

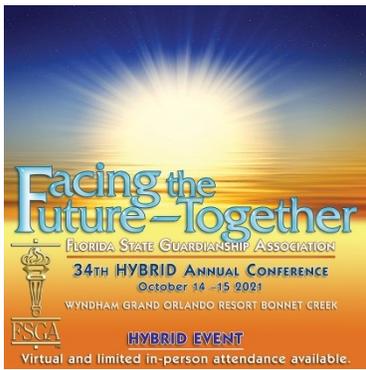


Florida State Guardianship Association

FSGA BULLETIN

Volume 4 Edition #4

FSGA Mission Statement — The Florida State Guardianship Association is dedicated to the protection of the dignity and rights of incapacitated persons and to increasing the professionalism of guardianship through education, networking and legislative action.



Join the FSGA for our Hybrid 34th Annual Conference at the Wyndham Grand Orlando in Bonnet Creek, Facing the Future Together! Offering 5 CEU for Guardians, Social Workers, Paralegals and Nurses and CLE for Attorneys .

A Thursday evening reception kicks off the event, October 14, 2021, at 6:00 PM and is followed by a one- day LIMITED in person conference, Friday, October 15th. Virtual attendance offers enhanced exposure and networking options via the state of the art Whova app. It includes the simulcast conference, mailed swag bags, interaction with sponsors, Q and A, chat features, polls, attendee interaction and much more.

Ethics in Guardianship — Lance M. McKinney, Esq.,

Fiduciary Duty — David Mangiero, Esq., and Mark Vernick

Ethics in Guardianship — Lance M. McKinney, Esq.,

Combatting Financial Exploitation — Shannon Miller, Esq., Jody Leslie, Esq.,

&

A physicians view and guardians — Dr. Brian Kiedrowski

[Register Here](#)



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Facing the Future – Together

FLORIDA STATE GUARDIANSHIP ASSOCIATION

34TH HYBRID ANNUAL CONFERENCE

October 14 –15 2021

WYNDHAM GRAND ORLANDO RESORT BONNET CREEK

HYBRID EVENT — Virtual and limited in-person attendance available.

THANK YOU TO OUR SPONSORS !!

Sponsor visibility and exposure is an important part of our training day. Our educational event will host hundreds of guardians, attorneys, social workers, paralegals, fiduciaries, court and clerk staff, those in the medical field and many more. [Look HERE for opportunities](#)



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PRESIDENT'S CORNER

Hello folks,

A very big thank you to all those that have already registered for our upcoming conference and to our sponsors for your support!

We have lined up a terrific group of speakers with each session being tailor made for FSGA. Our presenters are accomplished professionals and their presentations are going to be good. These presentations will not be “canned or cookie-cutter” by any means.

Additionally, there are various occupations that can obtain CEs besides guardians like licensed social workers, nurses, nursing home administrators, attorneys and paralegals.

As everyone I'm sure can relate, planning anything over the last year and a half has been rather torturous. FSGA has nonetheless adapted well throughout still managing to offer numerous opportunities for continuing education, producing media responses, and performing legislative outreach.

Particularly important, we renegotiated our conference contract with the hotel limiting the contractual potential liabilities, and anticipated very early the need to pushing back the event until now in October.

The hybrid virtual Whova platform is state-of-the-art and we hope those participating virtually will be pleased. For those coming in-person, we are still though taking several COVID precautions. Please be on the look-out for news that will be forwarded soon on this as it will require your action.

Your individual participation and feedback is both needed and always welcomed. Hope all have been great!

Thank you!

Carlos McDonald
FSGA President



CASE STUDY

Daisy

Daisy has been clinically depressed since the 1990s and has not worked since the 1980s. She is now approaching 70 years old. She has no family, though her brother was living in NY before he died of COVID last summer.

4 years ago when we met, she was in a small ALF with no stimulation, no interaction with others, self-isolating and fearful of water/bathing. She had no contact with her brother. The ALF closed within weeks and we moved Daisy to a family care home.

