



Year in Review

STATEWIDE PUBLIC
GUARDIANSHIP OFFICE

2009 ANNUAL REPORT



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 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.

Mission

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



EXECUTIVE SUMMARY

2009 brought national public guardianship experts associated with the University of Kentucky to Florida to evaluate our public guardianship program. The University of Kentucky validated what we always theorized: public guardianship improves vulnerable Floridians' quality of life and saves Florida's taxpayers \$1.9 million every year. The research team examined the 15 public guardianship programs that serve 20 Florida counties, reviewing the period from June to December 2008 and then calculating full-year savings. The researchers found that Florida's public guardianship program saves the State of Florida \$3,940,456. Once the statewide program's operating expenses were subtracted, the annual savings was \$1,883,043. The team of national experts recommended that this cost-saving program be expanded to all 67 of Florida's counties.

The Statewide Public Guardianship Office has long recognized that until we secure permanent public guardianship funding, we must focus on professional guardian recruitment. The Statewide Public Guardianship Office published a request for proposals in July 2009 for the selection of a vendor to revise and create materials to be used in the training and mentoring of professional guardians. Specifically, the Statewide Public Guardianship Office secured a vendor to undertake the creation of a job task analysis describing all functions of a professional guardian. This analysis will become the foundation for the revision of the Department's current professional guardian training curriculum and the design and implementation of a professional guardian mentoring program. The mentoring program will guide new professional guardians as they undertake the tremendous responsibility of assisting incapacitated Floridians.

In addition, during the past year, the Statewide Public Guardianship Office has seen many opportunities. We worked tirelessly to educate Floridians regarding their ability to choose their own surrogate decision maker. We presented throughout Florida on the value of advance directives and less restrictive alternatives to the court process of guardianship. These educational initiatives were the result of our privilege of continuing our partnership with the Agency for Persons with Disabilities on a grant from the Florida Developmental Disabilities Council for the workshop development for self-advocates, families and professionals on decision-making issues. We still must acknowledge human nature and people's hesitation to plan for unpleasantness. Because of this reluctance, the Statewide Public Guardianship

Office must prepare for Floridians requiring a professional or public guardian.

During this past year, the Statewide Public Guardianship Office continued serving on the Department of Children & Families' Select Advisory Panel on Adult Services. This effort has not only allowed the Statewide Public Guardianship Office to share its experiences but has also provided the Statewide Office with the opportunity to learn from and exchange ideas with state experts on the provision of adult services.

The Statewide Public Guardianship Office has continued to work closely with the guardianship community. In an effort to be responsive to the dedicated professionals who serve as surrogate decision makers or assist surrogate decision makers, the Statewide Office has implemented measures to assist with the licensure process. Those measures include securing the participation of all 67 counties with electronic fingerprinting, improving internal licensure systems, and developing an enhanced licensure database.

As you can see, during a year of financial uncertainties, the Statewide Public Guardianship Office—a unit of the Department of Elder Affairs—has worked tirelessly to be proactive. All of our accomplishments have been possible because of the support of Governor Charlie Crist and Secretary E. Douglas Beach. We are grateful for their leadership and continued commitment to guardianship issues.

Michelle R. Hollister, Esq.
Executive Director



STRATEGIC PLAN

Strategic planning establishes a framework for an organization to determine its goals, how it will achieve its goals, and how it will evaluate its progress. The Statewide Public Guardianship Office is focused on goal-based planning in developing its current strategic plan. Goal-based planning works toward the organization's mission in designing its strategies. The Statewide Public Guardianship Office recognizes the many benefits to strategic planning. The benefits for the Statewide Public Guardianship Office include the (1) establishment of realistic goals and objectives consistent with our mission (2) a sense of ownership of the plan (3) a comprehensive focus of our program and (4) increased efficiency and effectiveness.

The Statewide Public Guardianship Office has formulated its strategic plan for the period 2009-2010. The program's objectives for the two-year

period are to do the following:

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

It is critical to the success of any strategic plan that the plan be monitored and updated as needed. To effectively monitor our plan, the Statewide Public Guardianship Office has developed specific activities and performance measures for each objective. The tasks associated with each are discussed throughout this report. Highlights include updating the professional guardian training materials, developing a professional guardian mentoring program, improving the public guardian database and promoting advance directives.

