



Guardianships in Michigan

October 18th, 2017

Michigan's public health work has always depended on strong partnerships. To our constituents and future generations, there is no greater trust than in life.

Guardian

- Legal decision-maker for an individual determined by a probate judge to be incapacitated such that they cannot manage their own interests

Governing Statutes

**Estates and Protected
Individuals Code
(EPIC)**

Mental Health Code

Governing Statutes

**Estates and Protected
Individuals Code
(EPIC):**

**Covers guardianships for
Individuals with any
condition (e.g. includes
physical illness,
neurological and mental
illness and does NOT
include individuals with
developmental disability)**

**Mental Health Code:
Covers guardianships ONLY
for individuals with
developmental disabilities**

**ESTATES AND PROTECTED INDIVIDUALS
CODE (EPIC) (EXCERPT)
Act 386 of 1998**

700.1105 Definitions;
As used in this act:

(a) "Incapacitated individual" means an individual who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, not including minority, to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions.

**MENTAL HEALTH CODE (EXCERPT) Act 258 of 1974
CHAPTER 6 GUARDIANSHIP FOR THE
DEVELOPMENTALLY DISABLED**

330.1602 Guardianship; use; design; limitation; partial guardianship. Sec. 602. (1) Guardianship for individuals with developmental disability shall be utilized only as is necessary to promote and protect the well-being of the individual, including protection from neglect, exploitation, and abuse; shall take into account the individual's abilities; shall be designed to encourage the development of maximum self-reliance and independence in the individual; and shall be ordered only to the extent necessitated by the individual's actual mental and adaptive limitations.

Guardianships

EPIC

- Guardian ad litem assigned
- Petition does not require a clinical assessment but a clinical evaluation can be ordered by the court
- Limited or full
- No term limit to the guardianship
- Guardian can sign a DNR order

Mental Health Code

- Attorney assigned
- Petition requires a report including mental, physical, social, and educational condition, adaptive behavior, and social skills, completed by at least one physician or experienced psychologist
- Partial or plenary
- Lasts up to 5 years
- Provides for retained rights and aims at maximizing self-reliance

Guardianship and Funding Sources in Michigan

MSA funds*
(\$95/month for guardians for Medicaid beneficiaries in nursing homes) (MDHHS)

APS funds
(\$60/month for guardians working with individuals in community settings) (MDHHS funds 520 slots)

County Funds
(Individual County Determination)

Private Pay

*This payment is indirect and to the nursing home, not the guardian.

Questions?

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From: Bradley Geller [mailto:law_and_aging@yahoo.com]
Sent: Tuesday, October 17, 2017 9:42 AM
To: edwardcanfield@house.mi.org
Cc: Susan Frey <sfrey@house.mi.gov>
Subject: guardianship hearing

Representative Canfield -

I have been involved in guardianship reform efforts in Michigan for 30 years; first as counsel to the House judiciary Committee; then as counsel to the Washtenaw County Probate Court; and finally as Assistant State Long Term Care Ombudsman.

Despite Michigan having a very fine statute, our system is rife with problems. While some of the issues could be addressed through legislation, the main players who can act promptly are the Supreme Court (judges not following the law) and the Attorney General (a corrupt public administrator system).

I have attached a New Yorker magazine article from last week detailing a case in Nevada. Exploitation occurs here, too. I have also attached a recent article from the Lansing State Journal.

The saddest aspect is the inappropriate institutionalization of older adults.

I believe that your subcommittee can contribute to a solution by a line-item transfer from nursing home long term care to community-based long term care.

In the short run, this improves the independence of older adults and others; in the long run, it saves Medicaid dollars. As you know, community based care for an individual costs a fraction of nursing home care.

If you have any questions about our guardianship system, I would be happy to try to answer them.

Thank you for your consideration.

- Brad Geller

[NOTE – ONLINE READERS, PLEASE LOOK FOR THE TWO ARTICLES MENTIONED ABOVE FOLLOWING TESTIMONY SUBMITTED BY MICHIGAN ELDER JUSTICE INITIATIVE, WHICH ALSO INCLUDED THEM AS ATTACHMENTS]



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Testimony before the House Appropriations Committee
Subcommittee on Health and Human Services
Regarding Michigan's Troubled Guardianship System

October 18, 2017

Good Afternoon, Chairman Canfield and Members of the Subcommittee. I am Alison Hirschel, Director of the Michigan Elder Justice Initiative (MEJI) and I also teach Elder Law at the University of Michigan Law School. MEJI provides free legal services and advocacy for vulnerable, low income older adults and people with disabilities. We are also proud to house the State Long Term Care Ombudsman Program, two local long term care ombudsman programs, and the MI Health Link Ombudsman. We also have a new initiative -- the Crime Victims Legal Assistance Project -- that funds 10 legal services lawyers around the state to provide representation for older adults who are victims of a broad array of abuse, neglect, and exploitation. I greatly appreciate your interest in guardianship and the opportunity to testify today.

Guardianship touches older adults in all of MEJI's programs. It is intended to be a benign and important protective device for people who are truly incapacitated. Many families and others seek guardianship out of a sincere concern for vulnerable individuals who are not able to manage their own affairs and who would come to real harm if someone else did not step in. Sometimes, guardianship really is necessary. If guardianship were only granted in Michigan when no less restrictive alternative existed

and when an alleged incapacitated person was able to exercise a full array of due process rights and be assured of a capable, responsible guardian, I would not be testifying today. Sadly, that is not the case. In Michigan, as in many other states, guardianship can be one of the darkest corners of the law, a means to abuse and exploit vulnerable individuals as well as a way to protect them.

It's important to understand the extraordinary impact guardianship has on people's lives. In Michigan, despite a preference in the law for limited guardianships, courts almost always impose plenary guardianships which means that someone else controls virtually every aspect of the incapacitated person's life. Many years ago, Representative Claude Pepper described plenary guardianship in this way:

The typical ward has fewer rights than the typical convicted felon – they no longer receive money or pay their bills. They cannot marry – or divorce... it is, in one short sentence, the most punitive civil penalty that can be levied against an American citizen, with the exception of...the death penalty.

The California Supreme Court noted that a person under guardianship may be subjected to greater control of his life than someone convicted of a crime. Professor Nina Kohn referred to people under guardianship as "legal ghosts." And in Michigan nursing homes, they are simply described as "not their own person anymore," a poignant reminder of how much they have lost.

If we are going to impose such a devastating loss of fundamental rights, we want to be sure we do so in a careful, consistent manner with particular attention to the rights of the alleged incapacitated person. Our guardianship law guarantees many important due process protections. But each probate court across the state handles guardianships in

its own way, sometimes ignoring key safeguards of individual rights and the mandate that guardianships should be imposed only if they are necessary. In many counties, cases are not adequately screened before they get to court and less restrictive alternatives are not considered. Guardianship hearings may last as little as a few minutes and guardianships are routinely imposed when the alleged incapacitated person is neither present nor represented by counsel. Guardians ad litem and lawyers who are appointed in guardianship cases are often paid such a nominal fee that if they fulfill their respective obligations to engage in thorough investigation and zealous advocacy, they must do so in part on their own time. And professional guardians with huge caseloads and no knowledge of the individual are often appointed even when suitable and willing family members are present.

I recently completed an informal poll of elder law attorneys around the state about probate practice in their counties. There was great variation in practice among counties and sometimes even between judges in the same county. In one county, a very experienced lawyer told me that guardianship cases usually last 3-5 minutes and procedurally complex cases are afforded about 10 minutes. She said that the alleged incapacitated person is not present in about 80 percent of the cases in which she has been involved and that only about 5 percent of alleged incapacitated individuals are represented by counsel. In that county, like most or all counties, few petitions for guardianship are ever denied. In another county, a lawyer reported that hearings take no more than 10-15 minutes that the alleged incapacitated person is not present at least half the time, and that, as in the other county, only about 5 percent of alleged incapacitated individuals are represented by counsel and few petitions are ever denied.

As a Utah judicial committee noted in a comment that could, unfortunately, be applicable in some Michigan probate courts as well, "The appointment of a guardian... removes from a person a large part of what it means to be an adult: the ability to make decisions for oneself. ... We terminate this fundamental and basic right with all the procedural rigor of processing a traffic ticket."

What happens after the guardian is appointed is as alarming as the way many guardians are appointed. Courts are too busy and too short of resources to properly monitor guardians who may be neglecting, exploiting, or abusing the incapacitated person. Guardianship often serves as a pipeline to nursing home placement and the prompt, unceremonious sale of the individual's house and belongings, often without any notice to the person under guardianship. Concerned families can lose all control and ability to advocate for—or even visit—the incapacitated person. Both people under guardianship and families and advocates report great frustration and challenges communicating with some professional guardians who may be responsible for scores of individuals but have virtually no knowledge of the people whose lives they control. Even when and if the incapacitated person recovers capacity, guardianships are rarely reversed, and many probate judges will not permit the person under guardianship to retain his or her own lawyer—even a legal services lawyer who provides services free of charge --to petition to terminate or modify the guardianship. Individuals caught in this system can feel helpless, powerless, and desperate. Indeed, if people with unscrupulous or overburdened guardians or those who never should have had a guardian appointed to begin with were playing a game of Chutes and Ladders, it would be all chutes and no ladders.

The long-standing problems in our guardianship system are now coming to light both in Michigan and across the country. I have attached very recent coverage from the Lansing State Journal and Channel 7 news in Detroit about problems with professional guardians in the Ingham and Oakland County probate courts. I have also attached an October 9 article in *The New Yorker* about horrifying abuse and exploitation by a professional guardian responsible for many vulnerable adults in Las Vegas who is now facing criminal charges. Public radio also covered this story last week. And there have been national investigations, including three studies by the U.S. Government Accountability Office, that found similar problems to what I am reporting in states across the country.