In the new environment, Daisy came out of her shell, and established a trusting relationship with the family care home caregiver and guardian. She continued ECT treatments and had medication adjustments. She established friendships with the other residents and bathed on a regular schedule. Though there were setbacks and hospitalizations due to psychosis and medical issues, in general Daisy adjusted well to her new environment and her new 'neighbors.' She started weekly phone contact with her brother, which was very meaningful to her.

Her limited resources proved an impediment to transporting her to medical appointments and the payments to the family care home became a hardship.

With a stable baseline, we enrolled Daisy in the PACE program. PACE provided transportation to her appointments and after a year of medical services from PACE Daisy agreed to participate in its day program. She looks forward to the socialization, exercise program, meals and care she receives at PACE. She phones other PACE members on the days she stays home. She calls the guardian as well in between in-person visits.

Daisy handled her brother's passing without crisis, a testament to her current stability. She has not had a mental health crisis for nearly 2 years. We have discussed restoration of rights and continue to do so.





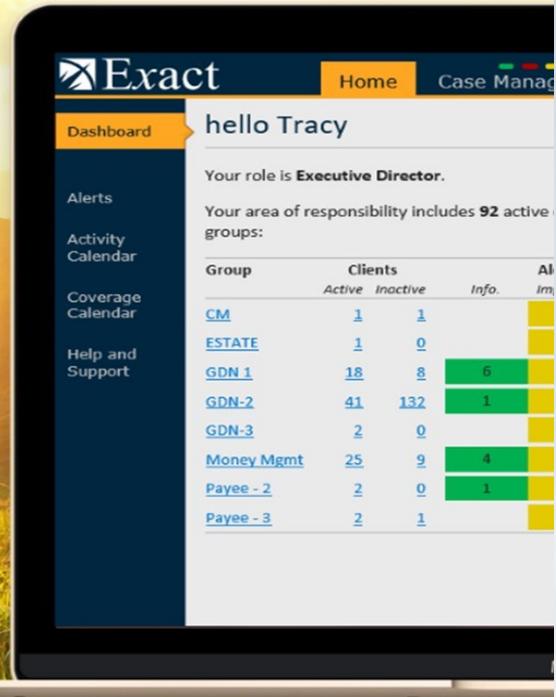
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Visit FSGA's video library for opportunities available. These offerings take a more in-depth approach to featured topics. Great for new and seasoned guardians. Don't forget to login for your member discount which allows you to shop for \$25.00 per credit hour.

Ethics in Guardianship
Kenneth W. Goodman
PhD, FACMI, FACE
Professor of Medicine
Director, Institute for Bioethics and Health Policy



Standards of Practice in Guardianship
Renee Peppy Esq and Lennie Burke NMG



Elder Exploitation, Alex Cuello, PA



[CLICK HERE FOR MORE INFORMATION](#)



EXAMINING COMMITTEE TRAINING

4 -hour Initial Examining Committee Course

October 14, 2021



SOLD OUT

Join Elder Law Attorney,
Lance M. Mc Kinney Esq., for the
Florida Examiners initial 4-hour

training course for Examining Committee Members.

2 -hour Examining Committee Update Course

October 14, 2021 1:15 PM

[Just a few seats left](#)



Join Elder Law Attorney,
Enrique Zamora, Esq. and
AHH, Clinical Services Director, Beth Halprin, MSN, RN APRN, PMHNP for a thorough Florida Examiners 2-hour update course for Examining Committee Members.



Upon completion a certificate of completion will be issued. (Courses may be just one of several requirements to serve as an examiner. Contact the Clerk of the Court in the circuit of practice for the full requirements)

FSGA WORKING FOR YOU IN TALLAHASSEE



Before you know it soon after one Legislative Session ends another new one is starting to begin. The scheduling has been advanced for 2022. Some Legislative Committees have already begun meeting in Tallahassee this September.

