

Guardianship Advisory Council
Council Meeting
Tuesday, May 01, 2007
9:00 a.m. – 11:15 a.m. ~ NMDDPC Conference Room

Present: Doris Husted –ARC of NM, Gabrielle Sanchez-Sandoval – DOH OGC, Dennis Drucker - NMPA, Erin Ruscetti – NMGA & Necessity Case Management, Patricia Wagner – Albuquerque Sr. Citizens Law Office, Anna Otero Hatanaka –ADDCP, Pat Putnam - NMDDPC, Frank Fajardo – NMDDPC OG, Robert Richards – NMDDPC OG, Julie Molina – NMDDPC OG

Recorder: Mercy Gonzales-Clay

TOPIC	DISCUSSION	ACTION PLAN/ FOLLOW UP	RESPONSIBLE PERSON(S)	STATUS
<i>Introductions</i>	<p><i>Frank Fajardo</i>, Director, Office of Guardianship, introduced himself to the Council and gave a brief biography.</p> <ul style="list-style-type: none"> ➤ Introductions were made around the table. 	Information		Closed
<i>New Compliance FTE position</i>	<p><i>Pat</i>, DDPC Director informed the group that a full-time compliance position as approved for the upcoming FY.</p> <ul style="list-style-type: none"> ➤ The compliance rep’s duties would be to ensure that contractors are complaint and provide additional on-site visitation. Added capacity compliance for individual contractors and investigate complaints regarding contractors. ➤ Dennis brought up concerns rose regarding assignment of attorneys to cases and the instances of exceeding the 60 day “rule” regarding guardianship appointment. Although deadlines are set, there doesn’t seem to be enforcement. Rob suggested that complaints should be submitted in writing. Pat stated that some verbal complaints from guardians should try to be resolved verbally. ➤ Another complaint regarding compliance is that Las Vegas needs Guardian <i>Ad Litem</i>s (GAL). ➤ Question raised about the reimbursement for GALs. Pat stated that for FY08 these reimbursements would remain the same and acknowledged the fact that this was by no 	Information/follow-up when compliance position filled in FY08.		Closed

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	<p>means enough for the people taking on these responsibilities.</p> <ul style="list-style-type: none"> ➤ Frank informed the group that compliance reviews may indicate where training is required. ➤ Patricia Wagner informed the group that APS pays \$250 for GAL. A \$45,000 grant was received to expand services to Valencia, Sandoval and Torrence counties. She also suggested that some training for attorneys who do not know what is involved in GAL. She stated that APS pays \$240 as court visitor (CV) and some people may not know the time involvement may be an issue. ➤ Gabrielle suggested reaching out to visitors for “volunteer” program at State Bar for Pro Bono as court visitors or GAL. ➤ Suggestion made to produce pamphlet which shows a step by step process for becoming a petitioning attorney, GAL, guardian, etc. 			
<p><i>House Joint Memorial 34 –Task Force</i></p>	<p><i>Pat</i>, informed the group that 51% of the task force must be comprised of non-state agency people.</p> <ul style="list-style-type: none"> ➤ The task force would review the process by which guardians of adults are appointed, trained, supervised and reviewed. ➤ The task force should not include too many members but subcommittees could be formed. ➤ Pat states we are in the process of negotiating contract with Protection and Advocacy to include initial scope of work on different areas. ➤ Issues may include but not limited to: <ul style="list-style-type: none"> ○ Conflicts in health issues. ○ What makes what decisions at what time? ○ Ongoing effort on increasing self determination for judges and lawyers. ○ Oversight and monitoring of private and family guardianships. ➤ Guardianship is under funded by \$29,500 for RFP process. ➤ DDPC would like to make sure that all interested parties 	<p>Information</p>		<p>Closed</p>

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	<p>are involved and no one is overlooked.</p> <ul style="list-style-type: none"> ➤ Patricia Wagner states that info has been obtained by New Mexico Guardianship Association and perhaps that info could be used for statistical purposes. Pat. P stated that some of that info ad been included previously and he was asked to remove the info. He would like to send out invitations for participation. ➤ Pat informed the Council that the Scope of Work had not been completed yet, but should be completed by early June. 			
<i>New Regs/guidelines</i>	<p>Pat informed the Council that Regulations and Guidelines regarding eligibility and evaluations were sent out yesterday. He also stated that we were working with Medicaid with a possibility of using their guidelines for eligibility and screening for inclusion in program.</p> <ul style="list-style-type: none"> ➤ Pat stated that at this time Priority Contracts are done before previous contracts run out. ➤ At this time we are pushing to assign clients to an attorney to be put on for services. ➤ We have tried to pare down the wait list. ➤ Qualifying individuals can be put on wait list as young as 17 ½ years old. ➤ Our services are for individuals who don't have the resources to obtain these services. 	Information		Closed
<i>Budget for FY08</i>	<p>Pat informed the Council that \$1.5 mil increase to the guardianship budge would eliminate the wait list and vacate clients who may need to be moved to corporate guardianship. At this time we hold back funds for "last minute" referrals (APS, NMBHI)</p> <ul style="list-style-type: none"> ➤ Re-evaluate increasing base budget to \$400,000 plus \$250,000 special originally requested for this year but moved to next year. ➤ We should be able to move 141 people off the waiting list. ➤ If client moved to corporate guardianship, they need to hold money for transferring. 	Information		Closed

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	<ul style="list-style-type: none"> ➤ Pat states there will be an increase in all 4 populations this year end with 150 – 160 new wards. 			
<i>Role of Guardian</i>	<p>Frank asked Rob to present some of his concerns over the role of the guardians.</p> <ul style="list-style-type: none"> ➤ Conflicts over services with wards. ➤ Organizing areas where guardians act and don't act. ➤ Duties and obligations. ➤ Health issues vs. mental health. ➤ Conflict between service providers and guardians. ➤ Ward complaints that guardians are not acting in the best interest of the ward. ➤ Anna – service arena some guardians act inappropriately. ➤ Again, discussion focused on what areas the Task Force may be undertaking with issues of the role of the guardian. <ul style="list-style-type: none"> ○ Doris suggested statutes that might be helpful where guardians are mentioned and a list of duties for that statute. ○ The task force could have a standardized order regarding guardian's duties. ○ Dennis suggested that issues should be listed so that GAC could make recommendations. ○ Pat wondered if this office or DOH would bring perspective to this council. Dennis believes that within the task force, people would look to the OG for precedents. ○ Patricia suggests that statutes may just need clarification vs. legislative change. She also states that each judge may have a different take these duties. ➤ Frank summed up: <ul style="list-style-type: none"> ○ Identify what general issues may be and what the decisions are. ○ Research statutes involved. ○ Identify areas where guardianship is an issue. ○ Bring generalizations and not individual cases for different points of view. 	Information		Closed

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	<ul style="list-style-type: none"> ➤ Anna had questions regarding the Memorial Task Force and the GAC or DDPC/OG staff involvement. Pat clarified that the main committee would include 30-40 people. There would also be subcommittees which may be larger than the task force. The Memorial Task Force was not formed yet. He also reiterated that we should participate but not control. Doris will send out an e-mail regarding the task force. 			
<i>Recommendations for appointments</i>	Doris suggested that they come together with their members with a list of members recommended for appointment.	Information		Closed
<i>Future meetings</i>	GAC will meet the 3 rd Friday of each month at 9:00 a.m. in the NMDDPC Conference Room.	Information		Closed
NEXT MEETING	Friday, June 15, 2007 at 9:00 a.m. NMDDPC Conference Room			