

**Legislative Agenda AAAPG 2015-16 session**

**Overview**

The citizens of this state and the American public in general are being held hostage to a system of “justice” that has evolved over many years and ensnared many innocent citizens in a vortex of cruel, criminal unconscionable evil so egregious it is hard for anyone to even comprehend how it could possibly occur in this Country. It has a name—Guardianship.

Lawyers and the civil justice system have interjected themselves into our very lives and have the power to ensnare completely innocent citizens and subject us to endless legal abuse before we even realize what has happened. There is no effective consumer complaint reporting service or any other mechanism by which lawyers and judges can be held accountable for their actions-- they are not only above the law they have no respect for it except as it profits them. These elected jurists are kings of their kingdoms and can and often do ignore the very statutes intended to guide their actions. Administrative probate judges entrap citizens before they're even aware of their entrapment. Unconcerned with interference from any level of Law Enforcement, the “guardianship industry” rolls on crushing everyone and everything in its path.

For courts and the attorneys and professional guardians who serve those courts to have evolved as predators upon the population they were set up to serve and have sworn to protect is overt corruption and fraud so egregious that it has the potential to rock the very foundation of our democratically elected governments to the core.

In probate courts across the state, and indeed across the country, cozy relationships between judges and those who practice before them including court-appointed attorneys and guardians and other fiduciaries have congealed into a massively efficient and thoroughly corrupt machine which pre-selects and preys upon innocent vulnerable individuals with no mercy. Only when one is personally touched by or trapped in this inescapable hell does one begin to realize how thoroughly and shamelessly corrupt the system has become and how desperately revolutionary change is needed.

The justice and law enforcement system in Florida is an eyesore and an embarrassment. It is broken and unfixable. The State is near or at number one in Human Trafficking, Violent Crime, Law Enforcement Corruption, and Conviction of elected officials, Ponzi fraud, Medicare fraud, Medicaid fraud, insurance fraud, income tax fraud and much more.

Its leaders are to blame.

**Failures of oversight**

In the state where nearly 20% of its citizens are 65 years of age or older, where massive amounts of money pour into the state from retirees who have come to Florida to enjoy their golden years in peace, the Chief Justices of the Supreme Court of the state of Florida, the leadership of the Florida bar, the Florida State guardianship Association, the Dept. of children and families, Adult Protective Services, Florida Department of Law Enforcement, Office of Statewide Prosecution of the Attorney General and Department of Elder Affairs all have looked the other way when confronted with blatant and incontrovertible evidence that families and individuals across the state are being subjected to unconscionable legal abuse and exploitation at the hands of the very people entrusted with the task of protecting the public from just such abuse.

The astronomical growth in the number of professional guardians in Florida is staggering witness to the attractiveness of a profession for which there is no oversight or discipline, and whose fees are almost never questioned and almost always granted, and thus seems to attract the most predatory and sadistic individuals in our society who need only pass the 40 hour Internet course and test to become certified as a guardian. Integrity, honesty, and compassion do not enter into the equation nor do educational levels or experience. Pass the test, find the victim, and make a lot of money.

The American experiment in democracy will not survive these types of foundational and fundamental assaults on the freedoms for which so many of our forefathers died.

The argument that only a small percentage of guardians and Guardian lawyers in the state are bad apples or cockroaches and only the bad apples need to be weeded out is specious. Not every member of ISIS has killed an American or plotted to, but every member of ISIS is a terrorist. Similarly every member of the system of endless probate terror that plays out daily in probate courts around the state-- including guardians, lawyers, judges, clerks of the court so many others-- must be reined in and brought to justice. None of them can any longer be trusted to protect our loved ones.

AAAPG has extensively analyzed the depth and breadth of this problem in Florida.

It is massive.

**The failure of the Florida guardianship system**

And though our focus has been almost exclusively on issues surrounding for-profit probate guardianship, the legislature must be told that public guardianship in Florida is no less a fiasco.

