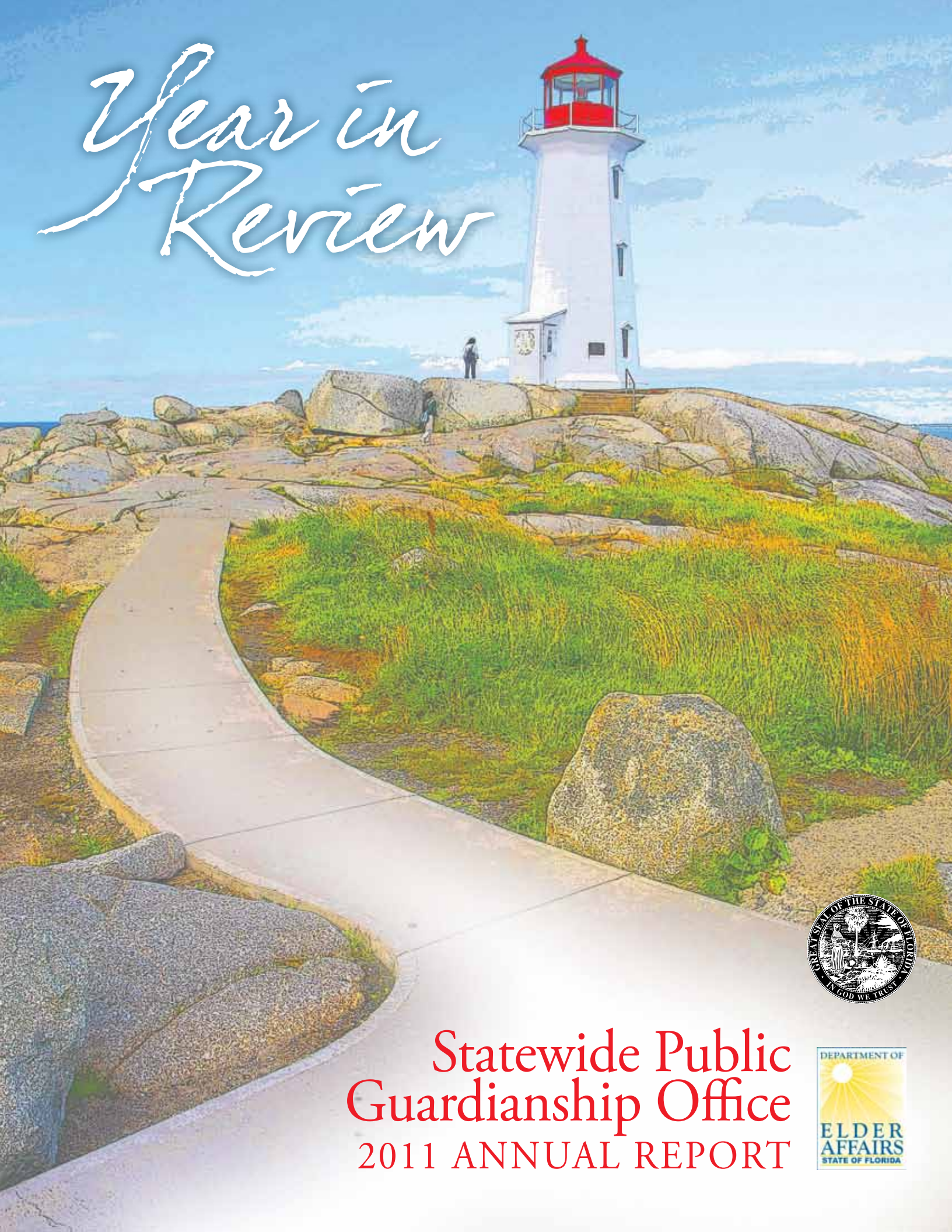
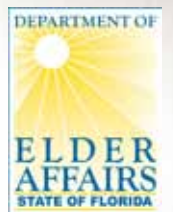


Year in Review



Statewide Public Guardianship Office 2011 ANNUAL REPORT



OUR MISSION

To ensure that every Floridian who requires the services of a guardian has access to a qualified guardian.



