
Unmasking Guardianship

It Was Never About Protection

Guardianship Is Not Normal

- ▶ Guardianship cases are never resolved because there is an estate with money.
- ▶ On paper, the current system appears well-intentioned. That's not how it plays out.
- ▶ This has been going on for decades and has to end.
- ▶ Guardianship cannot be reformed.
- ▶ The damage and exploitation wrecked by court-appointed guardians is real and devastating.
- ▶ Families are absolutely blindsided by the abuse that results.
- ▶ People are being pushed into guardianship and their assets taken.
- ▶ This is not a tricky issue. It is a crime and must be stopped and investigated, and the predators prosecuted.

A Life's Work and a Family's Legacy Can Be Billed Away by an Involuntary Guardianship

Two people fall in love and decide to get married and have a family. They buy a home and do everything right.

After years of working, they decide to retire. One or both age into disabilities.

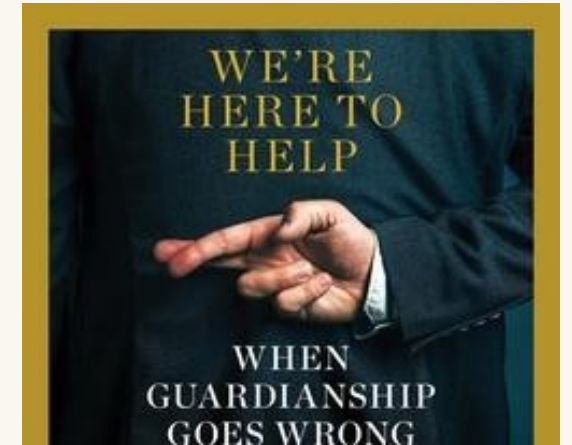
An unscrupulous lawyer advises that there be a pre-need guardianship clause in their Will.



Their wedding day



*“These cases will break your heart.
And you ask yourself, “how can this
be happening in America.”*



We're Here to Help (2023)

— Diane Dimond, investigative reporter and author of “We’re Here to Help: When Guardianship Goes Wrong”

“The idea first came when I heard news stories about these predatory legal guardians who were exploiting this legal loophole and exploiting the vulnerability in the system to take advantage of older people, basically stripping them of their life and assets to fill their own pockets. These stories were horrifying and not uncommon. So I fell down a bit of a rabbit hole in reading about these various stories happening in various places and thought there was something almost Kafkaesque about somebody knocking on your door and just taking you away for a reason you didn’t think was valid. They had the law on their side and there was nothing you could do.”

— J Blakeson, writer and director of “I Care a Lot”



Excerpt from a widely cited op-ed in the Miami Herald by Floridian and Hall of Fame Football Coach, the late Lou Holtz

“Guardianship abuse may more correctly be thought of as guardian, medical and legal abuse, because without unethical, predatory individuals in all of those fields working together, such abuse is impossible to carry out. It takes more than a corrupt guardian to do these terrible things — it takes a corrupt guardian, a corrupt lawyer, a corrupt doctor, often a corrupt nursing home or hospital and, finally, corrupt judges.” — Lou Holtz



“Involuntary and unnecessary adult guardianships have become the weapon of choice for predatory attorneys who engage in estate trafficking in America. The practice has become a national epidemic benefitting the legal community at the expense of vulnerable adults, their loved ones, their advance directives, and the law.”

— Rick Black, Executive Director, CEAR

[Learn more: cearjustice.org](https://cearjustice.org)