Information obtained from the director of a SPGO (State Public Guardianship Office) contracted public guardianship Corporation currently under contract to take care of no less than 1500 indigent Wards in Miami-Dade county’s 11th district indicates how the state has abjectly failed to supervise, fund and support the 17 statewide contractors representing all 67 counties in the state in which indigents reside. These public guardians must accept all comers which means they get the guardianships that no one else wants. These Wards are often penniless, bereft of family members willing to help and unable to help themselves.

Currently the state does not contribute to the housing, feeding or clothing of these individuals directly. It pays $2650 per year per public Ward to contracted agencies to process paper work to qualify Wards for federal and other grants. As a result of this outrageous underfunding, these contractors are forced to hold charity events to solicit funds from the general public and from private donations and grants. They spend inordinate amounts of their time filling out forms to qualify for grants to sustain their operations.

As a result of these systemic deficiencies and constraints and massive underfunding, the public guardianship system struggles to retain adequate numbers of public guardians as many corporations that were previously contractors have gone out of business for lack of revenue.

Even within the system of public guardianship there is self-dealing and corruption. As an example, another contractor in the Miami area by virtue of an historical affiliation with a now closed mental hospital retains control of thousands of public Wards by default and is known as the Queen of Miami Guardianships. Currently only 2 entities are even capable of taking on new Wards and often there is a long waiting list while the State spends hundreds of millions on far less pressing issues.

**The Difference Between Public And Private Guardianships**

**There is a confounding moment in guardianship proceedings that seals the fate of potential Wards who have assets and ensures safety of those who have none.**

**When a poor person becomes a Ward, in the public guardianship system, that system and Florida statutes provide protection for whatever assets they do have. The Ward who may have few thousand dollars to his name, is allowed to keep those funds and his Social Security benefits his VA benefits and any other benefits he receives. His rights have been taken away, but whatever assets he has are not seized. He is allowed to receive gifts and presents including money and the Guardian and the government run their programs to get government assistance for food housing quoting and the like while paying SPGP contracted guardianship agencies $2650 per year to do the paperwork and make sure that the Ward is receiving every possible benefit from any available funds or grants. The Ward is essentially freed to live on government dole with the guardians performing only rare and perfunctory chores thereafter.**

**In other words, the state does not confiscate any funds or benefits from people who have less than a certain amount of assets.**

**Contrast this to what happens when a Ward with significant assets is taken into guardianship. And remember, poor or rich the process is governed by the same statutes.**

**When a wealthy individual, perhaps meaning someone with $500,000 or more in liquid or real assets, becomes alleged incapacitated person, instantaneously a search is made to determine the worth of the alleged incapacitated person. When their rights are taken away by letters of guardianship every asset in seized and sequestered. All trusts and bank accounts are frozen. All benefits are seized and diverted to the Guardian. All income, interest, rents instantly become the property the Guardian who owns the Ward. Thereupon begins the assault on not only the Ward’s assets but the Ward himself. Human nature explains to us that absolute power corrupts absolutely.**

**This explains the statement which was said personally to me by for-profit Guardian “we only take rich people”. Becoming a guardian and more importantly becoming the guardian’s lawyer is an excellent business plan. It is a foolproof way to become very wealthy and very powerful and protected in every instance by a judge who will uniformly support everything you do and almost never get in your way or investigate what you’ve done. Once appointed the guardians and lawyers know they can charge whatever they like as often as they like with impunity and their requests for money from the estate of the Ward will be approved.**

**The fundamental difference between public guardianship and guardianships for the rest and the reason that public guardians complain that they get the cases that no one wants is because wealthy cases are skimmed from the top and handed out to a tiny group of heavily clouted players in the industry. Many of these players are also in the public guardianship business and it may just be that the court distributes wealthy cases to guardians to make up for the smaller amounts they make from doing work for public guardianship companies.**