INDEPENDENT PROGRAM VALIDATION

A new study, *The Florida Public Guardian Programs: An Evaluation of Program Status and Outcomes*, shows that Florida's public guardian programs save the State of Florida approximately \$1.9 million each year. The cost-savings determination is part of a University of Kentucky study conducted at the request of Florida's Statewide Public Guardianship Office. Public guardians serve as legal representatives for indigent elders and others who cannot make their own decisions and have no one else to assist them.

RESEARCH TEAM

Pamela B. Teaster, Ph.D., led the team of national experts. Dr. Teaster is a Professor, the Director of the Graduate Center for Gerontology, and Chairperson of the Department of Gerontology at the University of Kentucky (KY). She is the President of the National Committee for the Prevention of Elder Abuse and served on the American Bar Association Commission on Law and Aging. Marta S. Mendiondo, Ph.D., is an Assistant Professor, Department of Biostatistics, College of Public Health, and biostatistician

of the Alzheimer's Disease Center at the University of Kentucky. Winsor C. Schmidt, J.D., LL.M. holds the following University of Louisville academic appointments: Endowed Chair/Distinguished Scholar in Urban Health Policy, Professor of Psychiatry and Behavioral Sciences, Professor of Family and Geriatric Medicine, School of Medicine, and Professor of Health Management and Systems Sciences, School of Public Health and Information Sciences. Professor Schmidt holds the A.B. in Government from Harvard University, the J.D. in Public Law from American University and the LL.M. in Mental Health Law from the University of Virginia.

The research team examined each public guardianship program, reviewing the period from June to December 2008 and then calculating full-year savings. The researchers found that the program served 1,916 incapacitated persons at a savings of \$3,940,456. Once the statewide program's operating expenses were subtracted, the annual savings was \$1,883,043.

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In addition, the researchers concluded that Florida's public guardian programs produce "significant quality-of-life savings" for incapacitated persons, ranging from emotional support and improved socialization to reconnecting with family, friends and religious institutions.

According to the University of Kentucky study, the most significant impacts of the public guardianship programs were for discharging incapacitated persons from medical hospitals to assisted living facilities, securing community-based services to prevent moving incapacitated persons to

more restrictive settings and discharging incapacitated persons from state hospitals to nursing homes.

The researchers also issued a series of recommendations, including that the program be expanded to cover all 67 Florida counties and state financial support be expanded to produce even greater statewide savings.

A copy of the University of Kentucky study is available at http://elderaffairs.state.fl.us/english/pubguard/SPGO_Evaluation_09.pdf.

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

KEY POINTS

Fifteen public guardian programs are contracted to serve 2,208 clients, with each program serving between 10 and 994 clients.

The average yearly state contribution is \$2,057,413, and contribution per program is \$137,161.

The average yearly cost of serving a client is \$2,648.

Estimated total cost savings of the programs is \$3,940,456.

The overall cost savings to the state of Florida (cost savings minus total state funding) is \$1,883,043.

Significant quality of life improvements for clients included offering clients emotional support and enhancing client socialization, re-establishing relationships with family and friends, securing needed medical care and/or equipment, arranging client funerals and making appropriate placement from home to facility, establishing residence for a homeless person, and re-establishing religious affiliations.

Activities Of Daily Living (ADL) and Instrumental Activities Of Daily Living (IADL) Requirements of Persons Served By Florida's Public Guardians

ADL & IADL NEEDS OF THE IPS

(Data based on programs 2-5, 10, 12-13, 15)

BASIC ADLS	Requires no assistance (%)	Requires some assistance (%)	Unable to perform activity (%)
Bathing	12.7	62.6	27.8
Dressing	21.6	55.1	23.6
Toileting	28.8	47.5	23.6
Transferring	53.1	27.2	19.0
Eating	51.1	37.7	11.1
Walking	50.8	25.9	23.3
Climbing	31.5	22.6	45.9
INSTRUMENTAL ADLS			
Meal preparation	4.0	11.8	84.3
Housekeeping	7.8	33.4	58.7
Money management	0.3	10.8	88.8
Transportation	7.8	21.3	70.8
Laundry	3.6	18.4	78.0
Shopping	2.6	35.1	62.3
Taking medication	1.4	19.3	79.3

