

Joint Legislative Oversight & Sunset Committee

Stay Connected

Mark Brainard Jr. & Amanda McAtee

Division of Research, analysts for JLOSC

Twitter: @DEDivResearch

Email: Sunset@Delaware.gov

Web: legis.delaware.gov/Committee/Sunset

Phone: (302) 744-4114

All agendas posted on General Assembly and Public Meeting Calendar websites.

- legis.delaware.gov
- publicmeetings.delaware.gov

Join our mailing list: Send a blank email with the subject "Join Mailing List" to Sunset@Delaware.gov.

Email written comments to Sunset@Delaware.gov.

JLOSC Meeting:

April 6, 2023

Starting at 12:00 p.m.

SEE AGENDA FOR DETAILED INFO

Today's Review Presentation:

Delaware Guardianship Commission

Zoom webinar registration required for public comment on a presentation.

Register via Zoom by using registration link on posted agenda, scan QR Code with cell phone camera, or use <https://bit.ly/JLOSC46>



Join Zoom webinar to offer public comment on agenda item #4. Per JLOSC Rule 7, public comments must be on the subject at hand, agenda item #4.

Sen. Kyra L. Hoffner, Chair
Sen. Kyle Evans Gay
Sen. Russell Huxtable
Sen. Brian Pettyjohn
Sen. Bryant L. Richardson



Rep. Sherry Dorsey Walker, Vice Chair
Rep. Richard G. Collins
Rep. Kendra Johnson
Rep. Stell Parker Selby
Rep. Jeff N. Spiegelman

STATE OF DELAWARE
JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

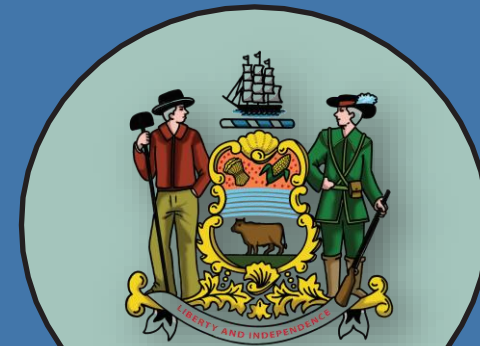
Joint Legislative Oversight and Sunset Committee
Hybrid Meeting
JFC Hearing Room and General Assembly [Live Stream](#)
Thursday, April 6, 2023
12:00 p.m.

Agenda

1. Welcome
2. Approve Minutes
3. Presentation: Delaware Guardianship Commission
4. Public Comment: Delaware Guardianship Commission review
5. Staff Findings and Recommendations: Delaware Guardianship Commission
6. Recommendations for Delaware Guardianship Commission
7. Recommendations for Provider [Child Care] Advisory Board
8. Adjournment

Note: The Committee's Chair will recognize members of the public to supply comments after an entity's presentation, **zoom meeting registration is required**. Per JLOSC Rule 7, public comments must be on the subject at hand and are limited to 2 minutes per individual. Zoom registration is not required to simply watch the meeting's live stream.

Written public comments can be submitted to Sunset@Delaware.gov or by using the Committee's public comment [form](#). Self and Staff Reports about these reviews are available on the Committee's [website](#). Contact JLOSC staff with any questions.



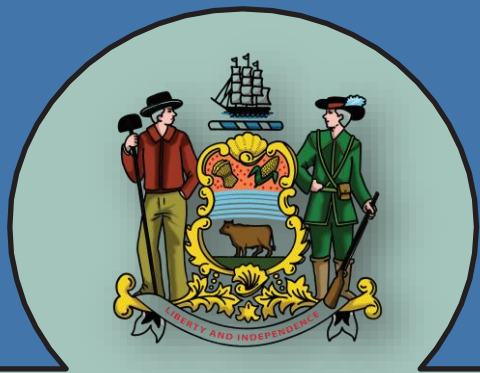
Joint Legislative Oversight
& Sunset Committee

2023 Review Presentation:
Delaware Guardianship Commission



Zoom Registration:
<https://bit.ly/JLOSC46>

See posted agenda for full details.



