

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2022-26-PRC

ELDERCARE COORDINATION

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (c) Section 44.407, Florida Statutes, created a statutory structure for eldercaring coordination, an elder-focused dispute resolution process to complement and enhance other services available to elders.
- (d) Pursuant to Florida Supreme Court Administrative Order AOSC22-12, and section 44.407(5), Florida Statutes, the Florida Supreme Court established minimum qualifications and procedures for eldercare coordinators, and required judicial circuits to maintain a registry of qualified eldercare coordinators.
- (e) It is therefore necessary to establish an administrative process for the review, approval, renewal and regulation of eldercaring coordinators, and create an ElderCaring Coordinator Registry.
- (f) In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

I. Eldercaring Coordinator Registry

- (1) An ElderCaring Coordinator Registry is created (“registry”). The registry shall maintain qualified eldercaring coordinators pursuant to section 44.407(5), Florida Statutes. The registry shall include the contact information for each eldercaring

coordinator, business address, if any, email address, telephone and fax numbers. Only qualified eldercaring coordinators from the registry may be appointed. Individuals seeking court-ordered appointments as an eldercaring coordinator must complete the Eldercaring Coordinator Application developed by the Dispute Resolution Center of the Office of the State Courts Administrator, as required by Florida Supreme Court Administrative Order AOSC22-12. The application is attached to this Order and shall be submitted to the following address:

Broward County Courthouse
ATTN: Mediation and Arbitration Director
201 S.E. 6th Street, Suite WW19150
Fort Lauderdale, Florida 33301

- (2) The attached application lists professional qualifications, including licensing and CLE requirements that are required by the Florida Supreme Court.
- (3) To ensure the appointment of qualified eldercaring coordinators, individuals must agree to undergo a criminal history and background investigation at the time of application, and submit to all other requirements contained in section 44.047(5)(3), Florida Statutes. Individuals must also undergo a criminal history and background investigation each year the eldercaring coordinator wishes to remain on the registry.
- (4) The Chief Judge or designee shall review the applications and determine which individuals applying meet the qualifications to be eldercaring coordinators under section 44.407(5), Florida Statutes.
- (5) Eldercaring coordinator appointments shall be governed by section 44.407(5)(3), Florida Statutes, including terms of appointment, intermittent reviews, and scope of authority. Pursuant to AOSC22-12, any appeal pertaining to an eldercaring coordinator's inclusion on or removal from the registry shall be heard and decided by the Chief Judge or designee, whose decision shall be final.
- (6) An eldercaring coordinator shall not accept any case where there exists a conflict of interest (real or perceived). Each eldercaring coordinator has an ongoing duty to screen cases prior to providing services to avoid conflicts (real or perceived) and immediately notify the presiding judge in the event of a conflict so that another eldercaring coordinator may be appointed.

II. Disqualifications and Removal of Eldercaring Coordinators; and Appointment of Successor Eldercaring Coordinators

- (1) Individuals approved as eldercaring coordinators shall immediately notify the Chief Judge or designee and the Office of the Trial Court Administrator when the eldercaring coordinator, in any jurisdiction:
- (a) Been convicted of, pled guilty, or pled no contest, regardless of whether adjudication of guilt or imposition of sentence was suspended, deferred, or withheld in relation to any of the following (including traffic crimes, such as DUI, reckless driving, or driving without a valid license, but not including traffic infractions such as excessive speed):
 - 1. a felony, misdemeanor of the first degree, or a misdemeanor of the second-degree involving dishonesty or false statement;
 - 2. a conviction of a similar offense described in (II)(1)(a)1 that includes a conviction by a federal, military, or tribal tribunal, including courts-martial conducted by the Armed Forces of the United States;
 - 3. a conviction of a similar offense described in (II)(1)(a)1 that includes a conviction or entry of a plea of guilty or no contest resulting in a sanction in any jurisdiction of the United States or any foreign jurisdiction. A sanction includes, but is not limited to, a fine, incarceration in a state prison, federal prison, private correctional facility or local detention facility; or
 - 4. a conviction of a similar offense described in (II)(1)(a)1 of a municipal or county ordinance in this or any other state.
 - (b) Has been a respondent in a final order granting an injunction for protection against domestic, dating, sexual, or repeat violence or stalking or exploitation of an elder or a disabled person;
 - (c) Is no longer in good standing or in clear and active status with all professional licensing authorities or certification boards to which the eldercaring coordinator is subject;
 - (d) No longer meets the minimum qualifications pursuant to section 44.407(5), Florida Statutes; or
 - (e) Has been removed as an eldercaring coordinator based upon disqualification or upon a finding of good cause.