**Thus, courts guardians and lawyers work for their mutual benefit. And instead of being protected and their assets allowed to flow as per their advance directives in intergenerational transfer, Wards and their families have repeatedly been impoverished in a blizzard of paperwork and legal documents, staged litigation, years of hearings on fees, abject abuse, vitriolic retribution, sadistic physical abuse, isolation from family and friends, use of chemical restraints with atypical antipsychotic drugs which are lethal and of course financial abuse by means of fiduciary misconduct and absent any realistic or effective form of oversight or discipline from the court, the state, or any agency.**

**Solutions**

Our solution would be to abolish guardianship in the state as the most comprehensive way to cut out this cancer before it grows any further.

Recognizing that the goal is impossible at this time, we now propose specific solutions to aspects of the problem intended to achieve the following:

* Relentlessly expose this racket as widely as possible to promote public outrage
* eliminate outrageous profit and greed from guardianship
* address specific flaws and loopholes in the statute so commonly used to abuse families and victims
* curtail the powers of illegitimate probate judges and courts that have aided and abetted estate rape and victim exploitation for so long
* bring the worst offenders in the system to justice

**A Proposal To Unify State Guardianships Under SPGO**

In the state of Florida all guardianships, regardless of type, (public, professional, family, corporate) are governed by the same statute, namely statute 744. The original intent of the legislation, as clearly stated in its first paragraph is to do what's best for “Wards” and to create a system that is humane and equitable and to use guardianship as an absolute last resort only.

*The Legislature finds that adjudicating a person totally incapacitated and in need of a guardian deprives such person of all her or his civil and legal rights and that such deprivation may be unnecessary. The Legislature further finds that it is desirable to make available the least restrictive form of guardianship to assist persons who are only partially incapable of caring for their needs*

and to provide

*the form of assistance that least interferes with the legal capacity of a person to act in her or his own behalf*

However, despite legislative intent, there exists a gaping discrepancy in the manner in which various types of guardianships are actually executed on a day-to-day basis in Florida and that discrepancy demands immediate repair.

Evidence and data collected from around the state indicates clearly that rather than a last resort, when it comes to for profit cases, guardianship is being used as a weapon and the only resort against individuals with assets—who may or may not be incapacitated at all-- from whose life long savings a fortune awaits the guardians and lawyers who are awarded these private professional fee-for-service guardianships by virtue of court cronyism liberating the onslaught of staged endless litigation, outright fraud, fiduciary failure and destruction of families.

Conversely, Guardianships for the poor are handled –though with great difficulty-- by SPGO at negotiated contracted rates of payment orders of magnitude below those billed for private cases and with almost no litigation, no chemical restraints and no forced isolation from existing loved ones.

This inequity flies in the face of equal access provisions of the Constitution, via the Fifth and Fourteenth Amendments to the United States Constitution which contain a 'due process clause' and are designed to act as a safeguard from arbitrary denial of life, liberty, or property by the Government outside the sanction of law.

*Put yourself in the position of an alleged incapacitated person-it might happen to you someday.*

**Why should a person with means be forced to accept an unknown for profit guardian—appointed because he is a favorite of a probate judge-- whose purpose is to exploit him, when a public guardian who is identically trained and certified is available at a much more palatable cost? Why should a guardian’s lawyer be forced upon an allegedly incapacitated person for $700 per hour when that same lawyer is willing to and does work for the state at a fraction of that amount? Why should a person of means not receive full due process prior to being turned over to a predatory guardian/lawyer team? Why should public guardians be forced to work a large caseload for peanuts when for profit guardians literally swim in pools of cash taken from as little as a handful of innocent families?**

The unconstitutional lack of due process so commonly seen in Probate across Florida, particularly in the number of so called “Emergency Temporary Guardianships” opens the door to abuse, neglect and exploitation by rapacious guardians and lawyers who are “aWarded” these cases which inevitably turn from temporary to permanent plenary guardianships and which so often lead to abuse neglect and exploitation of a “Ward”. The purpose of this well practiced court choreography is simple—it makes a fortune for everyone who is on the predator’s team.

