

Visual Browse
x

Opinion / Editorials

f t s m p c

Fix Florida's elder guardianship program



Unsuspecting elders, like Marie Winkelman of Sarasota, are surprised to learn that the price they pay for care in the state's elder guardianship program could be the loss of their homes. State lawmakers are considering several bills to reform the program. (Thomas Bender / Sarasota News Tribune)

By Sun Sentinel Editorial Board This article is related to:

Criminal Minds: Suspect Behavior (tv program),

Florida Legislature

SHARELINES

t ▾ How well is Florida taking care of its aging seniors?

SUN SENTINEL

Get unlimited digital access. \$0.99 for 4 weeks.

t ▾ ä

APRIL

Florida's elder guardianship program, which began as an effort to help seniors who suffer from failing memories and diminished capacities, is leaving too many people open to exploitation. Reform is needed.

Consider the case of Marie Winkelman, 89, as reported by the Sarasota Herald Tribune in December.

Winkelman's stepson-in-law had her declared incompetent over a year ago, so a court-appointed guardian now controls her life savings and medical care. So far, the paper reported, her checking account has been docked some \$635,000 to pay the guardian, attorneys and others involved in her case.

"Unbelievable!" she said. "They know that I don't need any of their help. Not that I am so smart — but I can handle certain things."

Winkelman's case is part of a growing trend of putting diminished seniors under the supervision of court-appointed guardians, who too often ignore their clients' rights and drain their assets.

The Herald Tribune's series found case after case of court-appointed guardians tapping their clients' life savings and in some cases, forcing them from their homes to cover costs for services. Critics call the trend "liquidate, isolate, medicate."

The only good news is that after witnessing so many horror stories, the **Florida Legislature** appears poised to act. There are no less than four bills to reform the guardianship program, from making the review of a guardian's actions more transparent, to ensuring guardians are qualified to do their jobs.

HB 5 and **SB 366** would speed up the process for terminating a guardianship when someone is no longer incapacitated. They also would allow mediation in contested guardianships to reduce the exorbitant attorney fees some people have to pay.

HB 1225 and SB 1226 would give a new Statewide Public Guardianship Office more authority to register, monitor and discipline guardians. The

TERMS: UPDATE

c Comments

Six months ago I lost my job and after that I was fortunate enough to stumble upon a great website which literally saved me. I started working for them online and in a short time after I've started averaging 15k a month... The best thing was that cause I am not that computer savvy all I...

KATIE GRAY111

AT 2:08 PM APRIL 12, 2015

[ADD A COMMENT](#)

[SEE ALL COMMENTS](#)

office could investigate allegations of abuse and fraud, and take disciplinary action when warranted.

The changes are long overdue for a program that began as a service for seniors, many of whom moved to Florida for an active lifestyle. But once people reach age 85, it's believed half experience cognitive decline.

Family members, nursing homes and even neighbors can petition a probate court to have someone declared incapacitated. If a judge agrees, and if no family member can provide care, an individual can be stripped of his civil rights and made a ward of the court in a matter of days.

Then, the judge appoints a guardian whose fees are paid from the diminished person's assets, which can lead to abuse.

The power of these guardians is near absolute. They have influence over the simplest decisions, from buying groceries to choosing a doctor. And trying to get someone out from under their control can be enormously expensive because guardians get paid even for fighting attempts to fire them.

In the meantime, the number of registered professional guardians in Florida has skyrocketed, from 23 in 2003 to 465 today, according to the Florida Department of Elder Affairs. Given the boom, and growing number of seniors, better oversight is needed to address abuse.

County clerks of the court are trying to be proactive. **Palm Beach County**, for example, has established an anti-fraud hotline and hired an auditor to monitor guardianships filed in the clerk and comptroller's office.

In Miami-Dade County, the courts have implemented a new system for appointing professional guardians by operating a "registry" — a system that rotates appointments to curb favoritism by judges and prevent a few guardians from milking a gravy train.

Still, state action is needed.

Florida currently has 3,000 persons under the care of a court-appointed guardian. As the Baby Boomer generation ages, that number will grow. Florida must be ready. Reform is needed.

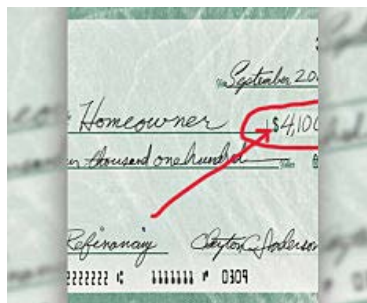
Turning the four bills into law would be a good place to start.

to reform the guardianship into law would be a good place to start.

Copyright © 2015, Sun Sentinel

FROM AROUND THE WEB

Sponsored Links by Taboola



1 Dirty Little Secret To Eliminate 15 Years Of Mortgage Payments

LowerMyBills



The Stunning Evolution of Millennials: They've Become the Ben Franklin Generation

The Huffington Post | Wealthfront



Learn How One Man Used 5 Stocks To Retire At 42

Newsmax



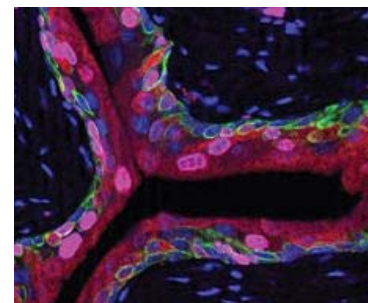
Millennials Are Ditching Delivery for This Dinner Hack

Eater for Plated



Hear Christie's Story About Life With MS

Healthination



Tracing Cancer Back to Its Origins

Columbia University Medical Center

f t s m p c