FUNDING

Although the University of Kentucky study, referenced previously, recommends the expansion of public guardianship to all 67 Florida counties, the current economic climate is not favorable. Each state agency and its programs, including the Statewide Public Guardianship Office, are working diligently to efficiently budget their allocated dollars. Although we are unique in that our permanent funding was removed in 2004, because of Article V constitutional revisions, and not yet replaced, we have met the challenges and have kept all program doors open.

That said, in an effort to prepare for the aging of the baby boomers as well as Florida's retirees, we have continued our efforts to raise awareness of advance directives. Generally, advance directives can provide surrogate decision making without the necessity of guardianship. In addition to the aging of baby boomers and the number of retirees in Florida, unexpected life-altering injuries occur every day and permanently incapacitate. All persons over the age of 18 should formally

designate someone to assist them with decision making if the unimaginable should happen. Advance directives are one way to make that designation. An advance directive is a witnessed written document or oral statement in which you express your wishes concerning your health care. Because people don't take this important step, the demand on the guardianship system will continue to grow and, therefore, we have also focused on professional guardian recruitment. The Statewide Public Guardianship Office has entered into a contract with ICF International. ICF will develop a professional guardian job task analysis. The analysis will become the foundation for our revised professional guardian training materials and mentoring program.

The Statewide Public Guardianship Office remains hopeful that a permanent funding source will be secured once the current economic challenges are resolved. The use of Medicaid dollars to assist with funding the guardianship system will continue to be explored as our economic climate improves.

INFORMATION/COMMUNITY OUTREACH

One of the ways we have worked to raise awareness of advance directives is through the Lighting the Way to Guardianship and Other Decision-Making Alternatives project. As reported in our previous annual report, the Florida Agency for Persons with Disabilities in collaboration with the Statewide Public Guardianship Office, and the Office of the Public Guardian Inc., were awarded a grant for: (1) the revision and further development of the Florida Developmental Disabilities Council's decision-making curricula for self-advocates, families and professionals, and (2) provision of workshops utilizing the revised materials. During 2009, we worked diligently with members of the project team to achieve the grant's goals. The curricula revision has resulted in two separate and distinct documents: one focusing on the needs of self-advocates and

families, and the other analyzes the issues for an attorney's perspective. The curricula details guardianship and lesser restrictive decision-making options for persons with disabilities.

After the curricula revisions, six regional workshops were conducted in three Florida cities. Two eight-hour workshops were held at each site, one for attorneys and one for self-advocates & family members. In addition, two webinars were conducted. The customer satisfaction surveys indicated participants were very satisfied with the workshops. The overall rating for the workshops was a 2.92 on a three point Likert-type scale. In fact, 94 percent agreed or strongly agreed that the workshops provided information about guardianship and related matters that were new and informative to them. Comments included "This was one of the best, most concise workshops

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I've ever attended," and "Thank you for so much vital information and the handouts that I will definitely be using in the future."

We are pleased that because of the project's success, the Florida Developmental Disabilities Council has awarded this team a second contract to include additional workshops. The project team consists of representatives from the Statewide Public Guardianship Office, the Agency for Persons with Disabilities, Office of the Public Guardian, Inc., the Advocacy Center for Persons with Disabilities; a special needs trust professional; a self-advocate; and a parent advocate.

As recognized in our strategic plan, even with our educational campaign, it is anticipated 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 published a Request for Proposals in July 2009 for the selection of a vendor to revise and create materials to be used in the training and mentoring of professional guardians. Specifically, the Statewide

Public Guardianship Office was seeking a vendor to undertake the following: (1) create a job task analysis describing all functions of a professional guardian; (2) design and implement a professional guardian mentoring program; and (3) revise the Department's current professional guardian training curriculum. ICF International, Inc. was the successful respondent. Dr. Christina K. Curnow, Ph.D., and Brian Cronin, Ph.D., are the project manager and deputy project manager respectively.