***This is wrong.***

Every “Ward” is by definition a Ward of the State. Every Certified Guardian in Florida can provide services to any Ward, rich or poor. SPGO provides guardianship services of a high caliber to indigent individuals at the taxpayers’ expense aided by grants and donations. The very same certified (by SPGO) guardians who work under contract to SPGO could change hats and do the identical work for individual who are not indigent at fair and reasonable fee-for-service rates ---as opposed to the current system wherein for-profit guardians are required to do a small percentage of their work for the indigent, but then change hats and by virtue of their relationships with jurists are aWarded the ability to ravenously consume assets of individuals.

It is these very same lawyers and guardians who are happy to work on state contract payment levels for the destitute. Doing so allows them to dedicate at least 75% of their time to working in the for-profit field where there is no oversight supervision or discipline.

Fee for service for-profit guardianship generates revenues in the billions of dollars per year which go directly into the pockets of these very same guardians and attorneys when they wear the “for profit hat”. Rather than serving the public interest and collecting from the state a reasonable charge for the care of non-indigent Wards, the accumulated assets of a lifetime instead are diverted into the pockets of the for-profit system thus depriving the state of the revenue needed to properly care for all the rest of Florida’s Wards and leading to a SPGO budget crunch on a yearly basis.

Under the system as it currently exists, indigent individuals are cared for entirely by the state. Through SPGO the state contracts with corporations and individuals throughout the State to act as representatives of SPGO and perform the day-to-day activities required to maintain indigent Wards throughout the state. All expenses related to these guardianships are closely monitored and all monies flowing to these corporations and individuals are at tightly controlled fee levels. This is in direct contrast to private for-profit guardianships in which multimillion dollar estates can be wiped out in a short period of time due to the cost of staged litigation which profits no one but the lawyers and guardians who institute it and the jurists who uniformly rubber stamp fee requests for their court cronies. **Even with the passage in 2015 of house Bill 5 there is no meaningful oversight over private guardians. NONE!! The Jurists whose job it is to monitor and discipline private guardians have failed and continue to fail to do their job.** Some say this is because of court underfunding, others say this failure to monitor is intentional so as to allow court cronies to maximize profits in return for some as yet unknown considerations for the jurists. Further, the fractured supervisory roles of various agencies across the State, including DOEA, DCF and APS have a miserable record of reining in abuse and in many cases display an institutional bias against families who report abuses against guardians who are well known to bribe APS agents regularly.

Americans Against Abusive Probate Guardianship has demonstrated time and again that the abuses that have rained down on innocent Florida families from for-profit guardians and lawyers are based almost entirely on the vast amounts of money available to be diverted into the pockets of guardians and lawyers as low hanging fruit. Rather than working toward family resolution and/or settlement as is the intent of the Supreme Court of the state of Florida, these attorneys do everything in their power, including outright lies to the Court to prevent effective mediation/settlement while all the while billing at outrageous hourly rates they know will be rubberstamped by their pal the judge. Furthermore this ability to bankrupt families allows the attorneys and guardians to retaliate in the most sadistic and vicious ways against family members who attempt to stand up to their abuse.

**In short, statute 744 has been effectively weaponized against innocent families in Florida with assets.** Instead of providing for what's best for the state or a potential incapacitated person, when that incapacitated person has funds that can be diverted into the pockets of lawyers and guardians, the only parties whose best interests are served are the guardians and lawyers.

This is best shown by the enormous discrepancy in the amount of litigation seen in indigent vs. non-indigent guardianships. Our contention is supported by the fact that guardianship services can be and are being provided to indigent individuals at a tiny (and underfunded) fraction of the cost suffered by families with resources.

We propose to even the playing field.