Normally a regular Session commences in March. For 2022, the Legislative Session is set to formally commence on January 11th. The overriding reason for the change is because every 10 years new legislative districts, including Congressional seats, are required to be re-apportioned as a result of the most recent decennial national census.

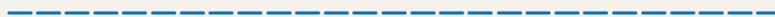
From 2010 to 2020, the Census reported Florida has had an increase in population of 2.7 million new residents. As it is, not surprisingly, the Committees overseeing reapportionment have been the first to meet.

Consequently through this reapportionment process, there will be many “musical chairs” played out, and many battles fought over the newly redrawn districts. Nevertheless, it is imperative that all of FSGA’s Chapters continue every effort possible to stay engaged throughout.

FSGA has continued to reach out to our state legislators all these last months in “bits and pieces” within our resources and by valiant volunteers. Even the “messaging” at the national level to counter a certain Hollywood movie has been driven by FSGA members, and only afterwards adopted by NGA.

These efforts will need to be sustained going forward. As everyone knows, the “news” out there is sensationalized and unfortunately repeated often over what are the very same recycled handful of situations.

Please take a moment and gander again at the Mission Statement on the newsletter’s masthead. Besides our hallmark of increasing professionalism through education, it includes networking and legislative action. Everyone’s assistance is of course always needed.



The FSGA Legislative Committee is always available to assist Chapters make connections with their Legislators and to further FSGA’s legislative priorities. For information or to participate in the Legislative Committee efforts, contact Gina Rossi-Scheiman, Carlos McDonald or Pam Keller.

Gold (\$251-\$500 Donation)

Stella Hutch

Strive Recreational Therapy

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Palm Beach County Guardianship Association

To promote the protection, dignity and value of incapacitated persons through a code of ethics, advocacy and dissemination of information.

Silver (\$101-\$250 Donation)

In Honor of my mother, Rufina V. Diaz-Zapatero

Elena Z. George, Serving South Florida with Compassion, Integrity and Professionalism

In Honor of Bette J. Warren

Jetta Getty, Young at Heart Elderly Services

Astrid Vellon

The Law Offices of Astrid Vellon P.A.

Judge Ginger Lerner Wren

County Judge, 17th Judicial Circuit

Bronze (\$10-\$100 Donation)

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Become an FSGA Supporter!

Your support helps with promoting excellence in the practice of guardianship and being a voice for all those we serve.

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ELDERCARING COORDINATION



Association for Conflict Resolution/Florida Chapter of the Association of Family and Conciliation Courts
Elder Justice Initiative on Eldercaring Coordination



ELDERCARING COORDINATOR TRAINING

VIRTUAL

Zoom platform

COURSE DATE AND TIME

December 6-8, 2021

8:00 a.m. – 5:00 p.m.

TRAINERS: Sue Bronson and Linda Fieldstone

REGISTRATION: To obtain an EC Application and EC Training Registration Form, or if you have any questions, contact: LindaFieldstone@outlook.com



ELDERCARING COORDINATION

A dispute resolution option for families in high conflict that turn to the court for decisions regarding the care and safety of their aging loved ones.

ELDERCARING COORDINATOR TRAINING: This training meets the ACR/FLAFCC Guidelines for Eldercaring Coordination and 28 hours of eldercaring coordinator training specified in the Florida Statute (s. 44.407, F.S.). The training program emphasizes experiential learning using demonstrations, simulations, practice and roleplays, with debrief and feedback to reinforce application of skills. Interactive experiences will make ethics and the aging process come alive as it pertains to eldercaring coordination.