Guardianship in Florida

Generally, there are three types of guardians in Florida. If a court determines a person needs a guardian and that person has family or friends who can serve, then the court may appoint that family member or friend. These people are considered non-professional guardians. If the incapacitated person does not have a loved one who can and will serve, but they have assets, the court may appoint a professional guardian to be paid from the person's assets. If the incapacitated person does not have family or friends and is of limited financial means, then the court may appoint a public guardian, if available.

This year, the Statewide Public Guardianship Office has continued to focus efforts on updating and improving the materials used to train professional guardians and the implementation of a mentoring program. This project began almost three years ago and will conclude in 2012. The Statewide Public Guardianship Office's investment in the updated educational materials will lend itself to a better trained and better prepared guardian entering the profession. The last few tasks entailed in implementing the mentoring program should soon be completed, and the students will receive a much more robust educational experience. With the mentoring program, the students obtain a realistic job preview which provides them with experience and education that is difficult to obtain in the classroom setting. It will guide students as they embark upon a profession in which they will be providing services to the most vulnerable of our society. It is anticipated that this mentoring program will provide students the confidence and experience needed to provide competent services to their wards.

During this past year, the Statewide Public Guardianship Office continued serving on the Department of Children & Families' Select Advisory Panel on Adult Services. The Statewide Guardianship Office has also been able to share information and educate the Adult Protective Services staff on guardianship issues.

Sadly, the Statewide Public Guardianship Office lost two of its contractors due to financial issues. Due to limited funding available on both the state and local levels, the public guardians have struggled to keep their doors open. This year, Martin County Public Guardian and Aging Safely, Inc., which served Manatee and DeSoto counties, both have resigned as public guardians. Unfortunately, the state funding was not available to provide the necessary economic support needed to maintain these offices. The remaining public guardians continue to search for additional sources of funding as the need for public guardianship continues to rise and available funding grows scarcer. This office continues to diligently seek funding options for the programs, understanding the vital role the public guardians serve.

Although 2011 was a year of challenges, the Statewide Public Guardianship Office has worked hard to meet those challenges, even in the face of financial uncertainty. We appreciate Governor Rick Scott and Secretary Charles T. Corley, whose support and commitment to guardianship issues has enabled us to continue our work in protecting the most vulnerable citizens.

Yolanda L. Siples, Esq.
Executive Director

Executive Summary



Background

The Statewide Public Guardianship Office was established in 1999, and since 2004, has been administratively housed within the Department of Elder Affairs. The office is responsible for the registration of professional guardians and the appointment and oversight of public guardians. It is the goal of the Statewide Public Guardianship Office for each county of the state to be served by a public guardian; at this time, only a third of the counties have a public guardian.

Guardians serve as surrogate decision makers for individuals who have been deemed incapacitated by the court and can no longer manage their personal and/or financial affairs. An individual's incapacity may be caused by accident, illness, or may be aging-related. As the elderly population increases, the need for guardianship services is likely to rise.

Goals & Objectives

The goals and objectives of the Statewide Public Guardianship Office are to:

1. Increase the number of qualified professional guardians in Florida,
2. Secure permanent public guardianship funding,
3. Improve service delivery, and
4. Electronically maintain public guardianship statistics.

The Statewide Public Guardianship Program continues toward meeting these goals, and the progress is discussed throughout this report. Specifically, the issues of professional guardian training, improved registration procedures, and service delivery are highlighted.

Funding

The Statewide Public Guardianship Office is hopeful that it will secure a permanent funding source to maintain its current programs and to expand operations throughout the state. Many local public guardianship programs are facing a loss in local funding due to the challenges created by the current economic climate. The program has continually sought alternative funding since permanent funding was removed in 2004, when Article V of the Florida Constitution was revised; alternatives include the use of Medicaid dollars.

In 2009, the University of Kentucky completed a study of Florida's public guardian programs that serve 20 Florida counties. This study found that the programs saved the State of Florida approximately \$1.9 million each year. The study recommended the expansion of public guardianship to all 67 Florida counties; however, the current economic climate has not been favorable for such a request. A copy of the University of Kentucky study is available at http://elderaffairs.state.fl.us/english/pubguard/SPGO_Evaluation_09.pdf.

Also, in an effort to reduce the future need for public guardianship services, the Statewide Guardianship Office has supported the education of the populace regarding the use of advance directives. An advance directive enables an individual to name a surrogate decisionmaker prior to becoming incapacitated. With an advance directive in place, guardianship proceedings may be avoided.

