



IGA NEWS- AUGUST

The Illinois Guardianship Association
PO Box 64845
Chicago, IL 60664-0845
Phone 312-458-9867
www.illinoisguardianship.org



Illinois Guardianship Association 2007-2008

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A LETTER FROM THE PRESIDENT

Another Illinois Guardianship year is underway and I am very honored to be the President of IGA. Many thanks to last year's President, Bill Scheidemantel for his capable leadership of the association as well as the hard work of the IGA board members. Congratulations to the other newly elected officers and board members of IGA. I look forward to a productive year in 2007-08.



After two successful fee conferences, one in Chicago and one in Mt. Vernon, the leadership of IGA has decided to hold a joint conference in conjunction with the National Guardianship Association in Chicago in the spring of 2008. A great deal of effort will be generated this year to make this event a reality. Speaking of the NGA, as has been the practice for the last several years, IGA will hope to send a representative to the NGA Annual Conference coming up this fall in San Antonio.

The IGA Board will be holding four board meetings in 2007-08, the first one to be conducted on July 12th. In addition to the ongoing board committees - Community Education & Training, By-Laws & Standards, Legislation, Finance & Membership, Newsletter, Website and Nominating, a new Committee is being organized to look at the current Public Guardian system in Illinois and formulate suggestions for improving the system. Several members have already agreed to serve on this committee, but if others are interested, please contact me.

The IGA website continues to be good source of information and helpful links. Many thanks to Helen Godlewski Brownfield for her ongoing work on upgrading this valuable tool.

Special thanks to Bill Scheidemantel and Gina Rossi for their efforts at producing newsletters for the association. If any members have relevant material for an upcoming newsletter, or would like to submit advertising for the newsletter, please contact Gina at Gina.Rossi@illinois.gov.

My goal for the year is to make the association a valuable enterprise for current members and to reach out to potential new members. Current members need to pass the word about IGA to those who could benefit from being a part of the association. I also urge members to contact me with their suggestions, questions or concerns. My e-mail is: erbes@siu.edu. My direct line phone number is (618) 453-8778.

John F. Erbes
President, IGA
Associate Clinical Professor
Southern Illinois University School of Law

Legislative Update



The following bills have passed both houses:

HB 892– Nursing Home Air Conditioning and heat– provides that all areas used by residents must be heated and air conditioned.

SB-234-Mental health Involuntary Admit– Amends the Mental Health and Developmental Disabilities Code Provides that a “person subject to involuntary admission” includes a person with mental illness and who because of his or her illness is reasonably expected to engage in dangerous conduct.

HB 734—Elder Abuse –Report Response Provides that in the case of a report of alleged or suspected abuse or neglect that places an eligible adult at risk of injury or death, a provider agency shall respond without delay and shall ensure that it is capable of responding to such a report 24 hours a day 7 days a week. Also provides that the provider may implement an on - call system to manage reports.

SB 452– Probate- Abuse Disabled GAL Fee– Provides that no guardian ad Litem or legal fees shall be assessed against DHS’ Office of Inspector General where that office is the petitioner pursuant to the Abuse of Adults with Disabilities Intervention Act

SB 481– Probate Custodial Claim– Provides that a statutory custodial claim against the estate of a deceased disabled person made by a close relative who cared for the disabled person by living with and personally caring for the disabled person for a least 3 years is based on the degree of the persons disability

SB 574– DHS CILA– Nursing Services- Provides that DHS shall require that any agency operating a CILA (Community Integrated Living Arrangement) must provide adequate nursing services to all recipients.

TO READ ANY OF THE ABOVE BILLS IN COMPLETE FORM PLEASE VISIT

WWW.ILGA.GOV

SAVE THE DATE !!!!!

New from NGA in 2008

The Spring Colloquium on Guardianship

Colloquium is an uncommon word about to take on more prominence for the guardianship community. In the spring of 2008 the National Guardianship Association will introduce the first colloquium designed specifically to allow guardians to explore a topic of interest in some depth. Planned as a one-day event in Chicago, it is hoped this will be the first in an annual series of colloquia that will be held each year in different parts of the country.