But there are strategies to address this quiet crisis. Probate courts must screen potential guardianship cases adequately initially and divert cases that could be resolved with less restrictive means—including referrals for services to address the needs of the vulnerable individual, the use of supported decision-making, and mediation for long-standing family disputes that too often lead to guardianship. Courts must be required to act consistent with our guardianship statute by offering a full array of due process protections, denying petitions when guardianship is neither necessary nor appropriate, and imposing limited guardianships, when appropriate, as an alternative to a plenary guardianship. Additional resources that permit courts to do their job right—both before and after the appointment of a guardian—must be provided. And we absolutely must regulate and monitor professional guardians. Why do we license barbers and cosmetologists but not the people who may control every aspect of our parents' lives? Why can't we utilize some of the excellent models developed by the American Bar

Association and other states for developing volunteer or paid guardianship monitoring programs? There are many other solutions and I and the staff at MEJI are eager to work with you, probate courts, the legal community, professional guardians, other advocates and all the stakeholders who must be part of any solution. We can do better.

Thank you.

A REPORTER AT LARGE OCTOBER 9, 2017 ISSUE

HOW THE ELDERLY LOSE THEIR RIGHTS

Guardians can sell the assets and control the lives of senior citizens without their consent—and reap a profit from it.

By Rachel Aviv

For years, Rudy North woke up at 9 A.M. and read the *Las Vegas Review-Journal* while eating a piece of toast. Then he read a novel—he liked James Patterson and Clive Cussler—or, if he was feeling more ambitious, Freud. On scraps of paper and legal notepads, he jotted down thoughts sparked by his reading. “Deep below the rational part of our brain is an underground ocean where strange things swim,” he wrote on one notepad. On another, “Life: the longer it cooks, the better it tastes.”

Rennie, his wife of fifty-seven years, was slower to rise. She was recovering from lymphoma and suffered from neuropathy so severe that her legs felt like sausages. Each morning, she spent nearly an hour in the bathroom applying makeup and lotions, the same brands she’d used for forty years. She always emerged wearing pale-pink lipstick. Rudy, who was prone to grandiosity, liked to refer to her as “my amour.”

On the Friday before Labor Day, 2013, the Norths had just finished their toast when a nurse, who visited five times a week to help Rennie bathe and dress, came to their house, in Sun City Aliante, an “active adult” community in Las Vegas. They had moved there in 2005, when Rudy, a retired consultant for broadcasters, was sixty-eight and Rennie was sixty-six. They took pride in their view of the golf course, though neither of them played golf.

Rudy chatted with the nurse in the kitchen for twenty minutes, joking about marriage and laundry, until there was a knock at the door. A stocky woman with shiny black hair introduced herself as April Parks, the owner of the company A Private Professional Guardian. She was accompanied by three colleagues, who didn’t give their names. Parks told the Norths that she had an order from the Clark County Family Court to “remove” them from their home. She would be taking them to an assisted-living facility. “Go and gather your things,” she said.

Rennie began crying. “This is my home,” she said.

One of Parks's colleagues said that if the Norths didn't comply he would call the police. Rudy remembers thinking, "You're going to put my wife and me in jail for this? But he felt too confused to argue."

Parks drove a Pontiac G-6 convertible with a license plate that read "CRTGRDN," for "court guardian." In the past twelve years, she had been a guardian for some four hundred wards of the court. Owing to age or disability, they had been deemed incompetent, a legal term that describes those who are unable to make reasoned choices about their lives or their property. As their guardian, Parks had the authority to manage their assets, and to choose where they lived, whom they associated with, and what medical treatment they received. They lost nearly all their civil rights.

Without realizing it, the Norths had become temporary wards of the court. Parks had filed an emergency ex-parte petition, which provides an exception to the rule that both parties must be notified of any argument before a judge. She had alleged that the Norths posed a "substantial risk for mismanagement of medications, financial loss and physical harm." She submitted a brief letter from a physician's assistant, whom Rennie had seen once, stating that "the patient's husband can no longer effectively take care of the patient at home as his dementia is progressing." She also submitted a letter from one of Rudy's doctors, who described him as "confused and agitated."

Rudy and Rennie had not undergone any cognitive assessments. They had never received a diagnosis of dementia. In addition to Freud, Rudy was working his way through Nietzsche and Plato. Rennie read romance novels.

Parks told the Norths that if they didn't come willingly an ambulance would take them to the facility, a place she described as a "respite." Still crying, Rennie put cosmetics and some clothes into a suitcase. She packed so quickly that she forgot her cell phone and Rudy's hearing aid. After thirty-five minutes, Parks's assistant led the Norths to her car. When a neighbor asked what was happening, Rudy told him, "We'll just be gone for a little bit." He was too proud to draw attention to their predicament. "Just think of it as a mini-vacation," he told Rennie.

After the Norths left, Parks walked through the house with Cindy Breck, the owner of Caring Transitions, a company that relocates seniors and sells their belongings at estate sales. Breck and Parks had a routine. "We open drawers," Parks said at a deposition. "We look in closets. We pull out boxes, anything that would store—that would keep paperwork, would keep valuables." She took a pocket watch, birth certificates, insurance policies, and several collectible coins.

The Norths' daughter, Julie Belshe, came to visit later that afternoon. A fifty-three-year-old mother of three sons, she and her husband run a small business designing and constructing pools. She lived ten miles away and visited her parents nearly every day, often taking them to her youngest son's football games. She was her parents' only living child; her brother and sister had died.

She knocked on the front door several times and then tried to push the door open, but it was locked. She was surprised to see the kitchen window closed; her parents always left it slightly open. She drove to the Sun City Aliante clubhouse, where her parents sometimes drank coffee. When she couldn't find them there, she thought that perhaps they had gone on an errand together—the farthest they usually drove was to Costco. But, when she returned to the house, it was still empty.

That weekend, she called her parents several times. She also called two hospitals to see if they had been in an accident. She called their landlord, too, and he agreed to visit the house. He reported that there were no signs of them. She told her husband, "I think someone kidnapped my parents."

On the Tuesday after Labor Day, she drove to the house again and found a note taped to the door: "In case of emergency, contact guardian April Parks." Belshe dialed the number. Parks, who had a brisk, girlish way of speaking, told Belshe that her parents had been taken to Lakeview Terrace, an assisted-living facility in Boulder City, nine miles from the Arizona border. She assured Belshe that the staff there would take care of all their needs.

"You can't just walk into somebody's home and take them!" Belshe told her.

Parks responded calmly, "It's legal. It's legal."

Guardianship derives from the state's *parens patriae* power, its duty to act as a parent for those considered too vulnerable to care for themselves. "The King shall have the custody of the lands of natural fools, taking the profits of them without waste or destruction, and shall find them their necessaries," reads the English statute *De Prerogative Regis*, from 1324. The law was imported to the colonies—guardianship is still controlled by state, not federal, law—and has remained largely intact for the past eight hundred years. It establishes a relationship between ward and guardian that is rooted in trust.

In the United States, a million and a half adults are under the care of guardians, either family members or professionals, who control some two hundred and seventy-three billion dollars in assets, according to an auditor for the guardianship fraud program in Palm Beach County.

Little is known about the outcome of these arrangements, because states do not keep complete figures on guardianship cases—statutes vary widely—and, in most jurisdictions, the court records are sealed. A Government Accountability report from 2010 said, “We could not locate a single Web site, federal agency, state or local entity, or any other organization that compiles comprehensive information on this issue.” A study published this year by the American Bar Association found that “an unknown number of adults languish under guardianship” when they no longer need it, or never did. The authors wrote that “guardianship is generally “permanent, leaving no way out—‘until death do us part.’”

When the Norths were removed from their home, they joined nearly nine thousand adult wards in the Las Vegas Valley. In the past twenty years, the city has promoted itself as a retirement paradise. Attracted by the state’s low taxes and a dry, sunny climate, elderly people leave their families behind to resettle in newly constructed senior communities. “The whole town sparkled, pulling older people in with the prospect of the American Dream at a reasonable price,” a former real-estate agent named Terry Williams told me. Roughly thirty per cent of the people who move to Las Vegas are senior citizens, and the number of Nevadans older than eighty-five has risen by nearly eighty per cent in the past decade.

In Nevada, as in many states, anyone can become a guardian by taking a course, as long as he or she has not been convicted of a felony or recently declared bankruptcy. Elizabeth Brickfield, a Las Vegas lawyer who has worked in guardianship law for twenty years, said that about fifteen years ago, as the state’s elderly population swelled, “all these private guardians started arriving, and the docket exploded. The court became a factory.”

Pamela Teaster, the director of the Center for Gerontology at Virginia Tech and one of the few scholars in the country who study guardianship, told me that, though most guardians assume their duties for good reasons, the guardianship system is “a morass, a total mess.” She said, “It is unconscionable that we don’t have any data, when you think about the vast power given to a guardian. It is one of society’s most drastic interventions.”

After talking to Parks, Belshe drove forty miles to Lakeview Terrace, a complex of stucco buildings designed to look like a hacienda. She found her parents in a small room with a kitchenette and a window overlooking the parking lot. Rennie was in a wheelchair beside the bed, and Rudy was curled up on a love seat in the fetal position. There was no phone in the room. Medical-alert buttons were strung around their necks. “They were like two lost children,” Belshe said.