Joint Legislative Oversight & Sunset Committee

Public Comment: Delaware Guardianship Commission

Registration Required Scan QR Code Below



Email written comments to
Sunset@Delaware.gov

All agendas posted on General
Assembly and Public Meeting
Calendar websites.

- legis.delaware.gov
- publicmeetings.delaware.gov



Scan QR code or enter
<https://bit.ly/JLOSC46>
and register via Zoom

Register and join Zoom webinar
in progress.

Staff will call on members of the public
in the order of registration.

Per JLOSC Rule 7, public comments
must be on the subject at hand



Staff Report

Delaware Guardianship Commission

5 total staff findings, highlights include:

- The Commission engaged in topics concerning adult guardianship and formed subcommittees to facilitate discussions. Commission meetings do not include any consistent reporting from the Office of the Public Guardian.
- The Commission performs half of their statutory duties, has met the statutory requirement to meet quarterly for all but 3 years. Annual reports not completed by the Office or Commission.
- This review observed Freedom of Information Act (“FOIA”) compliance issues, however recent improvements detected.
- Bylaws are outdated. Current Commission structure not ideal to facilitate broad discussions on adult guardianship.
- Adult guardianship support and advocacy is not specific to the Office of the Public Guardian. With issues surrounding adult guardianship, a national approach and network exists to find collaborative solutions. Because adult guardianship cases and issues will continue to rise, JLOSC should consider modifying this Commission to incorporate additional stakeholders, advocacy topics.

Staff Recommendations

Delaware Guardianship Commission

4 total:

- JLOSC staff recommends continuing the Commission with modifications.
- Sponsoring legislation to update Commission to be more consistent with a national WINGS group.
 - update name, composition, define quorum, staffing resources, apply technical corrections.
 - JLOSC staff has research from other state WINGS groups to help implement this recommendation.
- Update bylaws.
- Release from review with enactment of legislation.

JLOSC members may modify staff recommendations or create their own.

Adopting a recommendation requires affirmative vote of 7 JLOSC members.

Recommendation #1, Option 1 – Continue the Delaware Guardianship Commission
After review and analysis, JLOSC staff recommends option 1, continue the Delaware Guardianship Commission, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Delaware Guardianship Commission shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Delaware Guardianship Commission is terminated, and the Committee will sponsor legislation to implement this recommendation.

Recommendation #2 – Statute Revisions

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Delaware Guardianship Commission, Chapter 39, Title 12, and using this review as a guide, applying revisions to sections covering topics such as:

- Consider a name update to “Delaware Adult Guardianship Commission.”
- Update Commission composition.³⁹
 - Update membership consistent with national WINGS groups.
 - Define quorum.
 - Update Commission staffing resources.
- Update Commission duties.⁴⁰
 - Incorporate duties consistent with national WINGS groups.
 - Receive non-identifying data from the Office of the Public Guardian.⁴¹
- Update Commission references in Subchapter VI. Public Guardian.⁴²
 - Remove Public Guardian as Executive Director the Commission.

JLOSC and Delaware Guardianship Commission staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as appropriate. While statutory revisions are developed, the Commission will continue working on developing the standards for fee collection as prescribed in 12 *Del. C.* § 3986.

Recommendation #3 – Update Bylaws.

The Delaware Guardianship Commission shall consider revising their bylaws.

- Update quorum to accepted standards.
- Apply updated FOIA provisions pertaining to virtual meetings.
- Remove Public Guardian as Commission chair, allow Commission to vote for all officer positions from the voting membership.
- Update duties of the Office of the Public Guardian to present non-identifying data at Commission meetings at a frequency requested by Commission members.⁴³

³⁹ 12 *Del. C.* § 3991.

⁴⁰ 12 *Del. C.* § 3992.

⁴¹ Examples listed under Finding #1 of Staff Report.

⁴² 12 *Del. C.* § 3981 and 12 *Del. C.* § 3983.

⁴³ Examples listed under Finding #1 of Staff Report.

Recommendation #4 – Release from Review.

Release the Delaware Guardianship Commission from review upon enactment of legislation applying technical corrections and other changed listed under Recommendations 2.