We have previously suggested that the greed factor so apparent and such a driving force in for profit guardianships should be addressed by capping fees for Guardians and Lawyers. We are strongly in favor, but are concerned that the political clout of the Bar would derail such a proposal.

Others have proposed a mandatory usury fee on all private guardian and lawyer fees approved by the court of no less than 50%, those funds being used to upgrade the SPGO.

But, after painstaking analysis we have concluded that the only feasible way to clean up the morass in Florida is to either abolish guardianship altogether or expand the duties of SPGO while at the same time ratcheting down the role of the Probate judges who have proven time after time to have failed in their duty to monitor guardians and lawyers who practice before them and have literally gotten away with murder and grand theft for decades due to their cozy court relationships.

**Proposals**

**Part 1**

Short of abolishing for profit guardianship and rather than tinkering around the edges of statute 744, we feel that the most powerful change of all in guardianship--which would solve nearly all of the abuses in guardianship and remove a financial incentive for rapacious guardians and their lawyers-- would be to make all guardianships Public State guardianships administered through a beefed-up Dept. of Elder Affairs and SPGO.

This simple proposal would accomplish a number of important and positive goals:

1. The Dept. of Elder Affairs would be the single governing body for all guardianship issues, responsible for grievances, licensure, governance, discipline and fair payment to guardians and lawyers. Instead of off-loading its responsibility to the private sector, the state would regain control of the process using existing resources at a much lower cost to all concerned
2. The expense to the state for all guardianship matters would be reduced by the creation of an even playing field in which ALL guardians and attorneys would be paid set amounts as negotiated with the state for their involvement in non-indigent guardianship cases. Under these limits families and estates could be charged reasonable amounts by the state (similar to what is now being paid in public cases) to not only reimburse the costs but also help pay for the expansion of the Dept.
3. Probate judges, who are constantly complaining that they are underfunded overworked and understaffed will see a dramatic reduction in their caseloads by the absence of litigation from fee hungry attorneys.
4. Litigation issues could be adjudicated in either criminal or civil court whenever appropriate.
5. There will be strong downward pressure on the creation of new guardianships and all the work required by the government to establish and maintain them when the profit motive for a tiny group of attorneys and guardians is removed.
6. The movement from for-profit to state run guardianships would alleviate the inevitable shortage of public guardians available throughout the state. The enormous growth that has led to 460 professional guardians today which will lead to the disappearance of many public guardians, could be utilized statewide to solve a state problem rather than to line the pockets of a relatively small number of guardians and lawyers who only need a few cases to make millions of dollars a year. Their talents and expertise could be used in the state and for the people of the state while still making a reasonable wage.
7. Guardianship companies that participate with the state have been closing because their business models have failed. So many cases have been diverted to private guardianships, payments have been so slow to arrive, and the costs of doing business have risen to the point where there will soon be a public guardianship shortage crisis. This unification proposal would provide stability to the supply of guardians for years to come.
8. By adopting a process that does not carelessly and capriciously prevent due process, the State of Florida would avoid inevitable federal investigations and intervention and the resultant costs of defending the unconstitutional actions of Florida jurists.
9. The costs to the state to manage Wards properly would be minimized by the abolition of hoarding SSA and other benefits currently not used for the Ward’s benefit, but sequestered to assure that adequate amounts have been pilfered to be able to pay massive legal and guardian fees.
10. The ongoing business failures of public guardianship contractors would be immediately reversed by allowing them to compete for more lucrative cases instead of being shut out of such work by cozy and highly profitable jurist/guardian/lawyer relationships.

* By using resources that are immediately available, fully trained and already performing services for SPGO (certified guardians) the number of available full time employed or contracted public guardians would increase from roughly 540 to nearly 1000 overnight, solving any shortages for years to come.
* By creating a fair and transparent mechanism of cost containment and fee limits, the vast majority of family members could be assured that protecting their loved ones would not result in their own bankruptcy and endless years of retaliatory abuse from fee based predators whose only real interest is greed.
* By taking control of the entire guardianship process, the State will take back the role it has abandoned and that the court has mangled—that of protecting innocent citizens from those who would harm them.
* In combination with the new section of 744.3104 and by removing self-interest, self-dealing and cronyism from the process, the number of phony guardianship petitions and guardianships in general would plummet resulting in lower costs to the state for mandatory payments to examining committee members, not to mention decreased court costs and time.

