

Elder Law Section Guardianship Committee

AGENDA

Meeting Date: November 8, 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

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- I. Call to Order – Chair/Vice Chair
- II. Roll Call/Attendance
- III. Approval of Minutes

Minutes from October, 2022 Meeting Attached
- IV. Announcements
 - a. National College of Probate Judges Fall Conference in Destin, Florida November 14 – 18, 2022.
 - b. AFELA UnProgram in Orlando, FL December 2, 2022 – December 3, 2022
<https://afela.org/event/the-unprogram-2/>
 - c. 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)
- V. Legislative Update
 - a. ELS Legislative Committee has been meeting
 - i. Guardianship Committee took an electronic vote on the 754 rewrite and New language for DNRO
 - 1. The Committee voted to support the DNRO language
 - 2. The Committee voted to support the 745 rewrite if it included the Uniform Jurisdiction Act Language that would allow us to sign on as a Uniform Act State.
 - ii. The Legislative Committee has taken those positions and are processing them through the section and notify the Section’s lobbyists
 - b. Supported Decision-making & Education Proxy- Need a subcommittee to work on this
- VI. Law/Case Law Updates
 - a. New Cases
 - b. New Statutes
 - c. New Court Rules –
 - i. New Civil Procedure Rules – review
 - ii. New S. Ct. Administrative Rule on use of electronic technology
 - d. New FL Bar Rules
 - e. New Administrative Rules

- f. New Local Rules
 - i. Administrative Rules
 - 1. 4th Circuit Court Administrative Order on payment of attorney and examining committee. Second Amended Administrative Order No. 2009-03
 - a. Update
 - 2. 5th 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 you 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
 - i. Department of Justice has new initiatives on guardianship and elder abuse and exploitation
- VII. Legislative Update
- a. Update on DNRO Language – Waiting on Direction from Legislative Committee
 - b. 745 Rewrite – Michelle Kenney
 - i. Update on process, status, and legislative sponsors
 - 1. Draft review is complete.
 - 2. There is an updated version that was to go back to bill drafting.
 - ii. Waiting on update from Legislative Committee
- VIII. Special Projects
- a. Guardianship Local Rule Repository – Melissa Finley Williams
 - b. 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

- c. Anti-guardianship Group Monitoring – Bill Johnson & Paul Lemieux
 - i. Nancy Grace’s show is “investigating” a case at the behest of a bad step son-
More details needed
- d. 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.

- e. WINGS Update – Jose Rodriguez

IX. Advocate Article

- a. Guardianship Committee must submit article for November 1, 2022 deadline edition –
Waiting on response from committee re: Melissa’s article
- b. Florida Bar Journal Article on Behalf of Elder Law Section

X. Old Business

- a. Guardian Advocacy treatment as having no authority in Pinellas County - Update

XI. New Business

- a. RESOURCES reminder: Consumer Financial Protection Bureau (CFPB) information on unfair debt collection practices by nursing homes. Resources from Victoria Heuler:
https://files.consumerfinance.gov/f/documents/cfpb_issue-spotlight-nursing-home-debt-collection_report_2022-09.pdf

https://files.consumerfinance.gov/f/documents/cfpb_nursing-home-debt-collection_joint-letter_2022-09.pdf

https://www.justiceinaging.org/wp-content/uploads/2019/01/25-Common-Nursing-Home-Problems-and-How-to-Resolve-Them_Final.pdf

<https://theconsumervoice.org/issues/other-issues-and-resources>

XII. Next Meeting – December 13, 2022

XIII. Adjourn