She asked her parents who Parks was and where she could find the court order, but, she said, “they were overwhelmed and humiliated, and they didn’t know what was going on.” They had

no idea how or why Parks had targeted them as wards. Belshe was struck by their passive acceptance. "It was like they had Stockholm syndrome or something," she told me.

Belshe acknowledged that her parents needed a few hours of help each day, but she had never questioned their ability to live alone. "They always kept their house really nice and clean, like a museum," she said. Although Rudy's medical records showed that he occasionally had "staring spells," all his medical-progress notes from 2013 described him as alert and oriented. He did most of the couple's cooking and shopping, because Rennie, though lucid, was in so much pain that she rarely left the house. Belshe sometimes worried that her father inadvertently encouraged her mother to be docile: "She's a very smart woman, though she sometimes acts like she's not. I have to tell her, 'That's not cute, Mom.' "

When Belshe called Parks to ask for the court order, Parks told her that she was part of the "sandwich generation," and that it would be too overwhelming for her to continue to care for her children and her parents at the same time. Parks billed her wards' estates for each hour that she spent on their case; the court placed no limits on guardians' fees, as long as they appeared "reasonable." Later, when Belshe called again to express her anger, Parks charged the Norths twenty-four dollars for the eight-minute conversation. "I could not understand what the purpose of the call was other than she wanted me to know they had rights," Parks wrote in a detailed invoice. "I terminated the phone call as she was very hostile and angry."

A month after removing the Norths from their house, Parks petitioned to make the guardianship permanent. She was represented by an attorney who was paid four hundred dollars an hour by the Norths' estate. A hearing was held at Clark County Family Court.

The Clark County guardianship commissioner, a lawyer named Jon Norheim, has presided over nearly all the guardianship cases in the county since 2005. He works under the supervision of a judge, but his orders have the weight of a formal ruling. Norheim awarded a guardianship to Parks, on average, nearly once a week. She had up to a hundred wards at a time. "I love April Parks," he said at one hearing, describing her and two other professional guardians, who frequently appeared in his courtroom, as "wonderful, good-hearted, social-worker types."

Norheim's court perpetuated a cold, unsentimental view of family relations: the ingredients for a good life seemed to have little to do with one's children and siblings. He often dismissed the objections of relatives, telling them that his only concern was the best interest of the wards, which he seemed to view in a social vacuum. When siblings fought over who would be

guardian, Norheim typically ordered a neutral professional to assume control, even when this isolated the wards from their families.

Rudy had assured Belshe that he would protest the guardianship, but, like most wards in the country, Rudy and Rennie were not represented by counsel. As Rudy stood before the commissioner, he convinced himself that guardianship offered him and Rennie a lifetime of care without being a burden to anyone they loved. He told Norheim, "The issue really is her longevity—what suits her." Belshe, who sat in the courtroom, said, "I was shaking my head. No, no, no—don't do that!" Rennie was silent.

Norheim ordered that the Norths become permanent wards of the court. "Chances are, I'll probably never see you folks again; you'll work everything out," he said, laughing. "I very rarely see people after the initial time in court." The hearing lasted ten minutes.

The following month, Even Tide Life Transitions, a company that Parks often hired, sold most of the Norths' belongings. "The general condition of this inventory is good," an appraiser wrote. Two lithographs by Renoir were priced at thirty-eight hundred dollars, and a glass cocktail table ("Client states that it is a Brancusi design") was twelve hundred and fifty dollars. The Norths also had several pastel drawings by their son, Randy, who died in a motorcycle accident at the age of thirty-two, as well as Kachina dolls, a Bose radio, a Dyson vacuum cleaner, a Peruvian tapestry, a motion-step exerciser, a LeRoy Neiman sketch of a bar in Dublin, and two dozen pairs of Clarke shoes. According to Parks's calculations, the Norths had roughly fifty thousand dollars. Parks transferred their savings, held at the Bank of America, to an account in her name.

Rennie repeatedly asked for her son's drawings, and for the family photographs on her refrigerator. Rudy pined for his car, a midnight-blue 2010 Chrysler, which came to symbolize the life he had lost. He missed the routine interactions that driving had allowed him. "Everybody at the pharmacy was my buddy," he said. Now he and Rennie felt like exiles. Rudy said, "They kept telling me, 'Oh, you don't have to worry: your car is fine, and this and that.'" A month later, he said, "they finally told me, 'Actually, we sold your car.' I said, 'What in the hell did you sell it for?'" It was bought for less than eight thousand dollars, a price that Rudy considered insulting.

Rudy lingered in the dining room after eating breakfast each morning, chatting with other residents of Lakeview Terrace. He soon discovered that ten other wards of April Parks lived there. His next-door neighbor, Adolfo Gonzalez, a short, bald seventy-one-year-old who had worked as a maître d' at the MGM Grand Las Vegas, had become Parks's ward at a hearing that lasted a minute and thirty-one seconds.

Gonzalez, who had roughly three hundred and fifty thousand dollars in assets, urged Rudy not to accept the nurse's medications. "If you take the pills, they'll make sure you don't make it to court," he said. Gonzalez had been prescribed the antipsychotic medications Risperdal and Depakote, which he hid in the side of his mouth without swallowing. He wanted to remain vigilant. He often spoke of a Salvador Dali painting that had been lost when Parks took over his life. Once, she charged him two hundred and ten dollars for a visit in which, according to her invoice, he expressed that "he feels like a prisoner."

Rudy was so distressed by his conversations with Gonzalez that he asked to see a psychologist. "I thought maybe he'd give me some sort of objective learning as to what I was going through," he said. "I wanted to ask basic questions, like What the hell is going on?" Rudy didn't find the session illuminating, but he felt a little boost to his self-esteem when the psychologist asked that he return for a second appointment. "I guess he found me terribly charming," he told me.

Rudy liked to fantasize about an alternative life as a psychoanalyst, and he tried to befriend the wards who seemed especially hopeless. "Loneliness is a physical pain that hurts all over," he wrote in his notebook. He bought a pharmaceutical encyclopedia and advised the other wards about medications they'd been prescribed. He also ran for president of the residents, promising that under his leadership the kitchen would no longer advertise canned food as homemade. (He lost—he's not sure if anyone besides Rennie voted for him—but he did win a seat on the residents' council.)

He was particularly concerned about a ward of Parks's named Marlene Homer, a seventy-year-old woman who had been a professor. "Now she was almost hiding behind the pillars," Rudy said. "She was so obsequious. She was, like, 'Run me over. Run me over.'" She'd become a ward in 2012, after Parks told the court, "She has admitted to strange thoughts, depression, and doing things she can't explain." On a certificate submitted to the court, an internist had checked a box indicating that Homer was "unable to attend the guardianship court hearing because _____," but he didn't fill in a reason.

The Norths could guess which residents were Parks's wards by the way they were dressed. Gonzalez wore the same shirt to dinner nearly every day. "Forgive me," he told the others at his table. When a friend tried to take him shopping, Parks prevented the excursion because she didn't know the friend. Rennie had also tried to get more clothes. "I reminded ward that she has plenty of clothing in her closet," Parks wrote. "I let her know that they are on a tight budget." The Norths' estate was charged a hundred and eighty dollars for the conversation.

Another resident, Barbara Neely, a fifty-five-year-old with schizophrenia, repeatedly asked Parks to buy her outfits for job interviews. She was applying for a position with the Department of Education. After Neely's third week at Lakeview Terrace, Parks's assistant sent Parks a text. "Can you see Barbara Neely anytime this week?" she wrote. "She has questions on the guardianship and how she can get out of it." Parks responded, "I can and she can't." Neely had been in the process of selling her house, for a hundred and sixty-eight thousand dollars, when Parks became her guardian and took charge of the sale.

The rationale for the guardianship of Norbert Wilkening, who lived on the bottom floor of the facility, in the memory-care ward, for people with dementia ("the snake pit," Rudy called it), was also murky. Parks's office manager, who advertised himself as a "Qualified Dementia Care Specialist"—a credential acquired through video training sessions—had given Wilkening a "Mini-Mental State Examination," a list of eleven questions and tasks, including naming as many animals as possible in a minute. Wilkening had failed. His daughter, Amy, told me, "I didn't see anything that was happening to him other than a regular getting-older process, but when I was informed by all these people that he had all these problems I was, like, Well, maybe I'm just in denial. I'm not a professional." She said that Parks was "so highly touted. By herself, by the social workers, by the judge, by everyone that knew her."

At a hearing, when Amy complained to Norheim that Parks didn't have time for her father, he replied, "Yeah, she's an industry at this point."

As Belshe spoke to more wards and their families, she began to realize that Lakeview Terrace was not the only place where wards were lodged, and that Parks was not the only guardian removing people from their homes for what appeared to be superficial reasons. Hundreds of cases followed the same pattern. It had become routine for guardians in Clark County to petition for temporary guardianship on an ex-parte basis. They told the court that they had to intervene immediately because the ward faced a medical emergency that was only vaguely described: he or she was demented or disoriented, and at risk of exploitation or abuse. The guardians attached a brief physician's certificate that contained minimal details and often stated that the ward was too incapacitated to attend a court hearing. Debra Bookout, an attorney at the Legal Aid Center of Southern Nevada, told me, "When a hospital or rehab facility needs to free up a bed, or when the patient is not paying his bills, some doctors get sloppy, and they will sign anything." A recent study conducted by Hunter College found that a quarter of guardianship petitions in New York were brought by nursing homes and hospitals, sometimes as a means of collecting on overdue bills.

