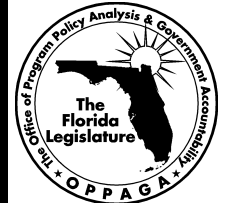




Office of Program Policy Analysis And Government Accountability



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Follow-Up Report on the Review of Public Guardianship Within the State Courts System

Abstract

- **Public guardianship is not a necessary function for state government; in Florida, at least three circuits have established local programs without state oversight, and some other circuits are served by volunteer organizations. The current allocation of state program funds is not based on a statewide evaluation that prioritizes and addresses statewide need.**
- **For the past eight years, state funds have been used to provide Public Guardian services in only 3 of 20 circuits, despite requests from Chief Judges in other circuits for state funded offices.**
- **We recommend that the Legislature discontinue state funding for the three Public Guardian Offices.**

Purpose

In accordance with s. 11.45(7)(f), F.S., this follow-up of Report No. 95-04 (issued September 6, 1995) informs the Legislature of the status of our recommendations concerning the Offices of Public Guardian as administered by the State Courts System.

Background

The law authorizes Offices of Public Guardian to provide guardianship services to incapacitated and indigent persons when no private guardian is available. The Chief Judge of the Circuit may establish an Office based on recommendations from other circuit judges and advocacy groups who are knowledgeable about the needs of incapacitated persons. Offices of Public Guardian may be supported by state and/or local funds.

Prior Findings

The current program structure uses state funds to serve 12% of counties in the state. Since 1989, only 3 of 20 judicial circuits have received state funding for Offices of Public Guardian, despite requests from Chief Judges in other circuits for state funded offices. Offices in four other circuits are funded entirely through local funds.

We identified two reasons why the State Courts System has not established additional Offices:

- Competing priorities for limited resources within the State Courts System; and
- Lack of statewide evaluation to identify and prioritize the need for state-funded guardianship services.

Rather than continue to provide state funds to only three circuits, we recommended that the Legislature consider two alternatives:

- Amend the law to repeal state funding of Public Guardian Offices. This alternative would allow the Legislature to save approximately \$600,000 a year. Local governments that wish to provide public guardianship services would retain the discretion to fund them; or
- Amend the law to transfer program responsibility to an executive agency, such as the Department of Elder Affairs. A change in the placement of program administration could increase program participation and coordination. An executive agency could coordinate services funded by the state with locally funded services or encourage jointly funded programs.

Current Status

The status of public guardianship remains relatively unchanged since the time of our initial review. The current program structure uses over \$662,000 in general revenue funds to serve 3 of 20 circuits, or 12% of Florida counties.

The State Funds Three Offices of Public Guardian

Circuit	Counties Served	Amount of State Budget Allocated in Fiscal Year 1996-97
2 nd Circuit	Leon Gadsden Franklin Jefferson Liberty Wakulla	\$283,975
13 th Circuit	Hillsborough	102,252
17 th Circuit	Broward	276,631
Total	8 Counties	\$662,858

Our original recommendation to transfer the responsibility for public guardianship to an executive agency could allow for a more equitable distribution of available funds, but would not resolve the problem of limited state resources. Department of Elder Affairs staff are concerned that the Program would not be adequately funded if program responsibilities were transferred to them.

In 1996, the Legislature amended the public guardian law to clarify staff qualifications and staff ratios. The Legislature also eliminated a requirement that counties wishing to impose a \$10 fee on civil case filings for funding Offices, provide matching funds from county general revenue. Although these changes provide Offices of Public Guardian with increased flexibility, the larger issues of appropriate placement of the program and equitable distribution of state funding remain unresolved.

We recommend that the Legislature discontinue state funding of the three state funded offices. Public guardianship is not a necessary function for state government; in Florida, at least three circuits have established local programs without state oversight, and some other circuits are served by volunteer organizations. The current allocation of state program funds is not based on a statewide evaluation that prioritizes and addresses statewide need.

To discontinue the program, the Legislature could phase it out by directing the three Offices to not serve additional wards and to find persons to serve as guardians for existing wards. A phase-out period would allow time for attrition and the transfer from state to local guardianship.

This project was conducted in accordance with applicable evaluation standards. Copies of this report may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person (Claude Pepper Building, Room 312, 111 W. Madison St.), or by mail (OPPAGA Report Production, P.O. Box 1735, Tallahassee, FL 32302). Web site: <http://www.state.fl.us/oppaga/>

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