

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

June 5, 2007
12:00 noon

Office of Court Administration
205 W. 14th St., Suite 733
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on June 5, 2007 at 12:05 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

Lesley Ondrechen, director of the Guardianship Certification Program, called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair
Leah Cohen, Vice-Chair
Jason Armstrong
Garth Corbett
Don D. Ford
Marlane Meyer
Kathy Strong
Patti Turner

All members attended via telephone conference call. Dr. Raymond Costello, Carol Patrice Dabner, Susan Eason, Phillip A. Grant, Gina D. Patterson, Janis Thompson and Bob Warach did not participate. Others present were Katie Bond, Assistant General Counsel, and Lesley Ondrechen, Director of the Guardianship Certification Program. Members of the public present at the meeting were Tim McGuinness, Alex Jones and Barbara Scobey, Texas Department of Aging and Disability Services (DADS).

PROPOSED AMENDMENTS TO RULES GOVERNING GUARDIANSHIP CERTIFICATION

Provisional Certification

Don D. Ford, Chair of the Rules Committee, reported that amendments to the rules providing for provisional certification had been posted for public comment, and the comment period expired on June 4, 2007. Comments received from DADS and a probate judge were provided to the Board prior to the meeting.

Alex Jones presented DADS' comments to the Board. The five areas of concern are: an employee relationship is implied by the word "supervisor;" provisionally certified guardian is the only person allowed to report changes of name and address to the Board; consequences to supervisor for the actions of a provisionally certified guardian; supervisor's responsibility for provisionally certified guardian's work; and only one two-year provisional certification period.

The Board discussed each comment and DADS' proposed new language for the affected rules. In particular, the Board emphasized that a supervising guardian of a provisionally certified guardian must perform a supervisory, rather than merely a mentoring, role. Ms. Ondrechen pointed out that the last definition in Rule II should be lettered "q", not "o". On motions and seconds, the Board voted to make no changes to proposed Rules II(o), XIV(c)(3), XIV(d), and XIV(d)(1)(A). On motion and second, the Board agreed to accept DADS' wording on Rule XIV(f), permitting an extension of a provisional certification period if a waiver is sought and approved by the Board. On motion and second, the Board approved the proposed Rules as amended, and directed that the rules be submitted to the Supreme Court for approval. All motions carried.

Criminal History

Katie Bond reported that the Supreme Court rules attorney suggested changes to the language in proposed Rule VI(g) to set out the process for applicants to obtain their criminal history searches and have them sent to the Board. The Supreme Court adopted the new rules and sent them to the clerk of the court on May 29. Copies will be sent to the Board when the order is received from the Supreme Court.

FUTURE BOARD MEETINGS

The next Board meeting is scheduled for Friday, July 27, 2007 beginning at 11:00 a.m. It will be held in the Office of Court Administration's offices in Austin.

ADJOURNMENT

On motion and second, the meeting was adjourned at 12:53 p.m.