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

“Amid Rebecca Fierle scandal, Orange to add guardianship manager to identify ‘high risk’ cases,” Orange County commissioners approved nearly $50,000 in federal funds last week for the Ninth Judicial Circuit to hire a court guardianship manager who will identify cases involving incapacitated people who pose "a high risk for criminal exploitation. Orlando Sentinel - Oct 29, 2019 - [Link to Story]

"Tampa Bay Area Hospitals Seeking to Strip Away Patients' Rights, I-Team Investigation Finds" - I-Team Investigator Adam Walser found hospitals in Orlando, Miami, West Palm Beach, Naples and other Florida cities paying private attorneys to file hundreds of court petitions to put patients into guardianship. - ABC Action News - October 22, 2019 - (Florida) [Link to Story]

"Louis and Katherine Kealoha in Federal Court, Expected to Plead Guilty" - The Kealohas are accused of defrauding banks, stealing money from family members and also stealing thousands of dollars from a trust fund of two children they had guardianship over. The Kealohas were scheduled to begin their bank fraud trial in January. But if they do in plead guilty -- which is expected -- and the judge approves the deal, they would avoid that trial. - KITV - October 22, 2019 - (Honolulu) [Link to Story]

“Guardian Rebecca Fierle’s $4 Million Relationship with Advent Health Unheard of, Experts Say” - Stryker’s death months later at a Tampa hospital lead to allegations that Fierle routinely abused “do not resuscitate orders, sparking a scandal that has embroiled the state’s guardianship system. But he was just one of hundreds of patients at Central Florida hospitals and assisted living facilities who came under the former Orlando guardian’s care. Advent Health has since
acknowledged paying Fierle nearly $4 million over a decade to provide services for 682 of its patients. – Orlando Sentinel – October 16, 2019 – (Florida) - https://is.gd/m6V5iI

“Medical Guardianship Versus Power of Attorney” - A guardianship also is different because there is a different record-keeping requirement. Although a power of attorney agent is required to keep careful records of his or her activities on your behalf, those records usually are not reported to anyone other than to the grantor of the power, and only upon their request. A guardian, on the other hand, as a court-appointed representative, is responsible for reporting to the court for action taken as guardian. -The News – Enterprise – October 13, 2019 - Kentucky - https://is.gd/QLDwU3

“Her Case Opened the Way for People with Disabilities to Reclaim Their Freedom. Now, Her Words Open a Book that Could Help Countless More” - Six years ago, her Virginia court case opened the way for others with disabilities to fight for their independence. Hatch challenged a guardianship request by her parents that would have allowed them to keep her in a group home, and away from the friends she wanted to live with and the job she wanted to hold. Her attorneys argued at the time that she didn’t need someone to make every decision for her. She simply needed support making decisions. – The Washington Post – October 12, 2019 – (Virginia) - https://is.gd/b4r9Oj

“Judge Looks to Make Changes Guardianship Program Following Fierle Case” - WESH 2 Investigates has learned of changes aimed at keeping a closer eye on public and professional guardians. Guardians are those appointed by a court to handle the medical and financial affairs of incapacitated, mostly elderly, people. Donald Myers, the chief judge of the 9th Circuit, which includes Orange and Osceola counties, is making changes to the way guardian cases are handled to ensure vulnerable, mostly elderly people, are not victimized by their guardians. "Through the Rebecca Fierle story and incident, we have recognized that there are parts of the guardianship system that we just do not have the resources to address," Myers said. – WESH 2 – October 10, 2019 – (Florida) - https://is.gd/0aMLwi

“California’s Controversial New Mental Health Law Catching Washington’s Attention” - As Washington struggles with prolific offenders, some leaders are eyeing California after the state passed a new law this week that could force some
people off the streets and into housing or treatment programs. It's called conservatorship and it basically strips someone from being able to make their own decisions. The controversial new law has civil liberties implications by putting the state in charge of adults' lives. – Q13 Fox –October 4, 2019 – (California) -
https://is.gd/jRJOj

“Foster Children Sue State, Allege Rights were Violated” - A federal lawsuit has been filed against Gov. Jim Justice and the West Virginia Department of Health and Human Resources, alleging the government has violated the federal and constitutional rights of the more than 6,000 children in the state’s custody. Many of the statistics and issues cited in the lawsuit are issues the DHHR has been open about, including high rates of institutionalism for older children, high rates of out-of-state placements, overloaded caseworkers, lack of adequate foster families and a lack of services for children with severe emotional and behavioral issues. –Charleston Gazette – Mail – October 1, 2019 – (West Virginia)
https://is.gd/we8IiR