It often took several days for relatives to realize what had happened. When they tried to contest the guardianship or become guardians themselves, they were dismissed as unsuitable, and disparaged in court records as being neglectful, or as drug addicts, gamblers, and exploiters. (Belshe was described by Parks as a “reported addict” who “has no contact with the proposed ward,” an allegation that Belshe didn’t see until it was too late to challenge.) Family who lived out of state were disqualified from serving as guardians, because the law prohibited the appointment of anyone who didn’t live in Nevada.

Once the court approved the guardianship, the wards were often removed from their homes, which were eventually sold. Terry Williams, whose father’s estate was taken over by strangers even though he’d named her the executor of his will, has spent years combing through guardianship, probate, and real-estate records in Clark County. “I kept researching, because I was so fascinated that these people could literally take over the lives and assets of people under color of law, in less than ten minutes, and nobody was asking questions,” she told me. “These people spent their lives accumulating wealth and, in a blink of an eye, it was someone else’s.”

Williams has reviewed hundreds of cases involving Jared Shafer, who is considered the godfather of guardians in Nevada. In the records room of the courthouse, she was afraid to say Shafer’s name out loud. In the course of his thirty-five-year career, Shafer has assumed control of more than three thousand wards and estates and trained a generation of guardians. In 1979, he became the county’s public administrator, handling the estates of people who had no relatives in Nevada, as well as the public guardian, serving wards when no family members or private guardians were available. In 2003, he left government and founded his own private guardianship and fiduciary business; he transferred the number of his government-issued phone to himself.

Williams took records from Shafer’s and other guardians’ cases to the Las Vegas police department several times. She tried to explain, she said, that “this is a racketeering operation that is fee-based. There’s no brown paper bag handed off in an alley. The payoff is the right to bill the estate.” The department repeatedly told her that it was a civil issue, and refused to take a report. In 2006, she submitted a typed statement, listing twenty-three statutes that she thought had been violated, but an officer wrote in the top right corner, “NOT A POLICE MATTER.” Adam Woodrum, an estate lawyer in Las Vegas, told me that he’s worked with several wards and their families who have brought their complaints to the police. “They can’t even get their foot in the door,” he said.

Acting as her own attorney, Williams filed a racketeering suit in federal court against Shafer and the lawyers who represented him. At a hearing before the United States District Court of

Central California in 2009, she told the judge, “They are trumping up ways and means to deem people incompetent and take their assets.” The case was dismissed. “The scheme is ingenious,” she told me. “How do you come up with a crime that literally none of the victims can articulate without sounding like they’re nuts? The same insane allegations keep surfacing from people who don’t know each other.”

In 2002, in a petition to the Clark County District Court, a fifty-seven-year-old man complained that his mother had lost her constitutional rights because her kitchen was understocked and a few bills hadn’t been paid. The house they shared was then placed on the market. The son wrote, “If the only showing necessary to sell the home right out from under someone is that their ‘estate’ would benefit, then no house in Clark County is safe, nor any homeowner.” Under the guise of benevolent paternalism, guardians seemed to be creating a kind of capitalist dystopia: people’s quality of life was being destroyed in order to maximize their capital.

When Concetta Mormon, a wealthy woman who owned a Montessori school, became Shafer’s ward because she had aphasia, Shafer sold the school midyear, even though students were enrolled. At a hearing after the sale, Mormon’s daughter, Victoria Cloutier, constantly spoke out of turn. The judge, Robert Lueck, ordered that she be handcuffed and placed in a holding cell while the hearing continued. Two hours later, when Cloutier was allowed to return for the conclusion, the judge told her that she had thirty days in which to vacate her mother’s house. If she didn’t leave, she would be evicted and her belongings would be taken to Goodwill.

The opinions of wards were also disregarded. In 2010, Guadalupe Olvera, a ninety-year-old veteran of the Second World War, repeatedly asked that his daughter and not Shafer be appointed his guardian. “The ward is not to go to court,” Shafer instructed his assistants. When Olvera was finally permitted to attend a hearing, nearly a year after becoming a ward, he expressed his desire to live with his daughter in California, rather than under Shafer’s care. “Why is everybody against that?” he asked Norheim. “I don’t need that man.” Although Nevada’s guardianship law requires that courts favor relatives over professionals, Norheim continued the guardianship, saying, “The priority ship sailed.”

When Olvera’s daughter eventually defied the court’s orders and took her father to live at her seaside home in Northern California, Norheim’s supervisor, Judge Charles Hoskin, issued an arrest warrant for her “immediate arrest and incarceration” without bail. The warrant was for contempt of court, but Norheim said at least five times from the bench that she had

“kidnapped” Olvera. At a hearing, Norheim acknowledged that he wasn’t able to send an officer across state lines to arrest the daughter. Shafer said, “Maybe I can.”

Shafer held so much sway in the courtroom that, in 2013, when an attorney complained that the bank account of a ward named Kristina Berger had “no money left and no records to explain where it went,” Shafer told Norheim, “Close the courtroom.” Norheim immediately complied. A dozen people in attendance were forced to leave.

One of Shafer’s former bookkeepers, Lisa Clifton, who was hired in 2012, told me that Shafer used to brag about his political connections, saying, “I wrote the laws.” In 1995, he persuaded the Nevada Senate Committee on Government Affairs to write a bill that allowed the county to receive interest on money that the public guardian invested. “This is what I want you to put in the statute, and I will tell you that you will get a rousing hand from a couple of judges who practice our probate,” he said. At another hearing, he asked the committee to write an amendment permitting public guardians to take control of people’s property in five days, without a court order. “This bill is not ‘Big Brother’ if you trust the person who is doing the job,” he said. (After a senator expressed concern that the law allowed “intervention into somebody’s life without establishing some sort of reason why you are doing it,” the committee declined to recommend it.)

Clifton observed that Shafer almost always took a cynical view of family members: they were never motivated by love or duty, only by avarice. “‘They just want the money’—that was his answer to everything,” she told me. “And I’m thinking to myself, Well, when family members die they pass it down to their children. Isn’t that just the normal progression of things?”

After a few months on the job, Clifton was asked to work as a guardian, substituting for an absent employee, though she had never been trained. Her first assignment was to supervise a visit with a man named Alvin Passer, who was dying in the memory-care unit of a nursing home. His partner of eight years, Olive Manoli, was permitted a brief visit to say goodbye. Her visits had been restricted by Shafer—his lawyer told the court that Passer became “agitated and sexually aggressive” in her presence—and she hadn’t seen Passer in months. In a futile attempt to persuade the court to allow her to be with him, Manoli had submitted a collection of love letters, as well as notes from ten people describing her desire to care for Passer for the rest of his life. “I was absolutely appalled,” Clifton said. “She was this very sweet lady, and I said, ‘Go in there and spend as much time with him as you want.’ Tears were rolling down her cheeks.”

The family seemed to have suffered a form of court-sanctioned gaslighting. Passer’s daughter, Joyce, a psychiatric nurse who specialized in geriatrics, had been abruptly removed as her

father's co-guardian, because she appeared "unwilling or (more likely) unable to conduct herself rationally in the Ward's best interests," according to motions filed by one of Shafer's attorneys.

She and Manoli had begged Norheim not to appoint Shafer as guardian. "Sir, he's abusive," their lawyer said in court.

"He's as good as we got, and I trust him completely," Norheim responded.

Joyce Passer was so confused by the situation that, she said, "I thought I was crazy." Then she received a call from a blocked number. It was Terry Williams, who did not reveal her identity. She had put together a list of a half-dozen family members who she felt were "ready to receive some kind of verbal support." She told Passer, "Look, you are not nuts. This is real. Everything you are thinking is true. This has been going on for years."

During Rennie North's first year at Lakeview Terrace, she gained sixty pounds. Parks had switched the Norths' insurance, for reasons she never explained, and Rennie began seeing new doctors, who prescribed Valium, Prozac, the sedative Temazepam, Oxycodone, and Fentanyl. The doses steadily increased. Rudy, who had hip pain, was prescribed Oxycodone and Valium. When he sat down to read, the sentences floated past his eyes or appeared in duplicate. "Ward seemed very tired and his eyes were glassy," Parks wrote in an invoice.

Belshe found it increasingly hard to communicate with her parents, who napped for much of the day. "They were being overmedicated to the point where they weren't really there," she said. The Norths' grandsons, who used to see them every week, rarely visited. "It was degrading for them to see us so degraded," Rudy said. Parks noticed that Rennie was acting helpless, and urged her to "try harder to be more motivated and not be so dependent on others." Rudy and Rennie began going to Sunday church services at the facility, even though they were Jewish. Rudy was heartened by what he heard in the pastor's message: "Don't give up. God will help you get out of here." He began telling people, "We are living the life of Job."

At the end of 2014, Lakeview Terrace hired a new director, Julie Liebo, who resisted Parks's orders that medical information about wards be kept from their families. Liebo told me, "The families were devastated that they couldn't know if the residents were in surgery or hear anything about their health. They didn't understand why they'd been taken out of the picture. They'd ask, 'Can you just tell me if she's alive?'" Liebo tried to comply with the rules, because she didn't want to violate medical-privacy laws; as guardian, Parks was entitled to choose what was disclosed. Once, though, Liebo took pity on the sister of an eighty-year-old ward named Dorothy Smith, who was mourning a dog that Parks had given away, and told her that Smith

was stable. Liebo said that Parks, who was by then the secretary of the Nevada Guardianship Association, called her immediately: “She threatened my license and said she could have me arrested,” Liebo told me.

