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## Lighting the Way to Guardianship and Other Decision-Making Alternatives

The Statewide Public Guardianship Office (SPGO) is pleased to announce that the Florida Developmental Disabilities Council, Inc., has awarded SPGO and its partners a grant to implement training for self-advocates, family members and attorneys on the topic of decision-making alternatives. SPGO's partners on the grant project are the Agency for Persons with Disabilities and the Office of Public Guardian, Inc., which is based in Tallahassee.

The primary purpose of the project is to increase the overall knowledge of individuals with developmental disabilities and their families about decision-making options and guardianship in Florida. A secondary purpose is to increase the overall knowledge of attorneys and other legal professionals about Florida's disabilities community and Florida Statutes pertaining to guardianship and guardianship alternatives.

A long-term goal of this project is to have these attorneys, once trained, willing to work with Florida's population of persons with disabilities at reasonable rates to help them and

their families successfully navigate the legal system. The self-advocate/family member training is free; attorney registration is \$165 (with certain exceptions).

### Self-advocate and family member trainings:

June 20, 2009 - Jacksonville  
(at capacity)

July 11, 2009 - West Palm Beach

July 18, 2009 - Sarasota

### Attorney trainings:

June 19, 2009 - Jacksonville

July 10, 2009 - West Palm Beach

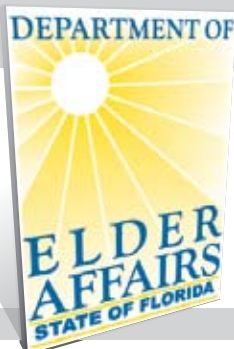
July 17, 2009 - Sarasota

Interested in attending? Call the registration office toll-free at 1-866-615-0284, extension 107, or visit [www.guardianshiptraining.com](http://www.guardianshiptraining.com).

## Reminder

Looking for a continuing education course?

Check out CE Broker at [www.CEbroker.com](http://www.CEbroker.com). The website has more than five pages of continuing education course offerings, including many online options.



## The Long-Term Care Ombudsman Program: Helping Guardians Protect Residents' Rights



Florida's Long-Term Care Ombudsman Program is a volunteer-based organization that works to improve the quality of life of elders living in long-term care facilities, including nursing homes, assisted living facilities and adult family care homes. By directly responding to the concerns of residents, volunteer ombudsmen advocate for Florida's frailest elders, ensuring that their rights, health, safety and dignity are protected. Ombudsman is a Swedish term meaning "one who helps on behalf of another." Here in Florida, they are simply real people, helping real people. Many ombudsmen are elders themselves who want to give something back to their communities.

In addition to receiving and investigating complaints from guardians concerning the quality of a resident's care, ombudsmen may help guardians and their wards by providing information about long-term care facilities and assisting with discharge

hearings. Ombudsmen investigate each nursing home, assisted living facility and adult family care home in Florida at least annually. A copy of these assessments, as well as a summary of the complaints received at a particular facility, may help when you select a facility for your ward.

In most circumstances, residents must receive 30 days written notice before a transfer or discharge from a nursing home and 45 days notice before relocation or termination of residency from an assisted living facility. A nursing home resident has the right to appeal a discharge or transfer and may request that the ombudsman assist with his or her appeal. Local ombudsman offices have a wealth of knowledge about transfer and discharge proceedings and can help you advocate for your ward should a nursing home issue a transfer or discharge notice.

In addition to the right to receive notice before a transfer or discharge,

residents receive other rights upon admission to a long-term care facility. These include the right to be treated fairly and courteously with the fullest measure of respect and dignity, the right to civil and religious liberties, the right to private and uncensored communication, and the right to present grievances without fear of reprisal. A full list of nursing home residents' rights may be found in section 400.022, Florida Statutes. Section 429.28, Florida Statutes, lists the rights applicable to assisted living facility residents, while section 429.85 lists those rights applicable to adult family-care home residents. During their visits to facilities, ombudsmen empower residents by helping them understand their rights and making sure those rights are maintained.

To ask for an ombudsman's assistance or learn more about the program, call toll-free at 1-888-831-0404 or visit the program's website at <http://ombudsman.myflorida.com>.

## Legislative Update



The 2009 regular session of the Florida Legislature concluded on May 1. Although the main focus in Tallahassee was on the state budget, Senator Ronda Storms of Valrico refilled legislation from last year regarding the Department of Children & Families' authority to petition for guardianship when appropriate; Representative John Wood of Haines City filed a companion bill (SB 2404 and HB 1141). The legislation was not enacted this year, but it remains a subject worth watching. The measure would have clarified DCF's role by allowing the department to initiate petitions for guardianship, thus

improving the protection of vulnerable adults. A second component of the bill would have specified that DCF could not be named as guardian of the vulnerable adult.

Another guardianship bill, HB 305 by Representative Elaine Schwartz of Hollywood, was withdrawn prior to introduction. This bill would have recommended adoption of the Uniform Adult Guardianship & Protective Proceedings Act in Florida.

You can see what happened with other legislation at [www.leg.state.fl.us](http://www.leg.state.fl.us).

## SPGO Spotlight

### Frankie Leland Operations Management Consultant (aka Registration Guru)

Frankie Leland, a Tallahassee native, has worked for the people of Florida for seven years, the last three in the Statewide Public Guardianship Office. Ms. Leland is a member of the Florida State Guardianship Association and the local Big Bend Chapter.

In Ms. Leland's role as Operations Management Consultant, she is involved with guardian registration

and guardian continuing education issues. Ms. Leland absolutely loves working with the professional and public guardians of Florida, and describes the most satisfying part of her job as, "Knowing that the work I do ensures that the best possible pool of competent guardianship professionals are serving the needs of our most vulnerable citizens."

### Foundation For Indigent Guardianship, Inc.

If you are looking for a pooled special needs trust, you may want to consider the Florida Public Guardianship Pooled Special Needs Trust (FIG Trust). This is the only trust that guarantees retained funds will go back to the beneficiary's community to fund public guardianship. It is also the only trust of its kind with a trust protector, Berkshire Trust Advisory. For additional information on the FIG trust, contact FIG at 1-888-310-3726.

## WANTED: Your Feedback

Mentoring – The Statewide Public Guardianship Office is researching the feasibility of instituting a professional guardian mentor program in Florida. Many new guardians have expressed a desire to have access to an experienced guardian. With such a program, Florida would once again be a leader in professional guardian training. What do you think of a professional guardian mentor program? Share your thoughts by emailing [lelandf@elderaffairs.org](mailto:lelandf@elderaffairs.org) or fax your comments to 850-414-2384.

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