

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears above any article. [Order a reprint of this article now.](#)

## Editorial: Finish reform of guardianship law

*Published: Monday, October 26, 2015 at 6:01 a.m.*

Linda Bous lost her husband in January 2014. She lost her freedom in April 2014, when a state-appointed guardian took control of her finances and had the 66-year-old Sarasota woman placed in a locked facility for dementia patients.



*Herald-Tribune staff photo by Mike Lang*  
Linda Bous looks over paperwork with her attorney, Marc Soss, at the conclusion of a hearing to restore her rights at the Sarasota County Judicial Center in February.

The hearing to have her declared a ward of the state was held after she was placed in the facility, and Bous says she was not told she could attend.

After months — and a desperate phone call to the newsroom of the Sarasota Herald-Tribune — Bous finally won back the right to control her own life. At that hearing in February, she got her first look at the documents that wrested that control away.

"I feel that I was abused, because I had no chance to speak for myself," she said in court, as reported by the Herald-Tribune.

Bous's story was one of many told in "The Kindness of Strangers," a Herald-Tribune investigation into the state's guardianship system that exposed widespread breakdowns in a system originally intended to protect vulnerable Floridians from abuse and exploitation. (Read the series for yourself at [guardianship.heraldtribune.com](http://guardianship.heraldtribune.com)).

Instead of shielding them, the paper found cases where professional guardians took control of seniors' lives in often-secretive proceedings. Many claimed fees — sometimes in the hundreds of thousands of dollars — while freezing out families and friends in a process critics described to Smith as "liquidate, isolate, medicate."

As documented in the series, guardians can exert total control of their wards, forcing legal, financial and even medical decisions on them. In some cases, guardians refused to allow family contact unless the guardians were also present.

The Herald-Tribune's series prompted legislation in the spring that made it easier to investigate and prosecute suspected wrongdoing on the part of guardians, ordered courts to give greater weight to wards' wishes and makes it more difficult for guardians to disrupt family arrangements to protect a vulnerable senior's welfare.

But it didn't go far enough. Sen. Nancy Detert, R-Sarasota, has filed a bill for the 2016 session that includes better protections — including revamping the state guardianship office with expanded authority to oversee state-appointed guardians. This would replace the current patchwork of county regulation, and give family members and wards a single point of contact for questions and complaints.

Counties would have better resources for overseeing guardianships on a local level. The law would also require background checks for professional guardians, and create tougher penalties for guardians who abuse their position.

That last point is increasingly relevant. In Palm Beach County alone, the clerk's office has investigated more than 800 guardianship cases, and identified more than \$4 million in questionable expenditures and diverted assets, the News Service of Florida reported earlier this month. There have been two arrests. Palm Beach County is the only county in Florida with a hotline to report suspected guardianship fraud.

These protections should have been included in the legislation approved earlier this year, but two of the three guardianship bills — including Detert's — died when the state House of Representatives abruptly adjourned rather than finish budget negotiations with the Senate.

This year, state lawmakers shouldn't allow vulnerable Floridians to be a casualty of political infighting.

Copyright © 2017 Gatorsports.com — All rights reserved. Restricted use only.