

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

February 27, 2007
3:30 p.m.

Office of Court Administration
205 W. 14th St., Suite 605
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on February 27, 2007 at 3:59 p.m. The meeting was held at the Office of Court Administration in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

ATTENDANCE OF MEMBERS

Meredith Musick, Executive Assistant at the Office of Court Administration (OCA), called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair
Jason Armstrong
Garth Corbett
Dr. Raymond Costello
Carol Patrice Dabner
Susan Eason
Don Ford
Phillip A. Grant
Marlane Meyer
Gina Patterson
Janice Thompson
Patti Turner
Robert Warach

All members attended via telephone conference call. Leah Cohen joined the meeting in progress. Others present were Carl Reynolds, Administrative Director; Margaret Bennett, General Counsel; Katie Bond, Assistant General Counsel; Lesley Ondrechen, Paralegal; and Meredith Musick, Executive Assistant, all of the OCA. Members of the public present were Tim McGinnis and Barb Scobey of the Department of Aging and Disability Services (DADS).

ADMINISTRATIVE DIRECTOR'S REPORT

Mr. Reynolds reported that OCA had requested an exceptional item to fund a certification division, which would indirectly benefit Board. The exceptional item was not granted on either the House or Senate side. In all likelihood, funds will not be appropriated.

LEGISLATIVE UPDATE - 80TH LEGISLATURE, REGULAR SESSION

Mr. Reynolds summarized three Senate bills affecting the Board: SB 505-criminal history; SB506-provisional certification; and SB 507-reimbursement of the Board's travel expenses to attend Board meetings. Although hearings have not yet been set, Mr. Reynolds or Ms. Bond plan to testify, and Board members are welcome to attend the hearings. Ms. Bond will inform the Board of the bills' progress. Mr. Reynolds stated that if funding is not appropriated for reimbursement for members' travel to Board meetings, OCA may be able to cover the expenses from existing resources, even if the certification division exceptional item is not granted.

CLOSED SESSION

The Board went into closed session at 4:06 p.m. to discuss Item IV - Employment Issues-Director of Guardianship Certification Program, in accordance with section 7(c) of its Public Meetings Policy. No vote was taken during the closed session. The Board reconvened in public session at 4:14 p.m.

APPOINTMENT OF COMMITTEE TO ASSIST IN SELECTION OF THE GUARDIANSHIP CERTIFICATION PROGRAM DIRECTOR

The Chair re-appointed Jason Armstrong, Gina Patterson and Bob Warach, who had served on the previous Director Selection Committee. The Director Selection Committee will review applications after OCA staff has screened them.

CERTIFICATION EXAM

Sally Hurme of the National Guardianship Foundation (NGF) joined the meeting via teleconference call. Given the change the Supreme Court made in Rule VI9d)(1), the question to be resolved by the Board is whether to require applicants to take both the national exam and the Texas-specific exam. Ms. Hurme explained that NGF's response to OCA's Request for Proposals was based on the assumption that the certification exam for Texas guardians would consist of two separate parts: the Registered Guardian (that is, national) exam and the Texas-specific exam.

The Board discussed the issue. The Board also discussed the long-term goal of developing a consolidated exam, but the consensus of the Board was it is not possible to prepare a consolidated exam in time to meet the September 1 deadline for certification. Ms. Thompson commented that cost is an issue for funding programs statewide. There is a shortage of guardians in Texas, and recruiting people to be guardians is difficult; the cost of two tests adds to the difficulty.

A motion was made to require guardians to take NGF's Registered Guardian exam and the Texas exam to be certified by the Board. Upon second, the motion carried. The Chair asked the Board to re-visit this issue in the future, and possibly develop a consolidated test for future use which would cover national and Texas-specific items.

A question was raised: if the Board goes to one consolidated test, would people have the same portability they have taking the Texas test and the Registered Guardian test. Ms. Hurme replied that once a person achieves Registered Guardian status, it is his or her responsibility to maintain that status by renewal every two years.

RULEMAKING PROCESS TO ADDRESS STATUTORY AMENDMENTS MADE BY 80TH LEGISLATIVE SESSION

Ms. Bond reviewed a proposed timeline for rulemaking with the Board. The timeline assumes that SB 506, providing for provisional certification, is passed by the legislature. She recommended a subcommittee comprised of the Board members on the Rules Committee, and those in the guardianship community interested in this issue. Ms. Bond named Colleen Colton, DADS, Steve Fields, Suzanne Cobb, Donna Baugh and Amy Gleason from the Guardianship Advisory Board; the Chair suggested the head of the Harris County guardianship program be included.

Philip Grant, Marlane Meyer, Don Ford, and Carol Patrice Dabner, members of the Rules Committee, will serve on the Provisional Certification Subcommittee Ms. Bond will contact the stakeholders, and will coordinate with Mr. Ford to convene the subcommittee.

APPLICATION FORMS AND PROCESSES

The Board reviewed the draft certification application form provided by Ms. Bond. She recommends a separate instruction sheet. The Board made suggestions for changes to the form. The Chair asked all Board members with comments and revisions to e-mail them to Ms. Bond so she can incorporate them into the form.

COMMITTEE ASSIGNMENTS

Members were assigned to the Director Selection Committee and Provisional Certification Rules Subcommittee during the course of the meeting. No other committee assignments are needed at this time.

PUBLIC COMMENT

There were no public comments.

SCHEDULE FOR FUTURE BOARD MEETINGS

The next Board meeting is scheduled for May 18, 2007 beginning at 11:00 a.m.. It will be held at the Texas Center for the Judiciary in Austin. Future meetings will be scheduled at the May meeting.

ADJOURNMENT

On motion and second, the meeting was adjourned at 5:03 p.m.