Who should attend? As per s. 44.407, F.S., to be eligible for Eldercaring Coordinator Training in Florida, participants must:

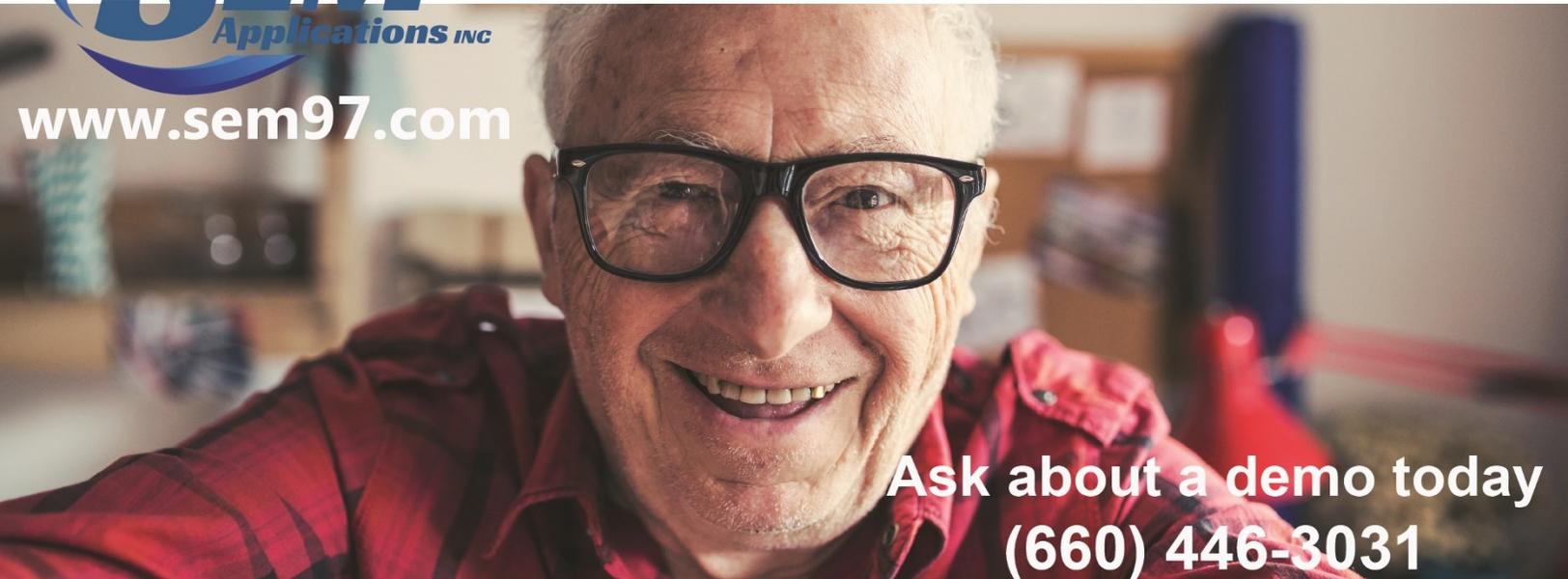
1. Meet one of the following professional requirements:
 - a. Be licensed as a mental health professional under Chapter 491 with at least a master's degree in the professional field of practice;
 - b. Be licensed as a psychologist under Chapter 490;
 - c. Be licensed as a physician under Chapter 458 or Chapter 459
 - d. Be licensed as a nurse under Chapter 464 with at least a master's degree;
 - e. Be certified by the Florida Supreme Court as a family law mediator with at least a master's degree; Be a member in good standing of The Florida Bar; or
 - f. Be a professional guardian as defined by section 744.102(17), F.S., with at least a master's degree
2. Have completed all of the following:
 - a. Three years of postlicensure or postcertification practice;
 - b. A family mediation training program certified by the Florida Supreme Court;
 - c. An elder mediation training that meets the guidelines for Florida continuing education mediation credit



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Expert Tip: Use Check Lists

Ever gone to the store for bread and come home with two bags of groceries and no bread? This happens more times than we like to admit. In our busy lives, we are often distracted. That's the beauty of a checklist! By definition, "a checklist is a type of informational job aid used to reduce failure by compensating for potential limits of human memory and attention. It helps to ensure consistency and completeness in carrying out a task." So, if a checklist can ensure that we come home from the store with a loaf of bread, how can we apply the same idea to the business of guardianship?