Friday, April 4, 2008

Embassy Suites Hotel O'Hare

Chicago, Illinois

Rights of Wards

In addition to a General Session on Rights of Wards Issues Addressed by Noted Experts Will Include:

• **γ Voting Rights for Incapacitated Persons**

• Samuel R. Bagenstos, JD, Associate Dean/Professor of Law, Washington University Law, St. Louis

• Anthony E. Rothert, JD, Legal Director, ACLU of Eastern Missouri

• **γ Interstate Guardianship and the Due Process Rights of Wards**

• Sally B. Hurme, JD, Senior Project Manager with AARP Financial Security, Washington, DC

• Terry W. Hammond, JD, RG, NGA Executive Director

• Anthony Rothert, JD, Legal Director, ACLU of Eastern Missouri

• **γ Reproductive Rights for Incapacitated Persons**

• (Abortion, Birth Control, Sexual Activities for Disabled Persons)

• Benjamin S. Wolf, JD, Associate Legal Director ACLU of Illinois

• Lorie A. Chaiten, JD, Director, Reproductive Rights Project, ACLU of Illinois

• **γ Confidentiality Issues and Ward Rights**

• Sandra Kopels, JD, MSW, Professor, University of Illinois at Urbana-Champaign

• **γ Using Volunteers to Safeguard Ward Rights**

• Barbara Matlak, RG, Adult Guardianship Services, Cleveland, Ohio

• Becky Pryor, MSN, MA, RG, Creative Approaches, LTD, Indianapolis, Indiana

• Jean Krahn, RG, Kansas Guardianship Program, Manhattan, Kansas

• Colleen Colton, MG, Guardianship Services, Inc., Fort Worth, Texas

• Gina Rossi, RG, Illinois Guardianship and Advocacy Commission, Chicago, Illinois

• Featuring a luncheon presentation on “Guardianships and the Rich and Famous – Mary Todd Lincoln”

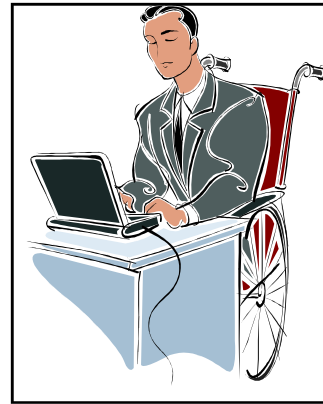
• NGA extends its thanks to the Illinois Guardianship Association for its collaboration in developing this program and for its support and encouragement in bringing about the first Spring Colloquium.

Watch for program details and registration information at:

www.guardianship.org

Consent Decree will ensure that people with disabilities receive power wheelchairs

Settlement to increase the independence of people with disabilities



CHICAGO – Recognizing that nursing home residents with severe disabilities deserve [motorized wheelchairs] immediately, the U.S. District Court for the Northern District of Illinois today entered a consent decree resolving a class action discrimination complaint brought by four individuals with disabilities against the Director of the Illinois Department of Healthcare and Family Services. The decree (*Jackson v. Maram* No. 04-C-0174) mandates that all Medicaid-eligible nursing facility residents in Illinois be provided with, when medically appropriate, a motorized wheelchair.

The named plaintiffs, who all live in Medicaid-funded nursing homes, filed the original complaint for themselves and other nursing home residents who were denied or not provided medically-necessary motorized wheelchairs. Without power wheelchairs, they were not able to get around independently or access the services they would need to leave the nursing home and live in the community. Unable to use public transportation, go to a movie, or visit friends and family, these residents spent many days confined to their beds. Roel Villareal, one of the original plaintiffs, who, since the complaint was filed in 2004, has been approved for a power wheelchair, said, "Everyone who needs a wheelchair should have one. Without a wheelchair, I spent most of my days in bed, unable to do anything on my own. The motorized wheelchair gives me the choice to visit family and friends as I please and live more independently." Mr. Villareal's situation is similar to thousands of other nursing home residents in Illinois.

The complaint alleged that denying the applications for power wheelchairs was in violation of the Social Security Act, the Rehabilitation Act, and the Americans with Disabilities Act. "The Department of Healthcare and Family Services has responsibility to assure that nursing homes who participate in Medicaid help people with disabilities become as independent as possible," said Max Lapertosa, an attorney from Access Living who represented the plaintiffs. "We are pleased that the State settled with the plaintiffs on this important issue," Lapertosa added. "We look forward to working with the Department of Healthcare and Family Services to implement the consent decree."