Nearly every despicable aspect of abusive guardianship would be reduced or eliminated by this simple proposal. The State would actually profit from protecting its citizens!!

**Proposals**

**Part II**

Specific Recommendations for incorporation into existing statute

1.  Neither Alleged Incapacitated Persons (AIP) nor Wards shall be denied their federal and/or state constitutional rights to legal counsel, full Constitutional due process and representation of their own choice.  Those rights shall not be abridged, delayed, or obstructed.  Nor shall any Court, guardian, ETG, or other party or person have the power to override or obstruct the AIP's or Ward's choice or (pre-choice via advance directives) of legal counsel, HCPOA or POA.

2.  Interested parties identified by AIP's and Ward's in advance estate plan directives shall have full, unrestricted rights to participate in all aspects of proceedings, including but not limited to all mental capacity, ETG, guardianship hearings, attorney fees hearings, and any actions or proceedings aimed at or resulting in extracting funds from a Ward's assets, et al.

3. Any and all medical evidence from licensed health care providers contradicting claims of the AIP's and/or Ward's alleged incapacity must be entered into the Court record without restriction.  The Court shall require that all Examining Committee members fully access, evaluate and weigh this evidence in all deliberations, decisions, reports and recommendations.

4.  No AIP shall be declared a Ward without a scheduled and properly noticed guardianship hearing.  This guardianship hearing shall require full examination and cross examination of all parties petitioning for control of the AIP's person and/property and open to all interested parties.

5. Any Mental Capacity and/or ETG petitioner or petitioner’s lawyer found to have knowingly withheld or misrepresented material information or evidence from the court and/or interested parties shall be immediately disqualified and sanctioned and reported to APS. They must be fined treble of all fees, costs, and damages, caused by their withholding and/or misrepresentations.

6. Every six months, the Court is required to assure that the guardianship they have imposed on a Ward is the least restrictive guardianship possible, keeping in mind that state policy is that Court-imposed guardianships should be "the least invasive."

7. Payment of any and all Private guardianship costs and/or attorney’s fees, court costs and other costs exclusive of funds used to pay for food, medical care, medications, existing insurance policies, any and all taxes owed by the Ward/estate, clothing and housing for the Ward, shall never exceed

the lesser of

5% of the estates value in the preceding calendar year

or

an aggregate of 20% of a Ward's assets over any period of time during the duration of the guardianship or after the demise of the Ward.  Nor shall any guardian or attorney fees prevent, preclude or preempt a Ward's assets being used and protected for medical care.

Or

$40,000 per any 12 month rolling period

8.  A Ward must not be removed from their family home against their advance directives or will.  Nor shall proceeds from sale, rental, mortgage, or lien of their home be used to pay any guardian or guardianship attorney fees or costs.

9. Interested parties identified in an AIP's or Ward's advance directives shall have a right to petition for the removal of a court-appointed attorney, if that court-attorney was not specifically pre-selected by the AIP or Ward.

10. Interested Parties identified in an AIP's or Ward's advance directives shall have automatic standing to appeal any and all guardianship court orders and decisions to Florida Appellate Courts.

11. In contested guardianships when requested by an interested party, access to a jury trial may not be refused by the probate court.

12. Each member of the examining committee must swear on penalty of perjury that they have performed a complete examination, including a physical examination of the alleged incapacitated person, that that examination took no less than 60 min. of face-to-face time with the AIP, that their report was completed and the conclusions therein reached with no communication whatsoever and completely independent of other examiners and their reports.