After Liebo arrived, Parks began removing wards from Lakeview Terrace with less than a day’s notice. A woman named Linda Phillips, who had dementia, was told that she was going to the beauty salon. She never returned. Marlene Homer, the ward whose ailments were depression and “strange thoughts,” was taken away in a van, screaming. Liebo had asked the state ombudsman to come to the facility and stop the removals, but nothing could be done. “We stood there completely helpless,” Liebo said. “We had no idea where they were going.” Liebo said that other wards asked her if they would be next.

Liebo alerted the compliance officer for the Clark County Family Court that Parks was removing residents “without any concern for them and their choice to stay here.” She also reported her complaints to the police, the Department of Health Services, the Bureau of Health Care, and Nevada Adult Protective Services. She said each agency told her that it didn’t have the authority or the jurisdiction to intervene.

At the beginning of 2015, Parks told the Norths that they would be leaving Lakeview Terrace. “Finances are low and the move is out of our control,” Parks wrote. It was all arranged so quickly that, Rudy said, “we didn’t have time to say goodbye to people we’d been eating with for seventeen months.” Parks arranged for Caring Transitions to move them to the Wentworth, a less expensive assisted-living facility. Liebo said that, the night before the move, Rudy began “shouting about the Holocaust, that this was like being in Nazi Germany.” Liebo didn’t think the reference was entirely misguided. “He reverted to a point where he had no rights as a human being,” she said. “He was no longer the caregiver, the man, the husband—all of the things that gave his life meaning.” Liebo also didn’t understand why Belshe had been marginalized. “She seemed like she had a great relationship with her parents,” she said.

Belshe showed up at 9 A.M. to help her parents with the move, but when she arrived Parks’s assistant, Heidi Kramer, told her that her parents had already left. Belshe “emotionally crashed,” as Liebo put it. She yelled that her parents didn’t even wake up until nine or later—what was the rush? In an invoice, Kramer wrote that Belshe “began to yell and scream, her behavior was out of control, she was taking pictures and yelling, ‘April Parks is a thief.’ ” Kramer called the police. Liebo remembers that an officer “looked at Julie Belshe and told her she had no rights, and she didn’t.”

Belshe cried as she drove to the Wentworth, in Las Vegas. When she arrived, Parks was there, and refused to let her see her parents. Parks wrote, “I told her that she was too distraught to

see her parents, and that she needed to leave.” Belshe wouldn’t, so Parks asked the receptionist to call the police. When the police arrived, Belshe told them, “I just want to hug my parents and make sure they’re O.K.” An officer handed her a citation for trespassing, saying that if she returned to the facility she would be arrested.

Parks wrote that the Norths were “very happy with the new room and thanked us several times,” but Rudy remembers feeling as if he had “ended up in the sewer.” Their room was smaller than the one at Lakeview Terrace, and the residents at the Wentworth seemed older and sicker. “There were people sitting in their chairs, half-asleep,” Rudy said. “Their tongues hung out.”

Rennie spent nearly all her time in her wheelchair or in bed, her eyes half-closed. Her face had become bloated. One night, she was so agitated that the nurses gave her Haldol, a drug commonly used to treat schizophrenia. When Rudy asked her questions, Rennie said “What?” in a soft, remote voice.

Shortly after her parents’ move, Belshe called an editor of the *Vegas Voice*, a newspaper distributed to all the mailboxes in senior communities in Las Vegas. In recent months, the paper had published three columns warning readers about Clark County guardians, writing that they “have been lining their pockets at the expense of unwitting seniors for a very long time.”

At Belshe’s urging, the paper’s political editor, Rana Goodman, visited the Norths, and published an article in the *Voice*, describing Rudy as “the most articulate, soft spoken person I have met in a very long time.” She called Clark County’s guardianship system a “(legal) elder abuse racket” and urged readers to sign a petition demanding that the Nevada legislature reform the laws. More than three thousand people signed.

Two months later, the *Review-Journal* ran an investigation, titled “Clark County’s Private Guardians May Protect—Or Just Steal and Abuse,” which described complaints against Shafer going back to the early eighties, when two of his employees were arrested for stealing from the estates of dead people.

In May, 2015, a month after the article appeared, when the Norths went to court to discuss their finances local journalists were in the courtroom and Norheim seemed chastened. “I have grave concerns about this case,” he said. He noted that Parks had sold the Norths’ belongings without proper approval from his court. Parks had been doing this routinely for years, and, according to her, the court had always accepted her accounting and her fees. Her lawyer, Aileen Cohen, said, “Everything was done for the wards’ benefit, to support the wards.”

Norheim announced that he was suspending Parks as the Norths' guardian—the first time she had been removed from a case for misconduct.

“This is important,” Rudy, who was wearing a double-breasted suit, said in court. “This is hope. I am coming here and I have hope.” He quoted the Bible, Thomas Jefferson, and Euripides, until Belshe finally touched his elbow and said, “Just sit down, Dad.”

When Rudy apologized for being “overzealous,” Norheim told him, “This is your life. This is your liberty. You have every right to be here. You have every right to be involved in this project.”

After the hearing, Parks texted her husband, “I am finished.”

Last March, Parks and her lawyer, along with her office manager and her husband, were indicted for perjury and theft, among other charges. The indictment was narrowly focussed on their double billings and their sloppy accounting, but, in a detailed summary of the investigation, Jaclyn O'Malley, who led the probe for the Nevada Attorney General's Office, made passing references to the “collusion of hospital social workers and medical staff” who profited from their connection to Parks. At Parks's grand-jury trial, her assistant testified that she and Parks went to hospitals and attorneys' offices for the purpose of “building relationships to generate more client leads.” Parks secured a contract with six medical facilities whose staff agreed to refer patients to her—an arrangement that benefitted the facilities, since Parks controlled the decisions of a large pool of their potential consumers. Parks often gave doctors blank certificates and told them exactly what to write in order for their patients to become her wards.

Parks and other private guardians appeared to gravitate toward patients who had considerable assets. O'Malley described a 2010 case in which Parks, after receiving a tip from a social worker, began “cold-calling” rehabilitation centers, searching for a seventy-nine-year-old woman, Patricia Smoak, who had nearly seven hundred thousand dollars and no children. Parks finally found her, but Smoak's physician wouldn't sign a certificate of incapacity. “The doctor is not playing ball,” Parks wrote to her lawyer. She quickly found a different doctor to sign the certificate, and Norheim approved the guardianship. (Both Parks and Norheim declined to speak with me.)

Steve Miller, a former member of the Las Vegas City Council, said he assumed that Shafer would be the next indictment after Parks, who is scheduled to go to trial next spring. “All of the disreputable guardians were taking clues from the Shafer example,” he said. But, as the

months passed, “I started to think that this has run its course locally. Only federal intervention is going to give us peace of mind.”

Richard Black, who, after his father-in-law was placed into guardianship, became the director of a grassroots national organization, *Americans Against Abusive Probate Guardianship*, said that he considered the Parks indictment “irrefutably shallow. It sent a strong message of: We’re not going to go after the real leaders of this, only the easy people, the ones who were arrogant and stupid enough to get caught.” He works with victims in dozens of what he calls “hot spots,” places where guardianship abuse is prevalent, often because they attract retirees: Palm Beach, Sarasota, Naples, Albuquerque, San Antonio. He said that the problems in Clark County are not unusual. “The only thing that is unique is that Clark County is one of the few jurisdictions that doesn’t seal its records, so we can see what is going on.”

Approximately ten per cent of people older than sixty-five are thought to be victims of “elder abuse”—a construct that has yet to enter public consciousness, as child abuse has—but such cases are seldom prosecuted. People who are frail or dying don’t make good witnesses—a fact that Shafer once emphasized at a 1990 U.S. congressional hearing on crimes against the elderly, in which he appeared as an expert at preventing exploitation. “Seniors do not like to testify,” he said, adding that they were either incapable or “mesmerized by the person ripping them off.” He said, “The exploitation of seniors is becoming a real cottage industry right now. This is a good business. Seniors are unable to fend for themselves.”

In the past two years, Nevada has worked to reform its guardianship system through a commission, appointed by the Nevada Supreme Court, to study failures in oversight. In 2018, the Nevada legislature will enact a new law that entitles all wards to be represented by lawyers in court. But the state seems reluctant to reckon with the roots of the problem, as well as with its legacy: a generation of ill and elderly people who were deprived of their autonomy, and also of their families, in the final years of their lives. Last spring, a man bought a storage unit in Henderson, Nevada, and discovered twenty-seven urns—the remains of Clark County wards who had never been buried.

In the wake of Parks’s indictment, no judges have lost their jobs. Norheim was transferred from guardianship court to dependency court, where he now oversees cases involving abused and neglected children. Shafer is still listed in the Clark County court system as a trustee and as an administrator in several open cases. He did not respond to multiple e-mails and messages left with his bookkeeper, who answered his office phone but would not say whether he was still in practice. He did appear at one of the public meetings for the commission appointed to analyze flaws in the guardianship system. “What started all of this was me,” he

said. Then he criticized local media coverage of the issue and said that a television reporter, whom he'd talked to briefly, didn't know the facts. "The system works," Shafer went on. "It's not the guardians you have to be aware of, it's more family members." He wore a blue polo shirt, untucked, and his head was shaved. He looked aged, his arms dotted with sun spots, but he spoke confidently and casually. "The only person you folks should be thinking about when you change things is the ward. It's their money, it's their life, it's their time. The family members don't count."