Under terms of the decree, among other actions, the Department is required to:

- notify nursing home residents of their right to a motorized wheelchair when medically necessary;

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- notify nursing facilities of their responsibility to assess residents for motorized wheelchairs, using qualified and trained professionals; and,
- ensure that residents receive motorized wheelchairs if recommended as medically necessary.

In addition, the Department of Healthcare and Family Services is required to take disciplinary action against nursing homes that fail to ensure that eligible recipients receive power wheelchairs.

One of Access Living's core goals is to end the unnecessary segregation of people with disabilities in nursing homes and institutions. In 1999, the U.S. Supreme Court made this goal the law of the land in its landmark decision, *Olmstead v. L.C.*, which declared that unnecessary institutionalization of people with disabilities violates their civil rights. "Access Living and the disability community have been working hard to encourage Illinois to fulfill its responsibility under *Olmstead*," said Marca Bristo, Access Living's President and CEO. "Without the ability to move around, it is impossible for thousands of people with disabilities to live outside of nursing homes. Today's decision will give people with disabilities the ability to move around independently, which will empower them to make their own choices about where to live. Power wheelchairs for people who need them are like freedom machines."

According to Stephen Gold, a Philadelphia civil rights attorney who co-represented the plaintiffs, "When a person cannot leave his or her bed due to his or her inability to secure a motorized wheelchair, it encourages unnecessary segregation in nursing homes. Today's settlement will give thousands of people living in nursing homes the ability to secure a motorized wheelchair and empower them to live independently."

Governed and staffed by a majority of people with disabilities, Access Living is Chicago's only center for independent living and works toward the full equality, inclusion and empowerment of all people with disabilities. For more information, contact Gary Arnold, Access Living, at 312.640.2199 (voice) or 312.640.2102 (tty).

Source: Press Release by Access Living Posted March 01,2007

<http://www.accessliving.org/News.htm>

The IGA newsletter is a quarterly publication. Would YOU like to contribute? We'd like to hear from you. Please send all articles, questions or comments to Gina Rossi at Gina.rossi@illinois.gov

**Is it time for
you to renew
your IGA
membership?**

**Questions? Give us
a call (312) 458-9867**

*The IGA has many
different
subcommittees looking
for new members, the
newsletter, conference
planning, legislative
issues. . .*

*For a full list of
committees and
opportunities contact
US!*

Request for case information to IGA members !!

Dear Mr. Scheidemantel,

I am a researcher at the Sargent Shriver National Center on Poverty Law, and I'd like to ask your help regarding one of our cases. We're trying to find information on tax scavenging when vulnerable populations are behind on property taxes, particularly seniors. We are most interested in tax scavengers' repossession of homes, which we believe often occurs without providing adequate notice to the owners. Are you aware of any data or research on this problem? We'd like estimates of the numbers of homes that have been lost in such situations, or stories of seniors who have lost their homes (especially if they received inadequate notice or could not understand the notice). And could you please pass this email along to your members? We would really appreciate hearing the Guardians' stories or rough estimates of lost homes in the regions they serve.

I can be reached at alicesverdlik@povertylaw.org or 312-263-3830 ext. 274.

Many thanks for your time and assistance.

Best,

Alice Sverdlik
Housing and Economic Opportunities Specialist
Sargent Shriver National Center on Poverty Law
50 E. Washington St., Suite 500
Chicago, IL 60602
312.263.3830 ext.274
Fax: 312.263.3846

Thank you for your interest and participation in the Illinois Guardianship Association. For questions, concerns, information or to become involved in one of our many committees, please contact Sandy Hayes via email at Sandra.hayes@illinois.gov

Would you like to become a REGISTERED GUARDIAN ?

A Registered Guardian Course Review and Exam will be held along side the Spring Colloquium—save the date Please contact Gina Rossi via email at gina.rossi@illinois.gov Also feel free to research registered guardians on the National Guardianship Association's Website at www.guardianship.org for more information.

**Visit us on the world wide web at
www.guardianship.org**

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