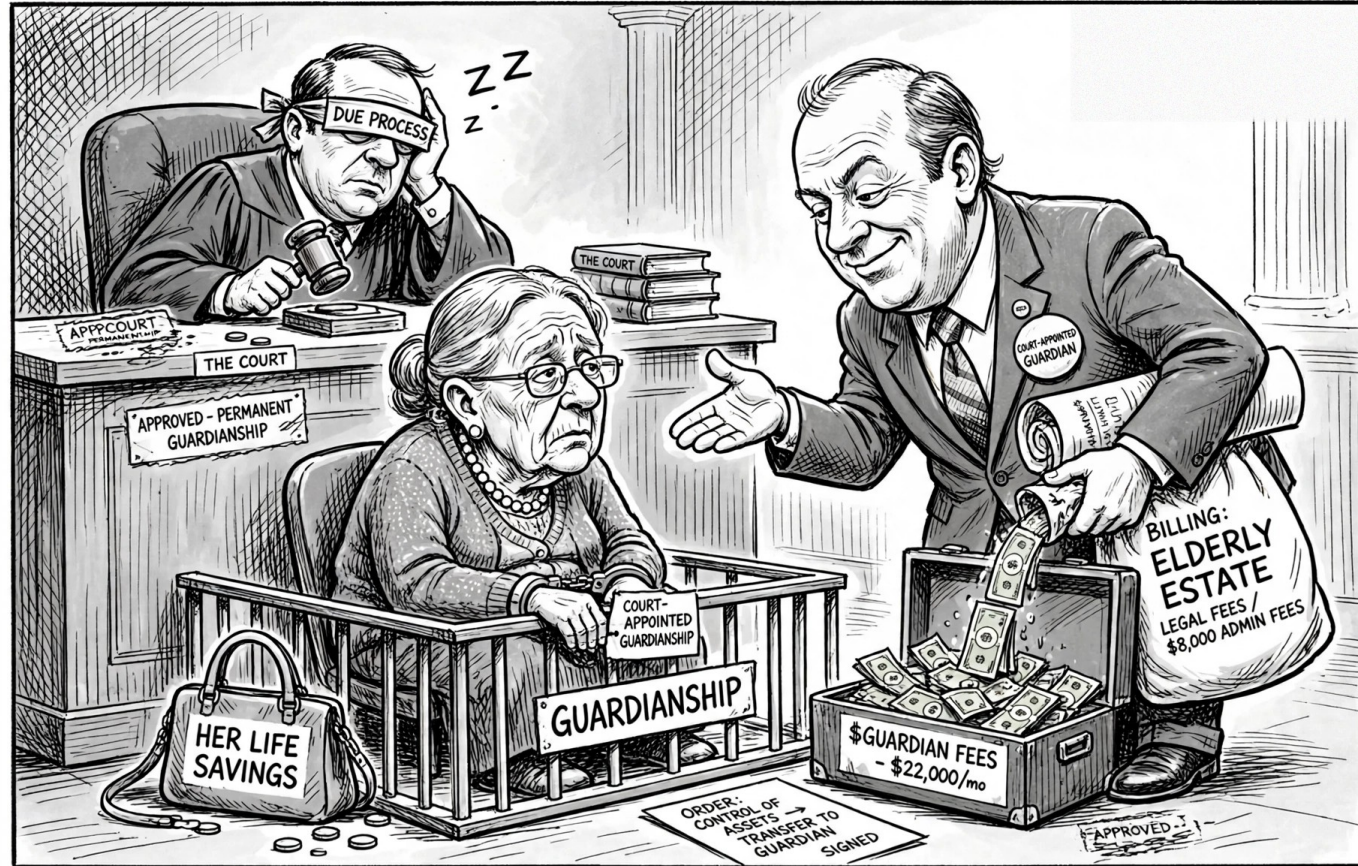


U.S. Senator Richard Blumenthal of
Connecticut

“I hear from constituents all the time. Probate judges have created a fiefdom and have become very wealthy due to guardianships.”

— U.S. Senator Richard Blumenthal

WHAT IS GUARDIANSHIP



COURT-APPOINTED GUARDIANSHIP: PROTECTING THEIR MONEY... FROM THEM

What Is Guardianship?

- ▶ It is a default system used by lawyers to take away a person's rights so they can exploit a vulnerable person.
- ▶ Lawyers are recommending pre-need guardianship clauses in wills.
- ▶ Lawyers recommend guardianship when it would make a lot more sense to simply have a trust for a vulnerable person.
- ▶ If a family member files for guardianship for a vulnerable person and then changes their mind, they cannot unfile.
- ▶ The court will appoint a third-party stranger, and that person takes control of all the "ward's" assets.
- ▶ **This is astonishingly routine.**

The key fact

Once appointed, the guardian controls the ward's money, home, medical care — and even who may visit.

The guardian works for the court — not for the ward. The bills are presented to the court, not to the person in the guardianship.

The ward is now a human ATM.