We talk a lot about best practices in Guardianship, but without a tool to help put those practices into play—consistently—we are subject to the limits of memory and attention. Using software with a checklist feature

overcomes those shortcomings by providing the framework to create a work flow process and track activity progress. SEM Applications Guardianship Software provides customizable checklist options that display activity due dates on the calendar and provide reports to list outstanding items.

A good Checklist doesn't need to be elaborate; it needs to be duplicable. Create checklists for accountability in court required activities, to establish a progression for assigned tasks, and as a way to define company procedures. Check List items should be meaningful activities and actions or items that are critical to success. A checklist that is too long or complex to comfortably manage or one that includes items that are only rarely necessary will be frustrating to update and maintain. Conversely, a checklist that is vague or overly generalized may not provide enough direction to be helpful.

Start with one set of vital tasks or focus on a process that has court required activities or tasks that could be easily missed or forgotten. Order the tasks by priority and then refine the list to contain only items critical to success. For example, a New Client Checklist would only need to include a task to "Close existing bank accounts" rather than multiple tasks to "Close Checking account" and "Close Savings account". A task to "Marshall all assets" might prove to be too general. It might be wiser to include options for specific types of assets (i.e. cash assets, real estate, etc.).

With customization options, you can make course corrections as you go until you have a Checklist that fits your needs perfectly!

Interested in other expert tips? Visit www.sem97.com or call 660-446-3031 to learn more about the features of our guardianship software.



ASK THE ATTORNEY & IN THE NEWS



Michelle Hollister Esq.

Question

My siblings and I are concerned about our dad with severe dementia. He lives at home with our step mother and we are unsure his needs are being met and we do not know if she is properly using his hard earned money to appropriately care for him.

It is an unfortunate situation when the lines of communication are not free flowing within a family. This is fairly common though, especially with second marriages and children of one spouse. The threshold question is did your dad take the time to do a durable power of attorney and health care surrogate designation while he had capacity? If so and he named one or more of his children then you can legally access his medical and financial information. If he does not have a durable power of attorney and/or health care surrogate document you should speak to a guardianship attorney. The next issue usually becomes who will serve as guardian. Often times when the court is faced with competing petitions from disgruntled family members, the court will opt to appoint a professional guardian. Although the family may fear the costs of using a professional guardian will burn through large sums of money, it often saves money as the family members are not constantly in court fighting each other. A fairly new option, elder court coordination, can also assist with family discord by bringing all the parties to the table in a mediation type setting resulting in an agreement in how to best care for dad.

→ Important read for members ←

Many of you are probably familiar that recently a “task force” was formed in Florida with a stated purpose to consider possible improvements to guardianship.

While the task force operated under the umbrella of the Florida Court Clerks and Comptrollers (FCCC) association, it was driven by a handful of Clerks mostly from only one part of the State.

The FSGA accepted membership on the task force with the hope of being afforded the opportunity to play a productive role. Inasmuch, the FSGA has had to voice several concerns about this effort.

The agendas and topics for discussion were driven by even fewer folks without any actual input of the majority of the task force members. There were numerous misstatements and misunderstandings of current Florida law that attorneys with the Elder Law Section tried correcting. In actuality, there were few and unquestionably insufficient opportunities provided to correct or clarify facts and law.

We have asked the governor, and legislative leaders, to direct the creation of a formal and representative Guardianship Commission, even a study group, to examine issues in guardianship competently and make recommendations where needed.

To read the correspondence FSGA sent to the chair of the task force, the Governor, and Legislative Leaders, please see [these links](#):

To see article in the Florida Bar News:

“Florida State Guardianship Association Criticizes FCCC Created Task Force”

August 23, 2021

<https://www.floridabar.org/the-florida-bar-news/florida-state-guardianship-association-criticizes-fccc-task-force/>