Comment: The following news stories about adult guardianship or conservatorship are being circulated by the Disability and Guardianship Project of Spectrum Institute to persons interested in guardianship and conservatorship reform. Many thanks to Debra J. Stemmler for her assistance.

– Thomas F. Coleman, Legal Director

2. “Etowah County Council on Aging Introduces New Guardianship Program” - A major fear within the elderly population is the possibility of being abused or exploited, particularly at the hands of caregivers. One local non-profit has created a program to help educate guardians on what to look for when being responsible for an elderly person. The Council on Aging in Etowah County has partnered with RSVP to create the Guardianship Monitoring and Assistance Program. – WEAC 24 TV – January 16, 2020 – (Alabama) - https://is.gd/n6ybyz

“Lawmakers Continue to Approve Amendments to Guardianship Laws” - Committees in both the Florida Senate and House of Representatives approved bills Wednesday to amend the state’s guardianship statutes in light of last year’s accounts of guardians engaging in financial exploitation. The Senate Committee on Children, Families and Elder Affairs voted favorably on SB 994. Then, the accompanying HB 706 also received a favorable vote from that chamber’s Justice Appropriations subcommittee. This House bill received a favorable hearing in the Children, Families and Seniors subcommittee in December. In addition to increasing the scrutiny under which guardians are appointed and requiring court approval for guardians to declare “Do Not Resuscitate” (DNR) for their wards, the bill also seeks to eliminate conflicts of interest in a guardian’s care of their assigned wards. This is achieved by explicitly prohibiting the acceptance of any benefits “directly or indirectly, overtly or covertly, or in cash or in kind.” – The Famuan – January 16, 2020 – (Florida) - https://is.gd/dYPUY1
“What It Takes to be a Guardian” - In an earlier issue of the Oklahoma Bar Journal there were several articles that addressed various aspects of guardianship. Each article addressed issues which are frequently of concern to clients. With due credit to the authors we will review those topics which are a common concern. Paul’s Valley Democrat – January 16, 2010 – (Oklahoma) - https://is.gd/4zzAkj

“Guardianship Agency Gets New Director after Prior Leader’s Ouster Amid Rebecca Fierle Scandal” - Six months after its previous leader was ousted, the Florida agency charged with oversight of professional guardians has a new director, officials announced Wednesday. Chanté Jones, a former corporate marketing analyst for Verizon Communications, was appointed by state Secretary of Elder Affairs Richard Prudom to run the Office of Public and Professional Guardians. Prudom said he is confident the office “will earn back the trust of Florida families.” – Orlando Sentinel – January 15, 2020 – (Florida) - https://is.gd/DSN8ab

“The Law Q&A | For Some Guardians, Training’s Necessary” - Under Illinois law, guardians are persons appointed by a judge to act for the care and benefit of people or their property and financial affairs. Usually there are two circumstances for guardians — for people under 18 (minors), or people who are found by the court to be a disabled adult. Guardians appointed to take personal care of disabled adults are the ones required to complete training. Guardians appointed for minors, or guardians appointed to oversee the property and financial affairs of the disabled adult, are not required to do the training. Only guardians appointed to oversee the personal care of such disabled adult is the training requirement possibly applicable. – The News Gazette – January 12, 2020 – (Multiple States Cited) - https://is.gd/n1awuY

“What Should be Done? Mental Health Conservatorship in California” - In extreme cases of mental illness, an individual may be entered into a court-appointed “conservatorship,” in which someone manages the person’s living situation, medical decisions and mental health treatment. Yuba County’s office of conservatorship handles cases of temporary conservatorship, which are only good for 30 days prior to court reevaluation, and permanent conservatorship, which must be reevaluated annually in court. – Appeal – Democrat – January 11, 2020 – (California) - https://is.gd/yTe4sO

“Guardianship and Conservatorship Laws Help Families Care for Loved Ones” - What family members may not know is that the Minnesota law provides quick and often effective mechanisms to protect a loved one before harm has been done. By
statute, one can petition the court to appoint a guardian to make personal decisions for a loved one, including decisions regarding living arrangements and medical care. A petitioner can also ask a court for the appointment of a conservator to manage a loved one’s finances, make financial decisions and even undo some financial decisions impacted by the impairment. Through the petition, a petitioner can self-nominate or can nominate a friend, family member, advisor or professional fiduciary. If appointed, the guardian and/or conservator will work with the family to determine the care and financial measures that best serve the loved one’s interests.

–Lexology –January 1, 2020 – (Minnesota) - https://is.gd/fC27XF