A For-Profit Money-Making Machine

Everyone in the system is paid out of the ward's own assets — and they bill by the hour:

Paid from the ward's estate

- ▶ The court-appointed guardian
- ▶ Court-appointed lawyers
- ▶ Evaluators and examiners
- ▶ Accountants
- ▶ Guardians ad litem
- ▶ Lawyers hired by the guardians

How the meter runs

- ▶ Every professional bills by the hour
- ▶ The judge — their boss — approves each payment
- ▶ Attorneys work for each other and the judge, who decides their fees, meeting secretly in chambers without “the ward” or family. They simply use their

The result

- ▶ Conflict and chaos create billable hours
- ▶ The objective: make sure all of the assets are billed away
- ▶ A lifetime of working and saving is gone in no time

The family fighting the guardianship pays out of its own pocket — while the ward's estate pays for everyone on the other side.

GUARDIANSHIP IS AN ADVERSARIAL SYSTEM

HOW GUARDIANSHIP EXPLOITS

Federal appellate justices have described how court-appointed guardianship **can be used as a RACKETEERING ENTERPRISE.**

Court-appointed guardianship is a closed, corrupt system:

- ▶ **Financial exploitation** — estates drained by fees, charges, and outright theft.
- ▶ **Isolation** — wards cut off from family and friends; families not told where a loved one is, or that they have died.
- ▶ **Loss of rights and care** — denial of care, neglect, and abuse documented in official investigations.
- ▶ **Punishment for resisting** — families who object are treated as the problem; the fight itself generates more billable hours.
- ▶ **Even after death** — the court withholds the victims' inheritance, and there is nothing anyone can do.

Gaps in the System

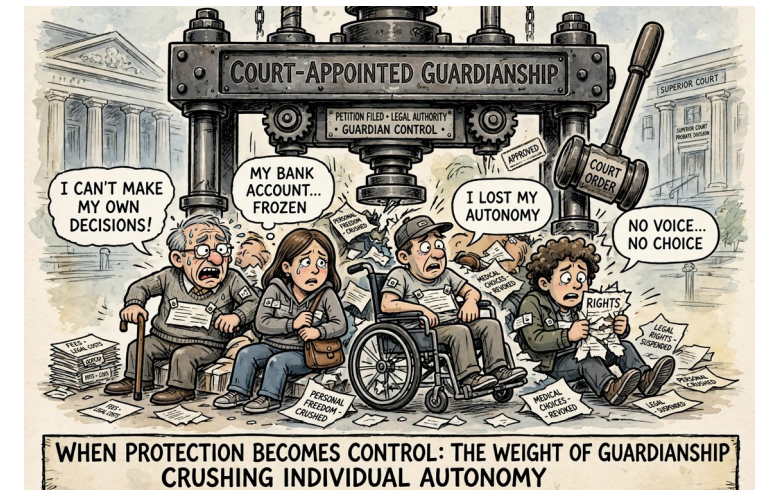
The gaps in the system are intentional policy.

Gaps in the System

- ▶ **No court oversight** — accountings rubber-stamped; judges carry heavy dockets because of completely unnecessary guardianships.
- ▶ **High caseloads** — one guardian or agency may control hundreds of wards at once.
- ▶ **Conflicts of interest** — the same small circle of lawyers, evaluators, and guardians work together repeatedly and want to stay in each other's good graces, including the judges.
- ▶ **Secrecy** — key meetings happen in chambers, off the public record.
- ▶ **Nearly impossible to escape** — contesting or ending a guardianship is expensive, slow, and rarely successful.

Why It Grows: No Oversight, No Accountability

- ▶ **It has grown astronomically** — because there has been absolutely no oversight or accountability.
- ▶ **What falls on the ward** — assets seized, bank accounts frozen, homes taken away, often removing people from loving families who are trying to help.
- ▶ **A brutal business** — court-enforced guardianship that devolves into corruption and exploitation.
- ▶ ***“If you create opportunity for theft with no risk, the thieves will come.”*** — coalition member, writing to a reporter



The scale

Based on the current U.S. population, there may be as

4 million people

Questions That Expose the System

- ▶ Do we want a state office whose existence depends on taking away the rights of others?
- ▶ Guardianship sidesteps civil-rights safeguards. Is that acceptable?
- ▶ Do we need to strip someone's rights to those of a 3-year-old to admit them into rehab or a nursing home?
- ▶ Should a third party control all of someone's assets — and bill them away?
- ▶ Guardianship today looks just like guardianship in Medieval England — abusive and draconian.
- ▶ Families are put under gag orders while the predators say whatever they want.