13. An interested person must be permitted to videotape or otherwise record all examining committee interactions with the AIP

14. Notification to the court of pre-existing advance directives must be filed simultaneous with any request for incapacity hearing or evaluation

15. Any motion alleging abuse neglect or exploitation including financial exploitation by a guardian shall be given priority status by the court and heard within 5 days of receipt.

16. No examining committee member may serve a term of more than two consecutive years without an equal number of years off the committee since initial appointment.

17. Guardians must timely respond to requests of a non-legal nature such as condition updates of interested persons for communication regarding guardianship issues including by telephone and e-mail and fax. If the request is of a purely legal nature and requires response only by attorney, then the Guardian is permitted to refer interested person to legal counsel.

18. All motions and requests for legal fees and/or guardianship fees must include a sworn statement subject to penalties of perjury that indicates that at least 25% of the entire then current caseload of any such Guardian is in representing public guardianships of Wards.

19. In the event that a real property of the Ward is sold on the basis of a court order, the Guardian must report to the court complete information about the sale price, the buyer and any relationship that buyer would have to the Guardian, the guardian’s family or business associates; any subsequent sales within a two-year period including the name of the buyer and the selling price must be reported to the court within seven days of such sale.

20. Without exception a guardian must obtain and present to the court a full surety bond in an amount representing no less than 75% of the value of the AIP or Ward’s estate for each case he/or is granted. The cost of the Bond is the cost of doing business and shall not be paid for, reimbursed or court aWarded by the AIP, the Ward or Ward’s estate.

21. An interested person must be advised of a pending examining committee evaluation at least 48 hours before any such examination is performed

22. When a guardian alleges to the court that an interested person cannot be located for any purpose, the allegation must be at penalty of perjury and such statement must be accompanied by evidence of efforts made to locate such individuals including but not limited to phone records, e-mails, Internet searches, searches of legal demographic documents.

23. Under penalty of perjury any physician prescribing atypical antipsychotic medications including but not limited to Respirdol or Seroquel or benzodiazepine medications to any Ward who has not taken them previously, must on the date such a prescription or order is written or entered or filled provide the court a sworn document of verified diagnosis for which these medications are being prescribed and any and all evidence to support such a diagnosis.

24. At all times and for all purposes, the Court, guardians, and all parties shall use and give precedence to "substituted judgment" analyses and decision-making, above and before any use of so-called "best interests" standard.  All lawful directions and desires of the AIP and/or Ward shall be given unrestricted preference and priority over contrary decisions by a court and/or guardian.

25.  An AIP and/or Ward placed in an involuntary guardianship shall not be held responsible for the fees or costs of more than one attorney.  Nor shall any attorney bill an AIP or Ward or any interested party any attorney fees for work or services that does not require a licensed attorney and could be done at a lesser fee by a non-attorney.

26. A mutually acceptable private certified court reporter shall be present at every hearing regarding the Ward or Ward’s estate, including hearings for fees, paid for entirely by the party that initiated the guardianship proceedings. Payment for such services is not reimbursable from the Ward/estate or any other source and must be borne solely by the initiating party. Such payments are excluded from the accountings described in section 7 supra.

27. Unrestricted Family visitation with the Ward from/by interested parties will not be denied or curtailed or surcharged except:

* When the party in question has been arrested for posing a physical threat to the Ward PRIOR TO THE DETERMINATION OF INCAPACITY or
* When APS testifies in a noticed hearing that one of their agents personally witnessed physical violence from the party against the Ward

28. All probate court hearings including those related to mental health issues in guardianship shall be public record and not subject to sequestration or other means of preventing public knowledge and study of those proceedings.

29. Any entitlements or benefits earned over the lifetime of the Ward including but not limited to Social Security Administration, Veterans Administration and private pension, must not be used to pay Guardian or Guardian lawyer fees.

It is with the greatest respect that we make this proposal to you on behalf of the hundreds of families represented by AAAPG in Florida alone.

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