

# Elder Law Section Guardianship Committee

## AGENDA

Meeting Date: January 10, 2022

Chair: Twyla Sketchley

Vice Chairs: Michelle Kenney & Melissa Williams

Time: Noon Eastern

## VIA ZOOM

Time: Jul 12, 2022 12:00 PM Eastern Time (US and Canada)

Every month on the Second Tue, until Jun 13, 2023, 12 occurrence(s)

Aug 9, 2022 12:00 PM

Sep 13, 2022 12:00 PM

Oct 11, 2022 12:00 PM

Nov 8, 2022 12:00 PM

Dec 13, 2022 12:00 PM

Jan 10, 2023 12:00 PM

Feb 14, 2023 12:00 PM

Mar 14, 2023 12:00 PM

Apr 11, 2023 12:00 PM

May 9, 2023 12:00 PM

Jun 13, 2023 12:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/85859846481?pwd=M4JIZCAOmLMkQQtamAc8lK0hIC8bXS.1>

Meeting ID: 858 5984 6481

Passcode: 349083

One tap mobile

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- I. Call to Order – Chair/Vice Chair 12:03 by Michelle Kenney
- II. Roll Call/Attendance
- III. Approval of Minutes Motion - Lourdes Corvo; 2nd - Lisa DiFranza

Minutes from December 2022 Meeting Attached.

IV. Announcements

- a. Elder Law Section Essentials of Elder law January 12, 2023 & Annual Update January 13-14, 2023 [Elder Law Section of the Florida Bar \(eldersection.org\)](http://eldersection.org)  
Please register.

- b. MV Realty lawsuit by Florida Attorney General – check you guardianships and estates.

Shannon suggested we tell NAELA to send out info on this to all states to give everyone a heads up!

V. Legislative Update

- a. ELS Legislative Committee Meeting

- i. Baker Act Re-write – Comments & Vote

Twyla Motioned; Melissa 2nd; VOTE: STAY NEUTRAL

- ii. Education Proxy – HB19 filed by Representative Tant

BAKER ACT: someone self-neglecting = self-harm; significant property damage = harm to self and others - missing definition of what is "significant," so this could be a slippery slope; disabled/elderly with dementia baker acted must be referred to APD/DOEA to determine other resources that are available

SUPPORTED DECISION: Caitlyn Clibbon has 2 versions in draft and will send out when ready for us to review

- b. Supported Decision-making & Education Proxy- Subcommittee Report  
Caitlin Kibbon, Catherine Davey, Michelle Kenney, Karen Murrillo

ED. PROXY: Rep Tant thought included hierarchy ed proxy that we had before, so she's interested in amending bill to include that; RPPTL has worked on this; recommendation to pull out what we had last time and present ELS/RPPTL agreed upon language to give to Rep Tant; Karen Campbell will help

VI. Law/Case Law Updates

- a. New Cases

- b. New Statutes

- c. New Court Rules –

- i. New Civil Procedure Rules – review

The Florida Supreme Court seems to have made a fun hobby of making changes to the rules of civil procedure on a regular basis.

- d. New FL Bar Rules

- e. New Administrative Rules

- f. New Local Rules

i. Administrative Rules

1. 4<sup>th</sup> Circuit Court Administrative Order on payment of attorney and examining committee. Second Amended Administrative Order No. 2009-03
  - a. Update
2. 5<sup>th</sup> Circuit Court Administrative Order on payment of guardians Fourth Amended Administrative Order A-2018-69
  - a. Chante Jones – Update on outreach to Judge Morley

ii. Local Judicial Rules

1. Send local Rules to Melissa Finley Williams so she can make them part of the Repository Project

iii. Unwritten rules by clerk's offices regarding review of petitions, accountings, plans, etc.