The Human Cost

Four Families, Four States

Wakulla County, Florida

A daughter caring for her widowed father with dementia in his home woke to find him gone. She later learned that his lawyer instructed him to drive to her office, which was dangerous since he had dementia. She then learned that the lawyer placed him into a guardianship. Isolated for three years, he died — and the family was not notified for two months.

Conflict creates billable hours.

Nassau County, New York

A husband caring for his wife in their home was advised by his lawyer to file for co-guardianship for his wife who had Alzheimer's. He had already gone to the Nassau County DA to file a complaint against a daughter, and she was arrested for grand larceny. A court-appointed lawyer who is a stranger to the family objected to the husband being named guardian for his own wife of 50 years. Without a hearing, but through secret meetings in the judge's chambers, the judge appointed a guardian who was a stranger to the family, and began a process which included a series of guardians cycled in and out, billing unlimited fees and creating endless daily

Conflict creates billable hours.

Four Families, Four States

Ventura County, California

A wealthy retired widower with dementia was targeted by a woman. His daughter, a registered nurse and Director of Veterans Affairs at a hospital, was advised by her lawyer to seek guardianship. She was an only child and was not appointed. A third-party stranger was appointed and exploited him in the same way the woman who was exploiting him had. His millions were billed away, including his properties in Ventura and Arkansas. His daughter was denied visitation.

Centre County, Pennsylvania

An 87-year-old stroke survivor, living at home with 24-hour care managed by her daughter, who held power of attorney. On a lawyer's advice, the family filed for guardianship — which they never should have done. The judge appointed a stranger agency that moved her to another county, cut off visits and calls for a month, and later emptied her houses and put her properties up for sale, even after its national certification was suspended.

Documented by the U.S. Government

Accountability Office

GAO Report 10-1046 (2010): “Guardianships: Cases of Financial Exploitation, Neglect, and Abuse of Seniors”

Missouri

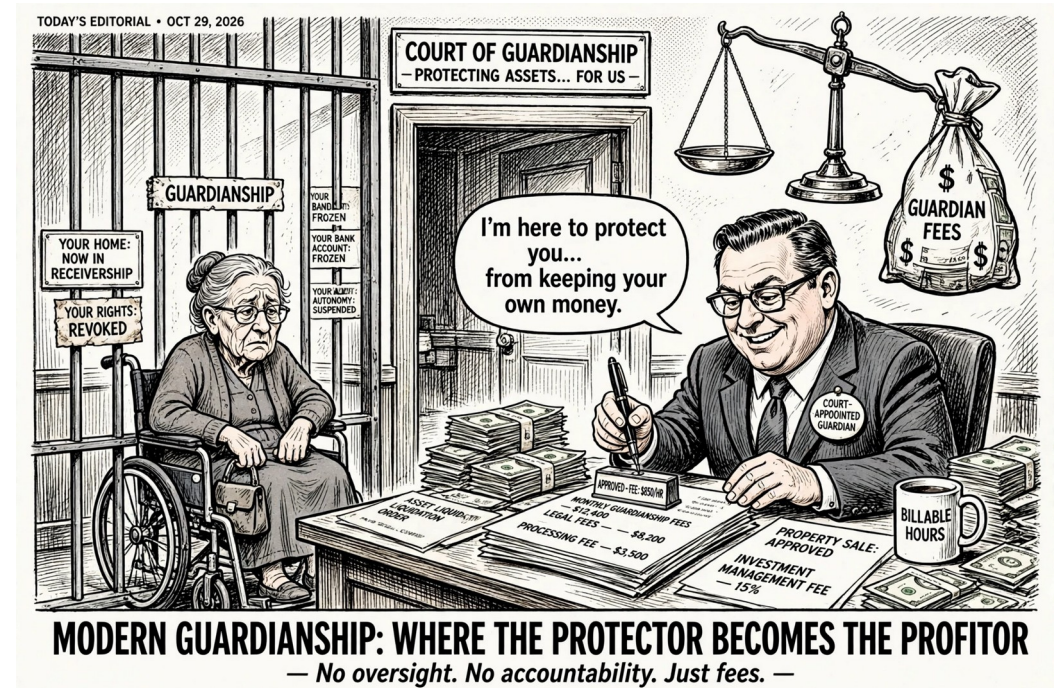
A guardian embezzled more than \$640,000 from an 87-year-old man with Alzheimer’s — including buying a Hummer. County workers found him in the guardian’s

