibility information:	68 (as of 9/30/08)

Office is fully staffed for the first time in 2 years. Dennis asked about tracking cases taking too long. The new data base will generate standard reports and those reports will include length of time to process all cases. The new staff attorney is helping to expedite cases. Cases returned by Legal Aid cases are being handled through contracts with other attorneys state-wide.

11. Discussion of New Business and Update Old Business.

Anna set forth a motion that everyone in attendance at the October meeting forward their notes to the office so that minutes can be compiled. Seconded by Janice. 2 opposed, 2 for. Motion failed. A suggestion was then made to compile minutes from October meeting.

Anna set forth another motion that the Office of Guardianship be responsible to produce and maintain minutes that include action taken. Seconded by Janice. Discussion followed. Motion failed (3 opposed) Motion was turned into a request.

Anna set forth another motion that copies of the HSD investigative report on the OG (11/19/07) be provided to all members. Seconded by Janice. Discussion clarified that the report shows that the HSD made recommendations to OG concerning operations. Janice had already distributed the OG response. Robert volunteered to provide an electronic copy. Motion dropped.

Our meetings are every 3rd 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

12. New Business

Decision made to change meetings from Monthly to Quarterly.

***Next meeting will be on Dec. 19th at 9 a.m. here at the OG office.**

Subsequent meetings are scheduled:

April 3rd, 2009 (postponed from March due to legislative session)

June 19, 2009

2 items for December agenda;

1. Invite Rolletta Sue Gronewold, Special Education, Deputy Director; to present Transition Education Issue (students turning 18)

2. Do non-members (e.g. State representatives) have voting power on sub-committees?

Note: it was decided the issue of Proxies not be on the agenda for the next meeting.

Submitted by: Denise Tierney Nov. 25, 2008