1. Do you know what your clerk of court uses to audit financial reports?
2. What, other than annual financial reports, does your clerk audit?
3. Are the clerk's making "findings" adopted by judges?
4. PLEASE PROVIDE ANY FORMS, RULES, INSTRUCTIONS, ETC.

g. New Federal Laws

VII. Legislative Update

- a. 745 Rewrite –
  - i. Legislative Committee is working on jurisdiction language
  - ii. Status of onepager re: opposition to 745 rewrite
- b. Committee Needs to review Baker Act proposed legislation Comments and whether to support, stay neutral or oppose.
- c. Committee Needs to review Education Proxy Legislation Amendment to include the proxy portion to bill.
- d. Disability Rights Florida would like to work with ELS on supported decision making – sub committee report

745: ELS is providing legislators with one pager on why we don't like rewrite; our position is if 745 rewrite contains enough Uniform Jurisdiction act jurisdiction language, we don't oppose 745

VIII. Special Projects

- a. Guardianship Local Rule Repository – Melissa Finley Williams
- b. National College of Probate Judges Fall Conference in Destin, Florida November 14 – 18, 2022. – Report from Max Solomon **MAX DROPPED OFF CALL**

c. Clerk's Transparency Work Group – Clerks are still developing. Clerks discovered that some of the information that they proposed be collected is not collected in the current system and are attempting to address that **STILL ON HOLD**

d. Anti-guardianship Group Monitoring – Bill Johnson & Paul Lemieux

**Anyone doing GD that had anti-GD groups involved, please reach out to Paul.**

i. Nancy Grace's show is airing a program on Fox Nation regarding guardianship in Florida. Lesa Martino and other disgruntled family members will be appearing.

**FOX Nation: <https://youtu.be/co6iWkowkVs>**

e. Public Relations Projects – Victoria Heuler, Twyla Sketchley

i. News Stories of Interest

ii. **Need stories that show the guardianship (family, professional, or public guardian) had to be put in place for the protection of the elder or person with a disability.**

**Stories that show the guardianship saved a person's life, got a ward necessary medical care, saved a ward's assets. We need stories that show that a professional guardian helped saved a ward from an abusive family member or where the ward had no other person outside a professional. Send these stories to Twyla Sketchley so that we can get them to the PR committee.**

f. WINGS Update – Jose Rodriguez - **JUDGE RODRIGUEZ NOT PRESENT TODAY**

ABA survey on guardianship defense- please review it and complete it.

**VALERIE FRANKLIN: said they'r collecting info on differences in EC payment from**

IX. Advocate Article **circuit to circuit; also looking into how to properly educate EC members**

a. Anyone want to write an Advocate Article **RIMA NATHAN working with student who did article on supported decision making that will make it into Advocate Article (due February 1, 2023)**

b. Florida Bar Journal Article on Behalf of Elder Law Section

**no deadline - just submit it and then they review it for about 6 weeks; needs footnotes, etc.**

X. Old Business

a. Guardian Advocacy treatment as having no authority in Pinellas County – Update  
No additional counties are currently experiencing this, but have in the past. Continue to monitor. **Meeting on January 17th @ 10am via Zoom.**

XI. New Business

**EXAMINING COMMITTEE MEMBERS WHO ARE CONFUSED/DOING JOB WRONG: need to get them more training**

XII. Next Meeting – **February 14, 2023**

**Can we add as a new education requirement that new examiners need to work with older examiners on first 5 cases?**

XIII. Adjourn **12:56p.m.**

**Some circuits are waiving the requirements for continuing education - this is a big issue!**

**Twyla moved; Rene Vermette Peppy 2nd**

**BANKS REFUSING IN INTERVENE WITH WIRE FRAUD OR REIMBURSE VICTIMS PER KAREN MURILLO: how can we properly notice banks of this issue? Shannon Miller has case with this issue now and they're sending info to local branch re. fraud on specific client and tell bank to freeze assets (it is a FINRA rule). If they don't help at that point, then get a litigator involved. Jay said to tell bank manager that if they don't stop the money being transferred they will be named as a co-defendant!**