Alaska

A private agency stole at least \$454,000 from at least 78 victims over four years — credit cards, mortgage, even children’s camp. Victims got partial repayment; no

Kansas

A licensed social worker / registered nurse and his wife abused residents of their unlicensed group home — 20 victims — and billed Medicare for the “therapy.”



What the GAO Missed

They go into enormous detail of each case and even send in undercover agents. They repeatedly conclude that they could not find evidence that the situation is widespread. Yet they had found it was happening everywhere they looked. They found motive, opportunity and opportunists aplenty with no effective barriers. But for some strange reason, they resisted drawing the obvious conclusion. They also made the mistake of looking for instances of abuse by interviewing the often-complicit or guilty parties — court investigators, court-appointees, attorneys and even non-profits that “serve” seniors. They also made the mistake of running a search for criminal convictions, when a big part of the problem is that the perpetrators are rarely even investigated, much less arrested. Even when they are caught embezzling, they just end up having their license revoked or merely suspended. They don’t seem to grasp that if one creates opportunity for theft with little or no risk, thieves will come.

It should be sufficient to warrant government action to prevent guardianship if one simply shows evidence of easy opportunity for abuse and examples where that opportunity is taken. It is not necessary to prove thousands of cases.

“I’m petitioning... for the return of my life”: The Case of Phyllis Funke

“I’m petitioning... for the return of my life” is the title of a 2018 article by reporter John Leland in The New York Times.

She’s a retired journalist with a master’s degree and a pilot’s license and a portfolio of investments. She was placed into an involuntary guardianship with no access to her money. It was all under the control of a court-appointed guardian who is a stranger to her.

In the last few years there have been other heartbreaking stories about older women being placed into court-appointed guardianships and neglected, exploited and abused, with no access to their money because the court-appointed guardian refused to give it to them.



We Are a Coalition of Victims and Families

- ▶ **Who we are** — victims and families from across the country who have been devastated by guardianship, sounding the alarm on this heart-wrenching abuse.
- ▶ **It deceives the public** — into believing it is about protection. It is about extreme, endless exploitation, demonizing people to steal their assets.
- ▶ **A dystopian system** — guardianship has existed since Greek and Roman times. The only difference now: the marketing is very sophisticated, presenting an image of guardianship that has nothing to do with the reality of guardianship as experienced by victims and families.
- ▶ **Presented as protection — it is not** — predators present guardianship as protection for the vulnerable. The only thing protected is their corruption.
- ▶ **Layers of predators** — court-appointed lawyers, court-appointed guardians, and court-appointed accountants working for the court. They all bill unlimited fees, hourly and regularly. They're always checking to see how much money is left in the estate. They hire their friends to join them in the billing.

Guardianship has become a crime syndicate — lawyers, and judges who lobby for it, putting people into guardianship mainly to steal their estates.

What Can Be Done?

We Need to Take Action Now

- ▶ **Stop it now** — people need to be stopped from being placed into guardianship.
- ▶ **Investigate existing cases** — case by case, and expose the corruption.
- ▶ **Congressional hearings** — in the related committees of both the Senate and the House, continuous hearings until it ends.
- ▶ **Hold the predators accountable** — real oversight, audited accountings, and consequences for guardians who steal or neglect.
- ▶ **Families organizing** — the Coalition of Victims and Families: victims, family members, advocates, journalists, and researchers documenting remarkably similar experiences across the country.