(2) The failure of an approved eldercaring coordinator to notify the court of any item listed above, or any other disqualifying circumstance as described in section 44.407, Florida Statutes, may result in the removal of the eldercaring coordinator from the registry.

(3) If an eldercaring coordinator resigns, is removed, or is suspended from an appointment, the court shall appoint a successor qualified eldercaring coordinator who is agreed to by all parties or, if the parties do not reach agreement on a successor, another qualified eldercaring coordinator to serve for the remainder of the original term shall be appointed from the registry.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 16th day of June, 2022.

/s/ Jack Tuter
Jack Tuter, Chief Judge

**ELDERCARING COORDINATOR APPLICATION
FOR THE 17TH JUDICIAL CIRCUIT, FLORIDA**

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

I. QUALIFICATIONS

PROFESSIONAL REQUIREMENTS. Check all that apply and insert licensure or certification number(s) and attach verification.

- Licensed as a mental health professional under Chapter 491 and hold at least a master's degree in the professional field of practice # _____
- Licensed as a psychologist under Chapter 490 # _____
- Licensed as a physician under Chapter 458 or Chapter 459 # _____
- Licensed as a nurse under Chapter 464 and hold at least a master's degree # _____
- Certified by the Florida Supreme Court as a family mediator and hold at least a master's degree # _____
- Member in good standing of The Florida Bar # _____
- Professional guardian as defined in section 744.102(17), Florida Statutes, and hold at least a master's degree # _____

ELDERCARING COORDINATOR REQUIREMENTS. Check all successfully completed.

- Three years post licensure or post certification practice in any one of the professions listed above.
- Family mediation training certified by the Florida Supreme Court.

Training Provider: _____ Date: _____

- Eldercaring coordinator training program certified by the Florida Supreme Court.

Training Provider: _____ Date: _____

- A minimum of 44 hours of training including advanced tactics for dispute resolution of issues related to aging, illness, incapacity, or other vulnerabilities associated with elders, as well as elder, guardianship, and incapacity law and procedures and less restrictive alternatives to guardianship; phases of eldercaring coordination and the role and functions of an eldercaring coordinator; the elder's role within eldercaring coordination; family dynamics related to eldercaring coordination; eldercaring coordination skills and techniques; multicultural competence and its use in eldercaring coordination; at least six hours of the implications of elder abuse, neglect, and exploitation and other safety issues pertinent to the training; at least four hours of ethical considerations pertaining to the training; use of technology within eldercaring coordination; and court-specific eldercaring coordination procedures.

Training Provider: _____ Date: _____

Training Provider: _____ Date: _____

II. CRIMINAL HISTORY & DISQUALIFICATION

- (a) Have you ever been convicted of, pled guilty, or pled no contest, regardless of whether adjudication of guilt or imposition of sentence was suspended, deferred, or withheld in relation to any of the following (include traffic crimes, such as DUI, reckless driving, or driving without a valid license, but do not include traffic infractions such as excessive speed):

(1) a felony, misdemeanor of the first degree, or a misdemeanor of the second-degree involving dishonesty or false statement; Yes No

(2) a conviction of a similar offense described in question (a)(1) that includes a conviction by a federal, military, or tribal tribunal, including courts-martial conducted by the Armed Forces of the United States; Yes No

(3) a conviction of a similar offense described in question (a)(1) that includes a conviction or entry of a plea of guilty or no contest resulting in a sanction in any jurisdiction of the United States or any foreign jurisdiction. A sanction includes, but is not limited to, a fine, incarceration in a state prison, federal prison, private correctional facility, or local detention facility; or Yes No

(4) a conviction of a similar offense described in question (a)(1) of a municipal or county ordinance in this or any other state. Yes No

(b) Have you ever been a respondent in a final order granting an injunction for protection against domestic, dating, sexual, or repeat violence or stalking or exploitation of an elder or a disabled person in this or any other state? Yes No

(c) Are you currently NOT in good standing or in clear and active status with any professional licensing authority or certification board to which you are subject? Yes No

(d) Have you ever been removed as an eldercaring coordinator based upon disqualification or upon a finding of good cause shown? Yes No

If you answered yes to any of the questions, you must provide the following information:

- (1) Copies of all documentation related to the case and its resolution;
- (2) A statement, sworn to be truthful, as to the circumstances surrounding the incident(s);
- (3) A statement describing and a copy of the order, if currently on probation;
- (4) Any effort at rehabilitation; and
- (5) Any other information you believe would be useful in reviewing your application.