Belshe is resigned to the fact that she will be supporting her parents for the rest of their lives. Parks spent all the Norths' money on fees—the hourly wages for her, her assistants, her lawyers, and the various contractors she hired—as well as on their monthly bills, which doubled under her guardianship. Belshe guesses that Parks—or whichever doctor or social worker referred her to the Norths—had assumed that her parents were wealthier than they actually were. Rudy often talked vaguely about deals he had once made in China. "He exaggerates, so he won't feel emasculated," Belshe said. "He wasn't such a big businessman, but he was a great dad."

The Norths now live in what used to be Belshe's home office; it has a window onto the living room which Belshe has covered with a tarp. Although the room is tiny, the Norths can fit most of their remaining belongings into it: a small lamp with teardrop crystals, a deflated love seat, and two paintings by their son. Belshe rescued the art work, in 2013, after Caring Transitions placed the Norths' belongings in trash bags at the edge of their driveway. "My brother's paintings were folded and smelled," she said.

The Norths' bed takes up most of the room, and operates as their little planet. They rarely stray far from it. They lie in bed playing cards or sit against the headboard, reading or watching TV. Rudy's notebooks are increasingly focussed on mortality—"Death may be pleasurable"—and money. "Money monsters do well in this society," he wrote. "All great fortunes began with a crime." He creates lists of all the possessions he has lost, some of which he may be imagining: over time, Rennie's wardrobe has become increasingly elaborate and refined, as have their sets of China. He alternates between feeling that his belongings are nothing—a distraction from the pursuit of meaning—and everything. "It's an erasure," he said. "They erase you from the face of the earth." He told me a few times that he was a distant cousin of Leon Trotsky, "intellect of the revolution," as he called him, and I wondered whether his newfound pride was connected to his conflicted feelings about the value of material objects.

A few months after the Norths were freed, Rudy talked on the phone with Adolfo Gonzalez, his neighbor from Lakeview Terrace, who, after a doctor found him competent, had also been discharged. He now lived in a house near the airport, and had been reunited with several of his pets. The two men congratulated each other. "We survived!" Rudy said. "We never thought we'd see each other on the other side." Three other wards from Lakeview Terrace had died.

Rennie has lost nearly all the weight she gained at Lakeview Terrace, mostly because Belshe and her husband won't let her lounge in her wheelchair or eat starchy foods. Now she uses a walker, which she makes self-deprecating jokes about. "This is fun—I can teach you!" she told me.

In July, Rennie slipped in the bathroom and spent a night in the hospital. Belshe didn't want anyone to know about her mother's fall, because, she said, "this is the kind of thing that gets you into guardianship." She told me, "I feel like these people are just waiting in the bushes."

Two days after the fall, Rennie was feeling better—she'd had thirteen stitches—but she was still agitated by a dream she had in the hospital. She wasn't even sure if she'd been asleep; she remembers talking, and her eyes were open.

"You were loopedy-doopy," Scott Belshe, Julie's husband, told her. They were sitting on the couch in their living room.

"It was real," Rennie said.

"You dreamed it," Scott told her.

"Maybe I was hallucinating," she said. "I don't know—I was scared." She said that strangers were making decisions about her fate. She felt as if she were frozen: she couldn't influence what was happening. "I didn't know what to do," she told Scott. "I think I yelled for help. *Help me.*" The worst part, she said, was that she couldn't find her family. "Honest to God, I thought you guys left me all alone." ♦

This article appears in other versions of the October 9, 2017, issue, with the headline "The Takeover."



Metro Detroit woman says probate guardianship case is tearing family apart

Local families question use of public officials

BY: Heather Catallo

POSTED: 11:27 PM, Oct 12, 2017

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A Public Administrator is an attorney who's appointed by the state Attorney General to handle estates after someone dies without an heir. The Public Administrator law says nothing about them being guardians for someone who's living, but that's how they're often being appointed.

"When the judge finds disharmony between family members, they're using that as an excuse to not find suitability. And they're appointing these public administrators because they think it will stop the anxiety between families," said attorney Douglas Kuthy, who's representing Mila Kapusta.

"Andruccioli never resolved anything. She never did anything," said Mila.

With Andruccioli in charge of the Kapps, Mila and her attorney, Douglas Kuthy, say her parents' health got worse.

"We reported to her that my parents had been falling, Ms. Andruccioli's response to my attorney was, it's unfortunate but old people fall," said Mila.

"[Andruccioli] failed to recognize the ward was hospitalized; failed to take care of it, failed to provide anything. I filed a motion for an evidentiary hearing in regard to that, she resigned in the face of it," said Kuthy.

That's when Judge O'Brien appointed a new guardian – yet another Public Administrator – Thomas Brennan Fraser.

For six months, Mila says she's been asking Fraser for a wheelchair ramp so her parents can leave their house.

"He doesn't respond to anything. Maybe one out of every ten emails, I'll get a response, if that," said Kuthy.

Mila and Doug say when they try to get answers from the judge, they get shut down. Our cameras were rolling last week while they waited – along with four other attorneys on the case – for 45 minutes. Instead of taking the bench for the scheduled hearing, Judge O'Brien sent a staffer out to hand out a written opinion.

"It's highly unusual in my 30 years of practicing law to run into a situation like this. And frankly, I don't understand it," said Kuthy.

"It's very disrespectful to my parents who are in their 90s. They seek justice, and from what I can see they aren't getting any," said Mila. "This is supposed to be a house of justice, and from what I can see, they aren't getting any."

What Fraser and the other professional guardians and conservators are getting is money.

In the Kapp case, court records show, Fraser and Andruccioli both charge \$245/hour for attorney fees. And their various staffers charge anywhere from \$35/hour to \$165/hour.

In just 10 months, all together they've billed for \$13,929.34 in costs for the Kapp family.

"Guardianship is one of the easiest weapons to use to financially exploit the vulnerable," said Americans Against Abusive Probate Guardianship Director Rick Black. Black calls Oakland County a hot spot for probate problems, and says the guardians who are also Public Administrators have an unfair advantage.

"Their capability in the court room is pretty much carte blanche, both in terms of the protections that they get from the judge, but also the latitude they get within the system as an attorney," said Black.

7 Investigator Heather Catallo caught up with the Kapp's guardian after court.

Catallo: "The judge consistently refers to you on the record as a public administrator, so –

Fraser: "By habit – I have a lot of cases."

Catallo: "How many guardianship and conservator cases do you have?"

Fraser: "I don't know."

Catallo: "We have several families that are telling us that you bill an awful lot of money but don't do very much. What is your response to that?"

Fraser: "And that's just not true, my bills are my bills."

"No one can believe this is happening. And for my father, who is a veteran – he protected this country - - for him to be treated like this; for my mother who worked her whole life to be treated like this – I think judges need to look at the elderly and our seniors more cautiously instead of trying to protect Public Administrators and any attorney – anybody walking into the court. You're here to protect your public," said Mila.

On October 5, the 7 Investigators contacted Prince Law Firm attorneys Kelli Nearhood and Ryan Bourjaily, who represent Lorrie and Sandy Kapp, to request comment on this investigation. In an email response, Nearhood said, "we can neither comment regarding pending litigation nor our client's role in pending litigation."

At 4:12pm on October 12, Nearhood and Bourjaily filed the motion for an Ex-Parte Order to keep the 7 Investigators from broadcasting this story. Without contacting WXYZ or Mila Kapusta's attorney, the Judge issued the Ex-Parte Temporary restraining order preventing the use of the images of the Kapps.

A hearing will be held on Tuesday October 17.

The original guardian in this case, Barb Andruccioli, has not gotten back to us to comment on this.

In Oakland County, there is a criminal investigation taking place right now into the actions of several Public Administrators.

The Attorney General does appoint Public Administrators to handle decedent estates. Those attorneys are not state employees, and therefore the Attorney General cannot prevent them from doing outside legal work, such as taking guardian and conservator cases. According to Andrea Bitely, Press Secretary for Attorney General Bill Schuette, "there's nothing in Michigan's laws that prohibit them from fulfilling both roles. But the Attorney General is in favor of changing the system, and all options are on

the table. The old [Public Administrator] laws that are currently in place need to continue to be examined. We're continuing to work with the legislature to reform the process."

If you have a story for Heather, please email her at hcatallo@wxyz.com or call 248-827-4473.

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INVESTIGATIONS STORIES

WXYZ to appeal judge in First Amendment battle

It's the story several lawyers did not want you to see: The 7 Investigators are looking into allegations of problems in the probate guardianship system. Last week, a judge stepped in and issued a restraining order, preventing Channel 7 from showing any pictures or videos of two of the people at the center of the story, Janet and Milan Kapp. On Tuesday that judge said he's standing by that decision. So now WXYZ is heading to the Court of Appeals.

Detroit pays millions for other drivers' errors

The city pays millions for other driver's negligence.

DDOT bus accidents cost lives, millions

"Sometimes I think about it," recalled one victim, "and I just want to scream."

Mich. families fighting guardians come forward

For months, the 7 Investigators have been digging into the guardianship system in Metro Detroit. On Thursday night, we showed you how a local woman says that due to a court-appointed guardian, she can't make any medical or financial decisions for her aging parents.

Michigan woman fears losing parents to guardian

Total strangers – lawyers who double as public officials – are taking over the lives of some of the most vulnerable people in our community – senior citizens and others who are disabled. Several Metro Detroit families say they've now lost all control over their parents' health care decisions and their finances.

How the feds flipped the Rizzos, got a plea deal

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Judge requests investigation of Lansing lawyer, removes her from cases

Beth LeBlanc, Lansing State Journal Published 10:27 a.m. ET Oct. 3, 2017 | Updated 10:35 a.m. ET Oct. 3, 2017



(Photo: Courtesy photo)

LANSING — An Ingham County probate judge has asked for an investigation into a local lawyer and removed her from several cases in which she served as conservator or guardian.

