

# **Navigating Guardianship: Abuse, Reform, and Family Rights**

## **GAO Report: Guardianships: Cases of Financial Exploitation, Neglect, and Abuse of Seniors (GAO-10-1046, September 2010)**

### **I. Introduction & Methodology**

- This section outlines the impetus for the GAO study, highlighting concerns about the potential abuse of senior citizens under guardianship arrangements. It details the study's three primary objectives: verifying the prevalence of abuse allegations, examining specific closed cases, and testing state guardian certification procedures.

### **II. Findings: Widespread Allegations and Case Studies**

- Despite the inability to conclusively determine the pervasiveness of guardian abuse, this section reveals the identification of hundreds of allegations across 45 states and the District of Columbia. It focuses on 20 closed cases, showcasing diverse instances where guardians exploited their positions for financial gain, totaling \$5.4 million stolen from 158 vulnerable individuals, often accompanied by physical neglect and abuse.

### **III. Common Themes of Abuse**

- This section analyzes recurring patterns observed in the 20 cases, highlighting systemic failures contributing to guardianship abuse. It examines instances of inadequate screening of potential guardians, insufficient oversight post-appointment, and breakdowns in communication between courts and federal agencies, perpetuating the cycle of abuse.

### **IV. Examples of Abuse Cases**

- This section provides a succinct table detailing specific cases of guardianship abuse, illustrating the variety of methods employed and the devastating impact on victims. It includes details about the victims, the perpetrators, the nature of the abuse, and the legal repercussions.

### **V. Testing State Guardian Certification Processes**

- This section details the GAO's proactive investigation into the efficacy of state guardian certification programs using fictitious identities. It reveals the alarming ease with which individuals with questionable backgrounds could obtain certification in four states, exposing vulnerabilities in screening procedures and raising concerns about the overall integrity of these programs.

## **Blog Post: Family and Guardian Rights Bill Gathering Momentum (March 23, 2015)**

### **I. Introduction: The Need for Guardianship Reform**

- This section introduces the issue of family members being unfairly excluded from the care of loved ones with developmental disabilities due to guardianship laws. It underscores the importance of H. 1459, a bill advocating for prioritizing family members as guardians, ensuring their involvement in critical care decisions.

## **II. Problems with the Current Guardianship System**

- This section critiques the existing guardianship system, arguing that the appointment process is often arbitrary and favors corporate providers or attorneys over family members, despite their potential lack of personal connection to the individual. It highlights the perception that families deemed "contentious" are unjustly sidelined.

## **III. Case Studies: Illustrating Systemic Failures**

- This section presents three compelling case studies to demonstrate the detrimental consequences of the current guardianship system. It details instances where family members were removed as guardians or denied involvement, resulting in inadequate care and emotional distress for individuals with disabilities.

## **IV. Supporting Arguments for H. 1459**

- This section outlines the numerous benefits of passing H. 1459, emphasizing its potential to lower caseloads for attorneys, reduce taxpayer expenses, and alleviate strain on court resources. It argues that prioritizing family members aligns with federal legislation recognizing their crucial role in care decisions.

## **V. Additional Reform Measures**

- This section expands on the call for reform, proposing supplementary measures to further improve the guardianship system. It advocates for the implementation of mediation processes to resolve disputes, state-appointed attorneys for low-income families, and increased advocacy rights for family members regardless of guardianship status.

# **News Article: Gov. Hobbs Signs Bill for Arizona Probate Reform (May 12, 2023)**

## **I. Introduction: Probate Reform Victory**

- This section reports on the recent success of probate reform advocates in Arizona, celebrating the signing of a bill establishing a probate advisory panel. This panel will hold public hearings aimed at gathering input on improving the adult guardianship and conservatorship system.

## **II. Ongoing Efforts: Ensuring Rights and Protections**

- This section highlights the continued fight for probate reform, focusing on a pending bill seeking to amend probate procedures to safeguard individuals' rights throughout the process. It emphasizes the importance of ensuring informed consent, maintaining family contact, and preventing exploitative practices.

## **III. Personal Account: A Victim's Perspective**

- This section shares Bill Chalmers' personal experience as a victim of probate system abuses. He recounts his story of being placed under conservatorship and subsequently subjected to isolation and control, highlighting the urgent need for systemic changes to prevent similar situations.

#### **IV. Fiduciary Board Action and Criticisms**

- This section details the disciplinary action taken against East Valley Fiduciary Services (EVFS), the firm handling Chalmers' case. While the board censured and placed EVFS on probation, Chalmers criticizes the leniency of the punishment and expresses concerns about the board's effectiveness in holding fiduciaries accountable.

#### **V. Calls for Improvement and Ongoing Changes**

- This section emphasizes the ongoing push for reform, with advocates demanding swifter action on complaints and highlighting the backlog of investigations. It concludes by acknowledging the positive steps being taken, such as increased staffing and resources for the fiduciary board, aiming to improve response times and effectiveness.