Professional Guardian Training Project

The Statewide Public Guardianship Office recognizes that the demand for professional guardians in the state of Florida will increase significantly. Florida is home to a large number of baby boomers as well as retirees. In an effort to prepare for the increased demand, the Statewide Public Guardianship Office contracted with ICF International, Inc., to revise professional training materials and develop a mentoring program to complement the training curriculum. In the process of this revision, ICF International completed a job task analysis which identified the essential job duties of a professional guardian and the knowledge, skills and abilities needed to successfully perform those tasks. This was accomplished by holding a number of workshops with subject matter experts and stakeholders, as well as current guardians. More than 100 job

In 2003, there were 23 registered professional guardians in Florida. Today there are more than 400 registered professional guardians.

duties were identified, and the information was used to design a curriculum that would be responsive to the educational needs of new guardians. Upon development of the curriculum, current guardianship course instructors participated in workshops to evaluate the materials. The Statewide Public Guardianship Office is confident that the training course produced is comprehensive and specifically tailored to meet the learning needs of individuals embarking on a profession as a guardian. This year, the new training curriculum was implemented by holding several train-the-trainer sessions with existing course providers. The course was met with approval and enthusiasm by instructors and their willingness to embrace the technology provided was overwhelming. In order to meet the need for increased instructional providers, train-the-trainers sessions were held and continue to be held for guardians wishing to become course providers. Each of the course providers signed a Memorandum of Understanding with our office which allows for the Statewide Public Guardianship Office to enter the classroom to evaluate the course

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provider and ensure the uniformity and the integrity of the materials being presented. Through course evaluations, this office has been able to identify additional ways to enhance the learning experience for prospective guardians.

This office has made additional strides in establishing a mentoring program. It has been indicated by many professional guardians that the formal training is not sufficient to adequately prepare the prospective guardians for the challenges that may be faced once they enter the profession. Mentoring was identified as a means to assist prospective guardians in transitioning from the classroom environment to the rigors of a career as a guardian. ICF International, Inc., along with the Statewide Public Guardianship Office, had the opportunity to present information regarding the mentoring program to attendees of the annual conference of the Florida State Guardianship Association. From the feedback received, ICF International and the Statewide Public Guardianship Office have been able to continue working on the mentoring program so that it may be beneficial to all those who choose to participate. Program development is ongoing and full implementation is scheduled in 2012.

Public guardians assist with the hospital discharge of approximately 2,000 Floridians per year.

Public Guardian Database Project

The Statewide Public Guardianship Office has begun the process of procuring a new client management database. The new database should provide increased efficiencies for the Offices of Public Guardian, as well as the Statewide Public Guardianship Office. The procurement and selection of a vendor should be completed this winter, with an implementation planned for the spring of 2012. The new database will allow for the automation of some data for the Statewide Public Guardianship Office, giving it a better access to perform planning and forecasting functions. It will also provide greater efficiencies in the process of contract monitoring. The new system will provide the public guardians a comprehensive and robust client management suite that is intended to assist the public guardians in managing their clientele.

Department of Children & Families Select Committee on Adult Protective Services

The Statewide Public Guardianship Office continues to participate in the Department of Children & Families Select Advisory Panel on Adult Protective Services. The panel was established to provide advice and counsel to the Department on issues relating to the provision of services to vulnerable adults. The Statewide Public Guardianship Office will continue to work closely with the Department of Children & Families to address the needs of professional adults. Additional information on the panel, including its upcoming meeting information, can be found at <http://www.dcf.state.fl.us/>.

Legislative Session

The 2011 regular session of the Florida Legislature concluded on May 6, 2011. The Legislature continued focusing its attention on the state of the economy and the state budget. There was little legislation impacting the Statewide Public Guardianship Program during this session. The only laws passed that directly related to this office were the extension of the exemption from public records, information that identifies donors or prospective donors to the direct support organization for the Statewide Public Guardianship Office. The bill resulted as an automatic review of an impending repeal of the exemption. The Legislature passed the bill and donor information continues to be exempt.