The goal of this presentation: **expose court-appointed guardianship to the public.**

Documented for Decades

- ▶ Associated Press, 1987 — “Guardians of the Elderly: An Ailing System” followed 2,200 randomly selected cases from every state, with 67 reporters investigating. David Grant, who ran a guardianship diversion program, believed guardianship would soon be a thing of the past — because it served no one.
- ▶ New York Daily News, 2001 — an important early exposé of the abuse; later reporting showed judges rewarding lawyers who helped them with lucrative guardianship appointments.
- ▶ New York Times, 2004 — a grand jury urged an overhaul of the legal guardianship system. The overhaul never happened.
- ▶ Newsday, 2015 — a sitting Supreme Court Justice wrote a misleading op-ed urging New Yorkers to file for guardianship — without disclosing how expensive the process is, how decisions are made in secret, or that it exposes vulnerable people to abusive guardianships.
- ▶ Albany roundtable, August 25, 2022 — State Senators Palumbo and Borrello invited coalition members and other New York victims to testify about their experiences.

Documented for Decades

- ▶ **Bloomberg Law, “In the Name of Protection” (March 2023)** — six-part series: the profiteers, the judges, the guardians, the lawyers, one state’s easy fix, and Family Fissures.
- ▶ **CalMatters, “Broken Trust”** — investigative series on California’s probate courts, by Byrhonda Lyons.
- ▶ **New York Times (2018)** — “I’m Petitioning for the Return of My Life,” by John Leland.
- ▶ **ABC10, “The Price of Care: Taken by the State”** — California conservatorships investigated.
- ▶ **Associated Press (1987)** — “Guardians of the Elderly: An Ailing System.” The problem was documented nearly forty years ago.

Documented for Decades

I Care a Lot (2020) — Feature film

J Blakeson's story of a corrupt court-appointed guardian who preys on wealthy seniors.

The Bad Guardian (2024) — Drama film

Drawn from real-life accounts of guardianship abuse: a daughter fights to free her father from a corrupt court-appointed guardian.

The Guardians (2018) — Documentary

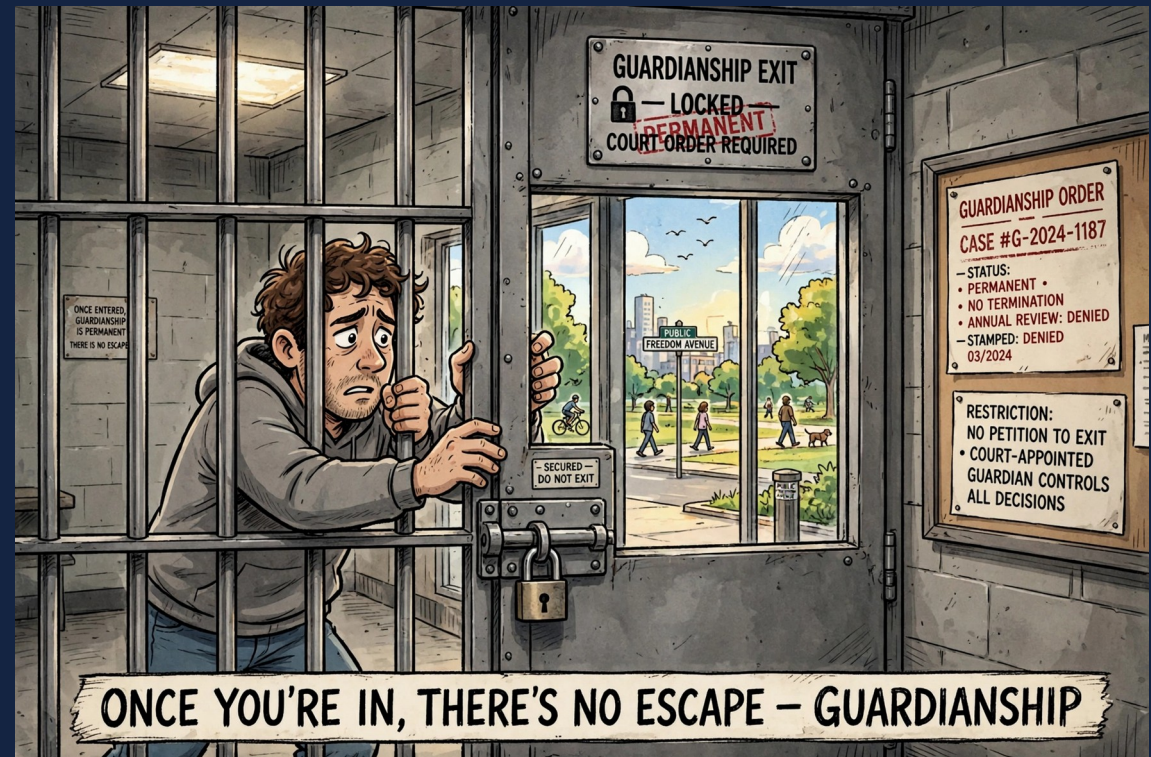
Billie Mintz exposes the Las Vegas guardianship scandal, where court-appointed guardians took seniors from their homes.