ICF International has entered into a contract to complete a detailed document describing all essential functions of a professional guardian, including core and critical tasks. The job task analysis will be created in conjunction with stakeholders, and will assist with the recruitment, selection and training of professional guardians. ICF International will also revise the Department's current professional guardian training curriculum to include the following: (a) information/functions that the successful respondent identifies in the job task analysis; (b) performance standards and instructional objectives; and (c) an instructor guide. In addition, ICF International will design and implement a professional guardian mentoring program.



In 2003 there were 23 registered professional guardians in Florida. Today there are 375 registered professional guardians.

TECHNOLOGICAL ADVANCEMENTS

As of October 2009, the Statewide Public Guardianship Office has 375 registered professional guardians, and the number continues to rise each week. To accommodate the increase of professional guardians, the Statewide Public Guardianship Office is in the process of upgrading its Microsoft Access professional guardian database to an online database system.

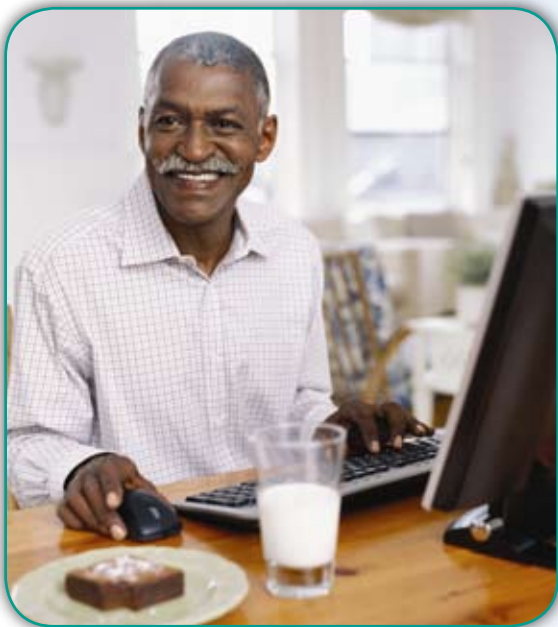
Previously, professional guardians had requested renewal reminder letters, and, unfortunately, the Statewide Public Guardianship Office did not have the capacity to generate such letters. With the new database, letters will be sent to professional guardians 60 days prior to

their bond renewal date. Also, professional guardians and the courts will no longer have to wait until Fridays for the online list of registered professional guardians to be updated. The new system will update in "real" time. These upgrades are in response to requests from the guardianship community. This new system is just one example of open communication between the Statewide Public Guardianship Office and guardianship practitioners resulting in improvements to a vital system for Floridians.

The Statewide Public Guardianship Office is also working on a competitive solicitation request for the modification

The quarterly newsletter *News & Notes* debuted in 2009. This electronic publication provides persons in the guardianship community with the latest news from the Statewide Public Guardianship Office. Topics covered range from legislative updates to frequently asked questions.

Interested persons can subscribe to *News & Notes* by emailing a request to spgoinfo@elderaffairs.org. This email address is only for *News & Notes* subscriptions.



of its public guardian database. This project will provide the state with real time statistics detailing persons served, wait lists and program efficiencies.

Another way the Statewide Public Guardianship Office has worked to improve professional guardian licensure is with the implementation of

electronic fingerprinting. As reported previously, the Statewide Public Guardianship Office, as the state program that licenses professional guardians, received legislative authority to implement electronic fingerprinting. Electronic fingerprinting allows for a more efficient interchange of information between the state, the court and the clerks of court. In addition, this new process is easier and less time consuming for the professional guardians so they may focus on providing services to Florida's incapacitated residents. There are many advantages to utilizing electronic fingerprinting. Professional guardians only need to be electronically fingerprinted once instead of every five years, or even annually as required in some jurisdictions. During 2009, all of Florida's 67 counties signed a memorandum of understanding with the Florida Department of Law Enforcement to accept professional guardians' electronic fingerprint results. Since the implementation of electronic fingerprinting for professional guardians, hundreds of Florida's professional guardians have utilized this new option.