*Public guardians save Florida Taxpayers
\$1.9 million annually.*

Also, as a part of a review of scheduled exemption repeals, the Legislature passed HB7085, which maintained the exemption from public records of court records relating to court monitors in guardianship proceedings. The bill clarified that only the court orders finding no probable cause to be confidential and exempt, while orders appointing nonemergency court monitors to be only exempt. Another important piece of legislation, passed in the 2011 session, was an update to Florida's Durable Power of Attorney Laws. Although this does not directly affect the Statewide Public Guardianship Office, this impacts an individual's plan for his or her own or a loved one's incapacitation.

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In addition, this office continues to pursue the ability of corporate guardians to be licensed in Florida as an entity eligible to serve as a professional guardian. Under current law, only non-profit corporate guardians may be appointed as a professional guardian. This legislation will address the increasing confusion and debate among practitioners whether for-profit corporations can serve as a professional guardian. Due to Florida's current need for additional professional guardians, this limitation may hinder the availability of entities to protect incapacitated Floridians. Other jurisdictions permit for-profit corporations to be appointed as guardian for resident wards. Further, this legislation may assist the Department of Children & Families in securing surrogate decision makers for incapacitated persons who are under adult protective services.

National Guardianship Month

Once again, Florida has celebrated National Guardianship Month during October. In recognition of the efforts of Florida's guardians, Governor Scott issued a proclamation recognizing the hard work of family, professional, and public guardians in Florida

Guardians are responsible for their wards 24 hours a day, 7 days a week; without them many needy Floridians would simply be unable to maintain even the most basic quality of life. Secretary Charles T. Corley recognizing the hard work of guardians stated, "Without guardians looking out for their interests, some of Florida's most vulnerable seniors would be easy prey for those who would take advantage of them. All Floridians should take comfort in knowing that someone is looking out for the interests of these citizens in their time of need."

The Statewide Public Guardianship Office extends its sincerest appreciation to all guardians in Florida.



Report of the Foundation for Indigent Guardianship, Inc.

The Foundation for Indigent Guardianship, Inc., is the direct support organization for the Statewide Public Guardianship Office. The foundation's sole purpose is to raise monies to assist with public guardianship in Florida. The foundation's first project was establishing the Florida Public Guardianship Pooled Special Needs Trust. The unique benefit to this special needs pooled trust is that the retained monies will be used to fund public guardianship in Florida. Since the trust's inception, The Foundation has provided more than \$500,000 to public guardianship programs.

The Foundation for Indigent Guardianship, Inc., has raised over \$500,000 for public guardianship.

Performance Measures & Standards Report

Due to the lack of a permanent funding source, the public guardians have lacked the resources to meet Florida's demand. This limitation on service expansion during that fiscal year, 2010-2011, resulted in a nominal increase in the number of cases appointed to public guardians when compared to the previous fiscal year.

The numbers reported from fiscal year 2010-2011 did indicate the number of wards with a qualified family or friend to serve as guardian and the number of petitions filed to appoint a family member or friend to serve as the guardian, both decreased slightly from the previous fiscal year. Most significantly, over the last five years there have been 138 court orders appointing of a family or friend to serve as successor guardian ensuring the program objective to provide a client with a qualified family member or friend as their surrogate decision maker.

Strategic Goals, Objectives, & Performance Measures

STRATEGIC GOAL To ensure every Floridian receiving the services of a Public Guardian receives quality care and service.

OBJECTIVE To timely process and prioritize all referrals based on the immediate needs of the Alleged Incapacitated Person (AIP).

	2007	2008	2009	2010	2011	Strategic Target
Number of total referrals received.	914	951	751	594	607	—
Number of those referrals that met the criteria for OPG.	524	524	551	445	458	—
Number of eligible referrals placed on a waiting list.	225	293	439	376	343	—
Percent of referrals in which activity was initiated by OPG within five (5) days.	98%	98.3%	100%	99%	99%	98%

OBJECTIVE To provide the ward the opportunity to have a qualified family member or friend serve as his or her guardian.

	2007	2008	2009	2010	2011	Strategic Target
Number of cases appointed to OPG during the fiscal year.	566	570	584	464	480	—
Number of wards with a qualified family or friend to serve as the guardian.	39	21	23	33	27	—
Number of petitions filed to appoint a family member or friend to serve as the guardian.	39	21	20	32	26	98%
Number of orders granting appointment of family member or friend to serve as successor guardian.	37	21	21	29	25	—

OBJECTIVE To conduct evaluations to determine whether a ward is able to have his or her rights restored.