The request sent to the Attorney Grievance Commission by Ingham County Probate Judge Richard Garcia stemmed in part from what Garcia called apparent conflicts of interest in lawyer Catherine Jacobs' role as guardian for several people who were incapacitated.

Jacobs, according to the Loomis Law Firm website, is an attorney who specializes in estate planning, trusts and other probate court matters. She was a shareholder at the firm, but stepped back this year as part of a planned retirement.

Police reports, court documents and transcripts from several cases involving Jacobs outline her granddaughter's extended stay at the home of a woman with dementia for whom Jacobs is guardian and conservator; a criminal charge against Jacobs' daughter for allegedly embezzling from a longtime family friend who has dementia; Jacobs' decision to sign off on a major surgery even though her guardianship for the patient had lapsed; and an agreement with Sparrow Hospital that prompted Garcia to remove Jacobs from at least four cases for what he called a conflict of interest.

Jacobs and her lawyer Donald Campbell have asked Garcia to disqualify himself from at least one of her cases because of concerns the judge expressed to the grievance commission regarding Jacobs' actions. Garcia denied the motion, according to transcripts. Jacobs has since filed another.

"(The motion) says that I should be disqualified, this judge should be disqualified because I'm actually prejudiced against Ms. Jacobs because I told her I couldn't trust her on this case or any other," Garcia said at the Aug. 31 hearing on the motion. "You also left out I said I don't think you know what you're doing."

A receptionist at Loomis Law Firm declined comment when initially contacted by the State Journal. Communications firm Truscott Rossman later contacted the LSJ to field questions on behalf of the law firm, Jacobs and Jacobs' lawyer.

Campbell said Jacobs, who handled nearly a dozen conservator and guardian cases in Ingham County last year, has a "pristine record" and follows rules governing conflicts of interest "to the 'T'."

"The rules do permit a lawyer who has explained the nature of a conflict to an affected client to obtain a waiver and continue," Campbell said in an email. "Any discussions with her clients are, of course, confidential and cannot be shared."

Loomis Law Firm's President, Ted Rozeboom, released a short statement through Truscott Rossman:

"This is an unresolved matter that involves a confidential proceeding. It is inappropriate to comment until that process is complete."

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A lapsed guardianship and a hip replacement

Garcia removed Jacobs from at least seven cases between June and August this year. In Eaton County, Probate Judge Thomas Byerley suspended her from another six cases citing, in at least one order, Ingham County cases where she "either (breached) fiduciary duties and/or is under investigation."

The cases in question include ones where she served as guardian, conservator or personal representative.

A guardian is responsible for the care and custody of someone deemed unable to make their own decisions; a conservator handles financial matters for someone unable to do so; and a personal representative administers an estate after someone dies.

Concerns about Jacobs' performance in those roles appear to have entered the court record in May.

That's when McLaren Hospital contacted Ingham County Probate Court Administrator George Strander with concerns regarding a recent hip replacement for a patient, according to court records.

Jacobs had been appointed temporary guardian of the patient, but her letters of authority had lapsed in April because of a missed hearing, according to transcripts from a May 19 hearing in front of Garcia.

Jacobs had filed new paperwork, but had not been reappointed as guardian, when she represented to McLaren in May that she was the man's guardian and consented to the hip replacement.

"I did not know that I had not been reappointed. And I will take care of that," Jacobs told Garcia, according to transcripts.

Jacobs later withdrew her petition for guardianship in the case, according to court records.

In that same May hearing where the McLaren case was discussed, Garcia asked Jacobs about a relationship she had with Sparrow Hospital that led to her filing guardianship petitions for at least six patients.

Garcia ordered a review of cases that may have stemmed from that relationship with Sparrow. Jacobs said she welcomed the review, and hearings were scheduled for June.

Sparrow agreement leads to removal

On June 9, Garcia held hearings on at least four separate guardianship cases, each stemming from the agreement Jacobs held with Sparrow, according to court transcripts.

According to Jacobs' testimony that day, Sparrow Hospital paid Jacobs to submit a petition for guardianship for some of the hospital's patients. And, in at least two cases, Jacobs said the hospital paid her for time she spent with the patient after she was appointed guardian.

Garcia called it a conflict, one that interfered with Jacobs' duty to represent the patient. He said Jacobs was essentially serving two masters, and removed her from four guardianship cases.

"Your master is Sparrow Hospital when you filed your petition," Garcia said, according to transcripts. "You can't take that hat off and then serve the ward, the patient."

During one of the hearings, Garcia referenced a state law governing guardianships that prohibits courts from appointing as guardian "an agency, public or private, that financially benefits from directly providing housing, medical, mental health, or social services to the legally incapacitated individual."

Garcia also questioned her about the medical evaluations Sparrow Hospital provided Jacobs to file with her petitions for guardianship.

"What authority does Sparrow Hospital have releasing somebody's medical records to someone who has a general interest in the ward, as you put in your petition?" Garcia asked Jacobs.

"I have a very hefty HIPAA release contract with them," Jacobs responded, according to transcripts.

In a statement this week, Sparrow Hospital said it's not uncommon for a hospital to engage an attorney to petition for guardianship in cases where a patient is considered incapacitated, but lacks family to make healthcare decisions.

"These appointed guardians are governed by Michigan law in making surrogate treatment-related decisions to help to ensure that quality, compassionate care is provided to this vulnerable Patient population," the statement said. "Our intent is that the guardians act as an advocate for the Patient's needs."

Petitions for guardianship can be submitted by a variety of individuals, including by a hospital, family member, friend, or another interested party, according to Bob Wheaton, a spokesman for the Michigan Department of Health and Human Services.

A guardian can be paid from a ward's estate, with approval from the court, or receive a small monthly stipend from the state, according to Milton Mack, Michigan's state court administrator.

Mack, who served as a Wayne County probate judge for 25 years, said a fiduciary has certain duties to a ward, which include a "duty of loyalty."

"I would have a concern about that if a third party is paying the fees of my fiduciary," Mack said.

Shaheen Imami, a Bloomfield Hills lawyer who works in trusts and estates, said it's not unusual for a hospital to petition for guardianship or even to hire an attorney to file on behalf of the institution. But the judge considering the petition should be informed of the relationship, he said.

"When you fail to disclose that information, you're handcuffing the court in making appropriate decisions," Imami said.

Campbell, in an email sent through Truscott Rossman, defended Jacobs' work. He said Loomis Law Firm received no proceeds from Jacobs' work as guardian.

"Catherine had not violated her duties as an attorney," Campbell said. "This should be clear, as she was never the attorney for any ward she was appointed to be a guardian for."

'One of Sparrow's agents'

In one of the cases addressed during the June 9 hearings, Jacobs said she had been contacted by Sparrow Hospital to submit a petition for guardianship for a pregnant woman deemed incompetent to make medical decisions.

"The purpose of my visit was to see whether I was willing to be her guardian and assist her through the delivery of her child," Jacobs said, according to court transcripts.

Jacobs gained guardianship of the woman. According to transcripts, she later signed consent forms to have the woman induced, then waited at the hospital through 30 hours of labor.

Jacobs said she billed Sparrow for the attorney fees tied to the filing of the petition as well as some of her time spent at the hospital during the woman's labor, a fact that caused Garcia concern.

"The court certainly did not know at the time we appointed you as guardian that your bills were being paid by Sparrow, or that after I appointed you as guardian, that Sparrow was covering your costs or paying your bill," Garcia said, according to transcripts. "Because, Ms. Jacobs, quite honestly, in effect what I'm doing is I'm appointing Sparrow to serve as the guardian, one of Sparrow's agents, you."

In the same hearing, Jacobs also admitted to impersonating the pregnant woman to inquire after availability in a woman's shelter.

The woman, who was present during the hearing, interrupted to say she was uncomfortable with Jacobs' actions.

Garcia seemed to agree.

"The fact that you used that kind of tactic as a guardian is disturbing," Garcia said, according to transcripts. "It's sufficient alone to have you removed."

Rental costs and undocumented fees

In August, Garcia removed Jacobs from another three cases where she served in roles that included conservator and personal representative. Garcia forwarded the cases to Byron P. Gallagher, who serves as the county's public administrator.

A public administrator is appointed by the state attorney general and can handle some probate court cases where there is no family to do so.

One of the cases assigned to Gallagher involved a woman with memory impairments for whom Jacobs served as guardian and conservator, according to court records.

Probate court investigators reported that Jacobs' granddaughter, Brandy Darling, and Darling's boyfriend, Edward Horney, were living in the woman's Lansing home while the woman was in an adult foster care home.

The woman told investigator Sarah Broschay "she is not pleased that Ms. Darling is living in her home" and "that she feels as if she has no choice in the matter," according to an Aug. 22 report.

According to a report filed by Jacobs in the conservator case, Darling had paid about \$2,800 in rent between January and August of this year, about \$350 a month.

Broschay also noted in her report about \$24,318 in payments Jacobs reported from the woman's account between 2011 and 2015 to Loomis Law Firm were for overdue attorney fees.

"There is no documentation for expenses for past-due attorney fees," the report said.

Garcia asked Gallagher's firm to reclaim Badger's home, estimate the rental value she lost while Darling lived there, and review past fees paid to Loomis Law Firm.

Withdrawals, a will, and alleged embezzlement

In September 2015, the state's Adult Protective Services contacted the Ingham County Sheriff's Office to report "excessive ATM and bank branch withdrawals" had been made from a Holt man's account by his power of attorney, Mona Darling.