LEGISLATIVE SESSION

The 2009 regular session of the Florida Legislature concluded on May 1. Senator Ronda Storms of Valrico refiled legislation from the previous year regarding the Department of Children & Families' authority to submit petitions for guardianship. Representative John Wood of Haines City filed the companion bill. The legislation was not enacted this year, but has been refiled for the 2010 legislative session. The measure would clarify the Department of Children & Families' role by allowing the department to initiate petitions for guardianship, thus improving the protection of vulnerable adults. A second component of the bill specifies that the Department of Children & Families 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.

As our society has become increasingly mobile, courts are encountering challenges with issues of conflicting jurisdiction. The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) addresses many of the issues relating to multiple jurisdiction, transfer and out of state recognition.

The UAGPPJA is organized into five articles. Article 1 contains definitions and provisions designed to facilitate cooperation between courts in different states. Article 2 is the heart of the Act, specifying which court has jurisdiction to appoint a guardian. Its overall objective is to locate jurisdiction in one and only one state except in cases of emergency or in situations where the individual owns property located in multiple states. Article 3 specifies a procedure for transferring guardianship proceedings from one state to another. Article 4 deals with enforcement of guardianship and protective orders in other states. Article 5 contains boilerplate provisions common to all uniform acts.

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If Florida should adopt UAGGPJA or portions thereof, it is hoped it will reduce the current confusion among the courts in different jurisdictions but will also reduce a form of elder abuse referred to as granny snatching, the taking elders across state lines without their consent.

At the time of compiling this report, we are aware that members of the Legislature and the Real Property Probate and Trust Law Section of the Florida Bar are exploring the feasibility of enacting the

Uniform Act or some version thereof for Florida.

In addition, it is anticipated that there will be legislation during the 2010 session seeking to add corporate guardians 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. Because of 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.

Thirteen States have adopted the UAGPPJA and an additional 10 have introduced it in their legislatures.

DEPARTMENT OF CHILDREN & FAMILIES SELECT COMMITTEE ON ADULT PROTECTIVE SERVICES

The Department of Children & Families Select Advisory Panel on Adult Protective Services completed its second year of review of the Department's adult protection system and identified areas that need improvement. The panel also continued to assist in enhancing communication between the Department and the people it serves by identifying special needs and services that should be provided by the Department to better accomplish its mission. The Secretary of the Department of Children & Families has requested that the Statewide Public Guardianship Office participate on this committee. In addition, the Statewide Public Guardianship Office was asked to address the Department of Children & Families' general counsel's office as well as present at the 2009 Adult Protective Services annual conference. The adult protective services staff was provided with information on

guardianship and its lesser restrictive alternatives. Further, the Statewide Public Guardianship Office is working closely with the Department of Children & Families to address the need for professional guardians. Additional information on the panel, including its upcoming meeting information, can be found at <http://www.dcf.state.fl.us/>.

NATIONAL GUARDIANSHIP MONTH

Once again, Florida has celebrated National Guardianship Month during October. In recognition of the efforts of Florida's guardians, Governor Crist 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 E. Douglas Beach, recognizing the hard work of guardians, stated, "Florida's

guardians are a crucial piece of our state's social network, and they are vital to the well-being of some of our neediest citizens. Thanks to the dedication of guardians, every Floridian can have someone looking out for their interests."

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



The Foundation for Indigent Guardianship, Inc., raised more than \$500,000 for public guardianship.

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 raised more than \$500,000 for public guardianship.

Persons interested in learning more about the Foundation for Indigent Guardianship, Inc., or the trust are encouraged to contact the Foundation toll-free at 1-888-310-3726.

PUBLIC GUARDIAN PERFORMANCE MEASURES AND STANDARDS REPORT

Because of the lack of a permanent funding source, the public guardians have insufficient resources to meet Florida's demand. One result is a limitation on service expansion as evidenced by the nominal increase (2.5 percent) during fiscal year 2008-2009 in the number of cases appointed to public guardians when compared to the previous fiscal year. Over the same time period, the number of persons on a waiting list increased by more than 65 percent.

