

## **UPDATE: Woman in guardianship series on edge of freedom**

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SARASOTA - Linda Bous left her tiny room Wednesday in the locked assisted-living center where her court-appointed guardian placed her last May, to visit the Sarasota house she had longed for and fretted about for more than eight months. It was far from the joyful homecoming she had imagined.

Bous and her sister-in-law, Jane McElree, along with a family friend, hardly knew how to navigate the piles of belongings that covered every available surface. And they peppered Bous' attorney with questions about what will happen next.

In its December series, [“The Kindness of Strangers: Inside Elder Guardianship in Florida,”](#) the Herald-Tribune described Bous' struggle to reclaim the rights that were taken away when she was made a ward of the state. Restricted to using the center's shared telephone and unable to retain a lawyer, Bous, 67, called the newspaper in October and asked for help.

*When a reporter contacted Bous' court-appointed attorney, Marc Soss, he agreed to consider re-opening her case. In early December he filed the necessary papers, and Bous was re-examined by a psychiatrist last month.*

*A hearing is scheduled for Thursday before 12th Judicial Circuit Court Judge Charles Williams, and she is expected to have her rights fully restored. Soss said a “joint stipulation” has been prepared that will give her guardian a period of time to return her property and give an accounting of her assets.*

This would leave Bous once again in charge of her destiny, free to begin the long process of reclaiming her belongings and her personal life after more than nine months with no right to make her own decisions. She intends to live with McElree while she reassembles the pieces of her existence. *Complicating the process, said Soss and the guardian, is that Bous — the widow of an American but a citizen of Canada and Scotland — has not held a legal U.S. residency since 2010.*

They said the house tour on Wednesday was part of the legal procedure of unwinding her guardianship. The purpose of taking Bous to the home, Soss said, was “to show her what she has to deal with. I can only imagine what it's like for her, coming back into this.”

In April — when Bous was still reeling from the death of her husband in January — the Department of Children and Families petitioned the court for a temporary emergency guardianship. In June, a judge's ruling declared Bous to be incapacitated, after a hearing that she did not know she could attend, held after she had already been removed from the house she and her husband had shared.

Even now, it is not known when Bous will legally inherit the three-bedroom house on a quiet, leafy street. Her husband of nearly 27 years — Joseph Anton Bous, a longtime coach in Sarasota schools — died at the age of 66, leaving no will, and the house is in his name. Bous' guardian, Ellen Himes, was made personal representative of his estate, which has not been settled in the year since he died.

Her husband's death, according to court records, left Bous devastated for months, unable to eat properly or even pay the bills. Someone apparently placed an anonymous call to Adult Protective Services, the state agency charged with cases of elder abuse or neglect. Bous remembers a nice man who came by and arranged to have her electricity turned back on. Whether she remembers the condition the house was in when the state intervened was not clear on Wednesday. Bous and McElree exclaimed over the tumble of clothes, papers, books and financial records in the house. Himes and Soss maintained that the place looked and smelled better than when they first met Bous last April.

“I'm sorry that she's got the Better Homes & Gardens in her head, but it never was that,” Himes said. Bous wandered from room to room, obviously overwhelmed. “This is too depressing,” she said. Bous has said that when she left her home in May, her impression was that she was going to the assisted-living facility for a few weeks' rest and recuperation.

“We were sitting out in front of my house,” Bous recalled, “and she said, 'There's a place I know of and they have a room that's open, and maybe you should go there just for a little while. It will help you feel better. Take a few clothes.’” Himes said in December that helping a ward make the transition from an unsafe environment often requires tact.

“I never tell them that they'll never go back to their homes,” she said. “I try to guide them around it in a better way, like, 'You're going to go live in a resort now,' as opposed to, 'You're not going back to your house because it's too big and you can't handle it anymore.’”

Florida's elder guardianship system, designed to intervene quickly for the protection of frail and vulnerable citizens, can appear opaque to anyone hoping to challenge the rationale.

Critics have a phrase for the efficient formula guardians often use to take over the property and lives of their wards: “Liquidate, isolate, medicate.” Once its legal wheels are in motion, trying to keep an individual from becoming a ward is nearly impossible for those who lack money, access and an understanding of the rules.

And because so few lawyers specialize in guardianship, it can be difficult for wards or their families to find an attorney willing to help them seek a restoration of their rights — even when they manage to learn what steps are required.

Bills are pending in the Legislature that would make it harder for guardians and attorneys to disregard the best interests of wards under their protection, and to discourage the routine practice of ordering emergency guardianships without a hearing — as happened in Bous' case.

But on Wednesday, Himes' attorney, Jeanne Marie Bennett, said that the prospect that Bous' guardianship will come to an end “is proof that the system works.”