Like the song “Hotel California” says: “You can check in any time you like — but you can never leave.”

— law professor Robert Dinerstein’s description of guardianship

Thank you — questions and discussion welcome.

Contact the Coalition of Victims and Families
Devastated by Guardianship —
<https://gaininfo.org>



References

BOOKS

- ▶ Dimond — We're Here to Help: When Guardianship Goes Wrong (2023)
- ▶ Sugar — Guardianships and the Elderly: The Perfect Crime (2018)
- ▶ Larsen — Guardianship: Fraud (2016)
- ▶ Armstrong — The Retirement Nightmare (2000)
- ▶ Belshe & Hammond — American Unpeople (2026)

INVESTIGATIVE SERIES

- ▶ AP — "Guardians of the Elderly: An Ailing System" (1987)
- ▶ LA Times — "Guardians for Profit" (2005)
- ▶ NY Times — "Nursing Homes Seizing Control Over Patients" (2015)
- ▶ New Yorker — "How the Elderly Lose Their Rights," Aviv (2017)
- ▶ ABC10 — "The Price of Care: Taken by the State" (2021–22)
- ▶ Reason — "They Just Took Me Away" (2022)
- ▶ Bloomberg Law — "In the Name of Protection," 6 parts (2023)
- ▶ ProPublica — NY guardianship series, Pearson (2024)
- ▶ CalMatters — conservatorship investigation (2026)
- ▶ Tampa Bay Times — Harwell exposé (2009)

FIRST-PERSON ACCOUNTS (Mad in America)

- ▶ Kornicki — "Guardianship Destroyed My Family" (2022)
- ▶ Helgren — "Conservatorship: The Racket That Ruined My Father's Last Years" (2023)
- ▶ Biancolli — "Guardianship: For Far Too Many, It's a Nightmare" (2024)
- ▶ Kornicki — "#RestoreTheirRights" (2022)
- ▶ Kornicki — "Listen to the Victims: Senate Holds Hearing" (2023)

BROADCAST INVESTIGATIONS

- ▶ Last Week Tonight — "Guardianship" (2018)
- ▶ WFTS — "Incapacitated: Florida's Guardianship Program" (2013–14)
- ▶ WFTS — "The Price of Protection" (2020)
- ▶ Full Measure — "My Parent's Keeper"
- ▶ KTNV 13 — "Guardianship Under Fire," Spears (2015–)
- ▶ NBC — "Who's Guarding the Guardians," Minton (2 parts)

FILMS

- ▶ The Guardians, dir. Mintz (2018)
- ▶ I Care a Lot, dir. Blakeson (2020)
- ▶ Framing Britney Spears, dir. Stark (2021)
- ▶ The Bad Guardian, dir. Myers (2024)
- ▶ Edith+Eddie, dir. Checkoway (2017)
- ▶ Deception of Protection, Kennedy (2019)

GOVERNMENT REPORTS

- ▶ GAO-04-655 — Guardianships: Collaboration Needed (2004)
- ▶ GAO-06-1086T — Little Progress (testimony, 2006)
- ▶ GAO-10-1046 — Financial Exploitation, Neglect, Abuse (2010)

ADVOCACY ORGANIZATIONS

- ▶ NASGA — stopguardianabuse.org
- ▶ CEAR — cearjustice.org
- ▶ AAAPG (archived)
- ▶ Kasem Cares — kasemcares.org
- ▶ Spectrum Institute
- ▶ Elder Dignity — elderdignity.org

COURTS & JUDGES

- ▶ Michael Gartland — NY Daily News reporting on the courts and how judges are picked (links to be added)