The numbers reported from fiscal year 2008-2009 did indicate an increase in 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 figures increased slightly by 9.5 percent from the previous fiscal year. Most significantly, over the last five years, there have been 129 court orders appointing a family or friend to serve as successor guardian ensuring the program objective to provide clients with qualified family member or friend as their surrogate decision maker.



STRATEGIC GOALS, OBJECTIVES, & PERFORMANCE MEASURES

Strategic Goal: To ensure that 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).

	2005	2006	2007	2008	2009	Strategic Target
Number of total referrals received.	795	911	914	951	751	—
Number of those referrals that met the criteria for OPG.	371	430	524	524	551	—
Number of eligible referrals placed on a waiting list.	186	132	225	293	439	—
Percent of referrals in which activity was initiated by OPG within five (5) days.	100%	98%	98%	98.3%	100%	98%

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

	2005	2006	2007	2008	2009	Strategic Target
Number of cases appointed to OPG during the fiscal year.	476	634	566	570	584	—
Number of wards with a qualified family or friend to serve as the guardian.	34	27	39	21	23	—
Number of petitions filed to appoint a family member or friend to serve as the guardian.	31	23	39	21	20	98%
Number of orders granting appointment of family member or friend to serve as successor guardian.	16	23	37	21	21	—

Objective: To conduct evaluations to determine if a ward is able to have his or her rights restored.

	2005	2006	2007	2008	2009	Strategic Target
Number of wards evaluated for restoration of rights.	320	458	501	548	2284	98%
Number of Petitions for Restoration filed.	32	29	51	38	43	—
Number of Petitions for Restoration approved by the court.	13	18	16	24	10	—

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

	2005	2006	2007	2008	2009	Strategic Target
Number of wards served during the previous fiscal year.	2134	2486	2342	2544	2598	—
For the following items, please place ward in only one category.*	—	—	—	—		—
Number of wards visited four (4) times per year.	199	173	319	640	631	—
Number of wards visited more than four (4) times per year.	171	213	248	340	1711	80%
Number of wards visited one (1) time per month.	1650	1788	1530	1377	1859	—
Number of wards visited one (1) time per week.	39	5	7	18	48	—

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.



Local Offices Of Public Guardian (as of November 2009)

AGING SAFELY, INC.

Manatee and DeSoto counties
M. Ashley Butler, Ph.D.
Phone: 941-779-4682
Fax: 941-351-8073

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

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Fax: 954-831-6912
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GUARDIANSHIP CARE GROUP, INC.

Miami-Dade County
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GUARDIANSHIP PROGRAM OF DADE COUNTY, INC.

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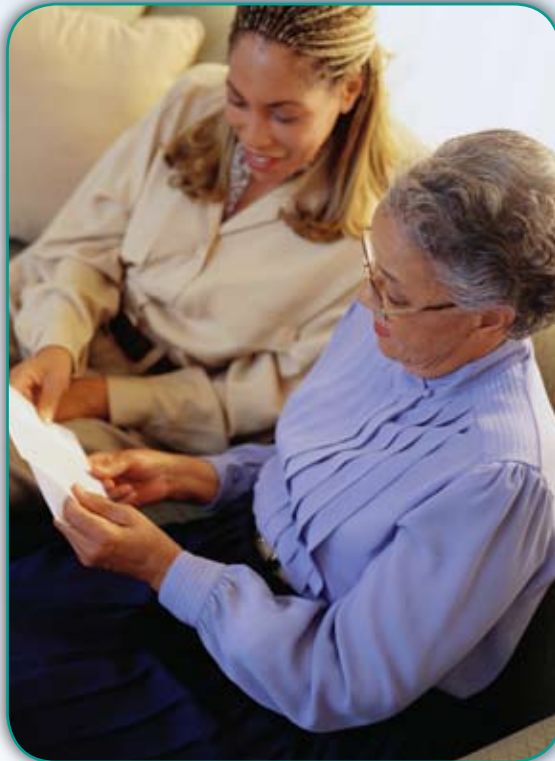
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SENIORS FIRST, INC

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jshuff-dowd@seniorsfirstinc.org



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

Statewide Public Guardianship Office
Florida Department of Elder Affairs
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