III. DECLARATIONS

- I have read and am familiar with section 44.407, Florida Statutes.
- I have read and am familiar with the Florida Guardianship Law (Chapter 744, Florida Statutes) and the Florida Probate Rules, Part III – Guardianship, relevant to eldercaring coordination.
- I have read and am familiar with section 415.1034, Florida Statutes – Mandatory reporting of abuse, neglect, or exploitation of vulnerable adults; mandatory reports of death.
- I have read and am familiar with all statewide forms pertaining to eldercaring coordination.
- I have read and am familiar with the local forms, rules, and procedures used in the circuit I am applying to pertaining to eldercaring coordination.
- I will comply with Americans with Disabilities Act, the Civil Rights Act of 1964, as amended, and any other federal or state law that prohibits discrimination.

IV. SUPPORTING DOCUMENTATION CHECK LIST

Please attach the required documentation and indicate that you have done so.

- 1. Your current professional license(s) and/or proof of Florida Supreme Court family mediator certification;
- 2. If applicable, verification of your master's degree;
- 3. Proof of completion of family mediation training or current Florida Supreme Court certification as a family mediator;
- 4. Proof of completion of 44 hours of eldercaring coordinator training; and
- 5. Documentation of criminal history, if any.
- 6. Any other information that you feel might be relevant when you are considered for appointment to a particular case. This might include a brief description of special training or experience that might enhance your performance as an eldercaring coordinator.

V. ATTESTATION

I, _____, swear and affirm all of the following: that the information supplied on this application and all documents provided are correct; that to the best of my knowledge, I qualify as an eldercaring coordinator as defined in section 44.407, Florida Statutes; and that I will notify, in writing, the chief judge for this judicial circuit, or designee(s), of the following within 30 days of any of the following events: a) address change; b) legal name change; c) change in fees; d) any criminal conviction; e) disqualifying event under section 44.407(6), Florida Statutes, or f) change in the status of any professional license or certification I currently hold.

I understand that any omissions, falsifications, misstatements, or misrepresentations of the information provided in this application, or in information required to be subsequently provided, may be grounds for disqualification or dismissal. My signature reflects my understanding that I am signing this document under oath under penalty of perjury.

Signature _____ Date _____

VI. AUTHORIZATION TO INVESTIGATE AND RELEASE OF INFORMATION

I, _____ (name) authorize the above-named court to conduct a criminal history and background investigation on me. I authorize the release of information and/or documents to this court from the Florida Department of Children and Families/Adult Protective Services; the Florida Department of Law Enforcement; any city, county, state and/or federal law enforcement agencies; any school; and any other entity. I release this court from any and all liability and expense associated with this investigation or release of information and/or documents.

Signature _____ Date _____

INFORMATIONAL ITEMS

The information provided in these items will be used for referral or appointment purposes only and will not be used in the process to determine qualification.

A. EXPERIENCE

COURT APPOINTMENT.

List all judicial circuits in which you are on the roster of qualified eldercaring coordinators: _____

ADDITIONAL TRAINING.

Describe any additional training relevant to your services as an eldercaring coordinator: _____

PROFESSIONAL EXPERIENCE.

Present Employment: _____

Describe your areas of practice or specialty: _____

Describe your alternative dispute resolution experience: _____

Describe any other professional experience you have that is pertinent to your ability as an eldercaring coordinator, (e.g., work with elders and/or families, parenting coordination): _____

Detail any additional expertise and training that will enhance your ability to address specific issues as an eldercaring coordinator (e.g., elder abuse and exploitation, domestic violence, substance abuse, capacity issues, medical issues related to aging, legal issues, financial issues, etc.) _____

List languages in which you are fluent other than English: _____

B. LOCATION AND LIMITATION

LOCATION. List any additional office locations where you can provide eldercaring coordination services. _____

LIMITATION.

Yes No Are you willing to work on cases with an active domestic violence injunction or a stay away order?

Yes No Are you willing to work on cases via audio or audio-visual communication technology for parties who cannot attend meetings in-person?

Yes No Are you willing to work in a setting other than your office, including the elder's home or care facility?

State any locations in this circuit in which you are not willing to provide eldercaring coordination services: _____

C. FEE STRUCTURE

List your hourly rate of compensation as an eldercaring coordinator: \$_____

Yes No Do you charge a retainer fee? If so, state the amount \$_____

Yes No Are you willing to accept pro bono or sliding fee appointments? If so, specify the conditions: _____

THIS COMPLETED APPLICATION AND SUPPORTING DOCUMENTATION MUST BE DELIVERED TO:

Chief Judge or designee(s)

_____ **17th Judicial Circuit**

Alternative Dispute Resolution Director, Court Mediation and Arbitration Program

_____ 201 SE 6th Street, Room 19150, Fort Lauderdale, FL, 33301

_____ Fax: 954.831.6079 / Email: bsimpsonjoseph@17th.flcourts.org