	2007	2008	2009	2010	2011	Strategic Target
Number of wards evaluated for restoration of rights.	501	548	2284	1002	2,574	98%
Number of Petitions for Restoration filed.	51	38	43	32	26	—
Number of Petitions for Restoration approved by the court.	16	24	10	21	22	—

OBJECTIVE To strive to increase the frequency of visits to the ward beyond what is mandated in Florida Statutes.

	2007	2008	2009	2010	2011	Strategic Target
Number of wards served during the previous fiscal year.	2342	2544	2598	2622	2,667	—
For the following items, please place ward in only one category.*	—	—	—	—	—	—
Number of wards visited four (4) times per year.	319	640	631	524	91	—
Number of wards visited more than four (4) times per year.	248	340	1711	1465	685	80%
Number of wards visited one (1) time per month.	1530	1377	1859	1575	1,658	—
Number of wards visited one (1) time per week.	7	18	48	32	7	—

Numbers may not equal annual totals. This is usually attributed to a restoration of rights, death of a ward, or date the public guardian was appointed.

Florida's Public Guardians



Aging Solutions

Brevard, Hillsborough, Pasco and Pinellas Counties

Tamara Cribben

Brevard Phone: 1-866-92-Aging

Hillsborough Phone: 813-949-1888

Pasco & Pinellas Phone:

727-442-1188

Fax: 813-963-7161

tamaracribben@aging-solutions.org

Barry University School of Social Work

Broward County

Eloisa Roses Ramos

Phone: 954-862-3655

Fax: 954-862-3659

erosesramos@mail.barry.edu

Charlotte County Public Guardian

Charlotte County

Patrick C. Weber, Esq.

Phone: 239-417-1040

Fax: 239-417-1042

colliercountypg@aol.com

Collier County Public Guardian

Collier County

Patrick C. Weber, Esq.

Phone: 239-417-1040

Fax: 239-417-1042

colliercountypg@aol.com

Council On Aging of Volusia County

Volusia County

Marylou McKeon

Phone: 386-253-4700

Fax: 386-253-6300

guardianship@coaiaa.org

Fifth Circuit Public Guardian Corporation

Marion County

Catherine Ackerman, Esq.

Phone: 352-401-6753

Fax: 352-401-7803

ackerman@atlantic.net

Guardianship Care Group, Inc.

Miami-Dade County
Barbara Reiser
Phone: 305-448-6111 ext. 109
Fax: 305-448-5553
breiser@infocentricolutions.com

Guardianship Program of Dade County, Inc.

Miami-Dade County
Jerry Santeiro
Phone: 305-592-7642
Fax: 305-592-6737
mail@guardianshipprogram.org
www.guardianshipprogram.org

Lee County Public Guardian

Lee County
Robert M. Lipshutz, Esq.
Phone: 239-549-2505
Robert@liplaw.com

Legal Aid Society of Palm Beach County, Inc.

Palm Beach County
Rena Taylor, Esq.
Phone: 561-655-8944
Fax: 561-655-5269
rtaylor@legalaiddpbc.org

Office of the Public Guardian, Inc.

Bay, Calhoun, Franklin, Gadsden,
Gulf, Holmes, Jackson, Jefferson,
Liberty, Leon, Madison, Wakulla,
and Washington Counties
Karen Campbell, Esq.
Phone: 850-487-4609 x103
Fax: 850-922-2986
karen.campbell@bigbendopg.org

Osceola County Council On Aging

Osceola County
Kathleen Foust
Phone: 321-689-0404
Fax: 407-846-8550
occoapublicguardian@earthlink.net

Seniors First, Inc

Orange County
Jenny Shuff-Dowd
Phone: 407-297-9980
Fax: 407-292-2773
jshuff-dowd@seniorsfirstinc.org

*Florida's 13 public guardian offices provide
services to 27 counties.*

For additional information, please contact
the Statewide Public Guardianship Office at:

Statewide Public Guardianship Office
Florida Department of Elder Affairs
4040 Esplanade Way
Tallahassee, Florida 32399-7000
Phone: 850-414-2381
Fax: 850-414-2384

ELDERAFFAIRS.STATE.FL.US