

Initial Guardianship Examining Committee Training

May 28, 2010, 1-5p.m.

Hillsborough County Edgecomb Courthouse
Judicial Conference Room – 6th Floor
800 E. Twiggs Street, Tampa (Downtown)

This workshop is designed to meet the requirements for the initial training for persons serving as guardianship examining committee members in Florida, in accordance with §744.331 of the Florida Statutes, revised July 1, 2006. Florida law now requires four hours of initial training for persons serving as examining committee members for capacity proceedings, unless waived by the court for a person who has served five or more years as a member of a guardianship examining committee.

Reviewed in this program is the law shaping guardianship and incapacity in Florida, the adjudicatory process, the appropriate role of examining committee members, and the clinical-forensic assessment of civil competencies (e.g., capacity to manage one's health care and financial affairs).

Workshop objectives

Participants will be able to:

- describe and distinguish between limited and plenary guardianships;
- list the legal rights that can be transferred and/or restricted via guardianship proceedings in Florida;
- identify the predicate conditions required for imposition of a full or partial guardianship;
- describe the legal process involved in initiation of guardianship proceedings; and
- describe the template for the examination and assessment of civil competencies that can be the focus of guardianship proceedings.

Faculty Members

Randy Otto, Ph.D.

Randy Otto is an Associate Professor in the Department of Mental Health Law and Policy. He received masters and doctoral degrees in clinical psychology from Florida State University, and completed an NIMH-funded fellowship in Law and Psychology at the University of Nebraska. Dr. Otto is a licensed psychologist and Diplomate in Forensic Psychology, American Board of Professional Psychology. In addition to his position in the Department of Mental Health Law and Policy, he holds adjunct faculty appointments at Stetson University College of Law, the Department of Psychology, and the Department of Rehabilitation and Mental Health Counseling at the University of South Florida. Dr. Otto has served as President of the American Academy of Forensic Psychology, the American Psychology-Law Society, and the American Board of Forensic Psychology. He chairs the Committee to Revise the Specialty Guidelines for Forensic Psychology and is on the editorial boards of Behavioral Sciences and the Law, Assessment, and the Journal of Behavioral Health Services Administration. Dr. Otto has published numerous articles and book chapters in the areas of forensic assessment and clinical decision making. Most recently, he joined department colleagues John Petrila and Norman Poythress in authoring the third edition of Psychological Evaluations for the Courts: A Handbook for Mental Health Professionals and Lawyers.

Edwin M. Boyer, Esq.

Edwin M. Boyer is a Florida Bar Board Certified Elder Law Attorney and a member of the law firm of Boyer & Jackson, P.A. He has practiced law in Sarasota, Florida since 1978. He received his Juris Doctor Degree in 1978 from Stetson University College of Law. Mr. Boyer practices in the area of Elder Law with an emphasis on guardianship, estate planning and administration, advance directives, end of life issues, nursing home resident's rights, and elder exploitation. Mr. Boyer is a member of the Board of Directors of the National Academy of Elder Law Attorneys, a fellow in the Academy, a member of the council of advanced practitioners of the Academy, and is the past Editor of the NAELA QUARTERLY and the past Chair of the NAELA publications committee. He presently sits on the NAELA Journal Editorial Board. In 2004 he received the NAELA Presidents Recognition Award for extraordinary contribution to NAELA. He is a member of the Board of Directors and Immediate Past President of the Academy of Florida Elder Law Attorneys, the Florida Chapter of NAELA. Mr. Boyer is past Chair of the Florida Bar Elder Law Certification Committee, past Chair of the Board of Governors of Senior Friendship Centers of Southwest Florida Inc., and a member of the Board of Directors of the Florida Attorney Generals Seniors vs. Crime, Inc. In 1994, he received the Florida Bar President's Pro Bono Service Award for the 12th Judicial Circuit. Mr. Boyer served as a member of the State of Florida Long Term Care Ombudsman Council for 12 years. In 2001, he was appointed to the Florida Lt. Governors Task Force on Affordability and availability of Long Term Care. Mr. Boyer is a co-author of the book *Planning for the Elderly in Florida*. He has written articles for the Quarterly Journal of the National Academy of Elder Law Attorneys, other elder law organizations, and speaks frequently on Elder Law issues. He is an Adjunct Professor of Law at Stetson University College of Law where he teaches Trusts and Estates, and Survey of Florida Probate.

Local Procedures will also be covered at the end of the training.

For more information, please call (813)276-8517