Mona Darling and her mother, Catherine Jacobs, told police they'd known Paul Hansen, a retired Air Force major, for at least two decades. In 2011, at the age of 90 and suffering from dementia, Hansen had been placed in a memory care facility.

Jacobs told police she wasn't sure what monetary arrangement her daughter had with Hansen, who Jacobs said was "worth about 4 million dollars."

"Catherine stated Paul could have told her to take that money," the police report read. "...Catherine went on to talk about how this would be a hard case to prove."

Jacobs also told police that the beneficiaries of Hansen's will, which was drawn up in 1992 by a major in the U.S. Air Force, included herself and two of Hansen's cousins.

In September 2015, as police began their investigation, Jacobs replaced her daughter as power of attorney for Hansen.

According to the police report, Mona Darling, who had also served as a caregiver to Hansen, told police her mother would receive a "considerable amount of money" when Hansen died. She said Hansen, who owned "approximately 27 properties," had been "madly in love" with Darling for years and had drawn up a will leaving everything to Darling and her dog. Darling said she shredded the will.

Mona Darling told police Hansen was aware she would use some of his money on her expenses, including purchases from stores near her family's cabin in Cadillac. Darling said Hansen knew she used money and had allowed it even prior to her becoming power of attorney.

"I mean, I could have left that will the way it was and turned it into the probate court...and...you know I didn't do that," Mona Darling said, according to the police report. "I could have married him at any time and had been his wife and then gotten everything."

Darling was arraigned April 17 on a charge of embezzlement from a vulnerable adult, \$20,000 or more, and bound over to circuit court in May. She is awaiting trial.

When reached by the LSJ last week, Mona Darling referred questions to her attorney and Truscott Rossman. Truscott Rossman said they do not represent Darling. The attorney listed for Darling in court records, Melissa Patrick, did not return phone calls seeking comment.

The Gallagher Law Firm filed a petition Sept. 18 to become conservator of Hansen's estate.

In July, Jacobs resigned as conservator and guardian for an Ingham County couple whose cases had also prompted concerns from investigators. In August, probate court investigator Sarah Broschay filed a report with concerns regarding the \$207,059 spent on caregivers for the couple from April 2016 to April 2017.

Broschay said Jacobs required two caregivers to be assigned to the couple at all times, even when the couple was under the care of a hospital.

Among the caregivers listed in the report was Brandy Darling, who received \$23,995 during that year. Records also indicate Mona Darling received payments after April 8, according to Broschay's report.

"Ms. Darling has been charged with embezzlement from a vulnerable individual, and I therefore have a concern as to whether it was appropriate for Ms. Jacobs to use Ms. Darling while having the best interest of her ward in mind," Broschay said.

Campbell said in an email that Mona Darling currently is not employed by Jacobs or, to Jacobs' knowledge, any of her wards.

Waiting for a decision

Several of the contested cases Jacobs handled were addressed during a hearing Aug. 31 when Garcia denied Jacobs' request for his disqualification.

Garcia went through each of the cases he'd reviewed over the summer to show that he had a factual basis as well as an obligation to submit a request for investigation to the Attorney Grievance Commission.

He said what he submitted to the grievance commission largely were transcripts from those hearings over the summer in which Jacobs admitted to practices he found concerning.

"The mere fact that I have abided by my ethical canons of my profession and referred someone to the Attorney Grievance Commission based upon my perception of the violation of these canons, cannot be and is not a grounds for disqualification," Garcia said, according to transcripts.

Josh Hovey, senior vice president for Truscott Rossman, said he could not provide a copy of Jacobs' response submitted to the AGC because it was protected under state law.

Alan Gershel, grievance administrator for the Attorney Grievance Commission, said he could not confirm or deny whether the agency had received a request for investigation regarding Jacobs.

Garcia's denial of Jacobs' motion for disqualification was submitted to the State Court Administrative Office and assigned to Clinton County Probate Judge Lisa Sullivan for review.

Campbell and Jacobs have submitted a second motion for Garcia's disqualification, which is scheduled for a hearing Wednesday.

Contact Beth LeBlanc at (517) 377-1167, eleblanc@gannett.com or on Twitter @LSJBethLeBlanc.

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Judge denies second request for disqualification from Lansing lawyer

Beth LeBlanc, Lansing State Journal | Published 6:00 a.m. ET Oct. 5, 2017 | Updated 7:33 a.m. ET Oct. 5, 2017



(Photo: Getty Images)

LANSING — Ingham County's chief probate judge has denied a second attempt by a Lansing lawyer to have him disqualified from her cases.

Preliminary reports on a case handled by the lawyer, who Judge Richard Garcia in August referred for investigation, were presented in court Wednesday and revealed details of her role as conservator for a Lansing woman with memory impairments.

Garcia said Wednesday that Catherine Jacobs missed the deadline requiring parties to submit a motion for disqualification within 14 days of the discovery of the alleged grounds for disqualification.

"There really isn't any grounds to have me disqualified and your motion is not timely," Garcia said.



Catherine Jacobs (Photo: Courtesy photo)

Jacobs and her attorney Donald Campbell filed their first motion for disqualification in August after learning that Garcia had requested the Attorney Grievance Commission investigate Jacobs. Jacobs is a lawyer at Loomis Law Firm who works in estate planning, trusts and other probate court matters.

Garcia, according to court records, denied Jacobs' initial request Aug. 31 citing several cases this summer where he removed Jacobs as guardian, conservator or personal representative. Garcia's denial of the motion for disqualification has been assigned to Clinton County Probate Judge Lisa Sullivan for review.

Garcia's denial Wednesday of Jacobs' second motion for disqualification will be referred to the State Court Administrative Office for review. Garcia said he won't delay the reviews of any cases just because Jacobs continues to file motions for disqualification.

"I'm not doing this on every case that she's here for," he said.

Jacobs declined to comment after the hearing.

MORE: [Judge requests investigation of Lansing lawyer, removes her from cases \(/story/news/local/2017/10/03/judge-requests-investigation-lansing-lawyer-conflicts-interest-judge-requests-investigation-lansing/712704001/\)](http://www.lansingstatejournal.com/story/news/local/2017/10/03/judge-requests-investigation-lansing-lawyer-conflicts-interest-judge-requests-investigation-lansing/712704001/)

Garcia's decision in August to remove Jacobs from her roles as guardian and conservator followed court hearings in which Garcia discovered that Jacobs had signed off on a major surgery even though her guardianship for a patient had lapsed; that she had an undisclosed agreement with Sparrow Hospital in which she was paid to petition for the guardianship of certain patients; and that Jacobs' granddaughter and her granddaughter's boyfriend were living in the home of a woman with memory impairments for whom Jacobs is guardian and conservator.

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Jacobs has been removed from at least seven cases in Ingham County by Garcia and six in Eaton County by Probate Judge Thomas Byerley.

In addition to removing Jacobs from her fiduciary roles, Garcia asked public administrator Byron P. Gallagher to investigate the arrangement that allowed Jacobs' granddaughter to live in the home of Ellen Badger.

Gallagher at the hearing Wednesday said Jacobs' granddaughter, Brandy Darling, and her boyfriend, Edward Horney, moved into Badger's Lansing home in late December 2015, but did not begin paying rent until May 2016.

When they did pay rent, Darling and Horney paid about \$350 a month. Gallagher said a real estate investor estimated rent should have been about \$1,100 a month.

And, Gallagher said, "the home is not registered with the city of Lansing as a rental property, that's obviously a code violation."

Gallagher, who has also been tasked with reviewing bills Badger paid to Loomis Law Firm, said he was not yet able to give Garcia a full report on those payments. He said he'd received pertinent invoices from the Loomis firm, but was waiting to review the work product reflected in those invoices.

In Gallagher's report submitted to probate court, he included information from investigator Candace Ivey, who interviewed Badger about the arrangement that allowed Darling to stay at her home. Badger currently lives in an adult foster care home.

Badger, according to the report, told Ivey she didn't know "if it's still my house or not," and that she didn't think she'd ever given Darling permission to live at the home.

She later said Jacobs probably asked her.

"...which is fine with me, I like them," Badger said, according to the report. "If I can't live in my house, they might as well."

Contact Beth LeBlanc at (517) 377-1167, eleblanc@gannett.com or on Twitter @LSJBethLeBlanc.

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- If I choose to deposit my money with the nursing home, the home must -
 - Only use my money to pay for items or services that I request or approve in advance
 - Give me a written account of all transactions of my money every three months
 - Allow timely access to my money

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I have the right to -

- Remain in the nursing home unless -
 - The nursing home cannot meet my needs
 - I no longer need nursing home care
 - I endanger the health or safety of individuals in the facility
 - I have failed to pay for my care and am not eligible for payment by Medicaid, Medicare, or other insurance
 - The home closes
- A 30-day advance written discharge notice telling me -
 - When the discharge will happen
 - Where I will be going
 - How to file an appeal
 - Whom I can call for help
- Appeal the discharge
- Be safe during the discharge
- Only be discharged to a place that can meet my needs

My Right to Complain

I have a right to voice concerns about the quality of my care or violation of my rights without fear I will be punished or discharged.

If I have a complaint, I can do *any or all* of the following-

1. Complain to the nursing home staff and expect a prompt response
2. Ask for **free and confidential** help from the Michigan Long Term Care Ombudsman Program
1-866-485-9393
3. File a complaint with the State of Michigan
1-800-882-6006

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1-866-485-9393

Email: MLTCOP@meji.org

Website: MLTCOP.org

Nursing homes are required to provide services and activities to help me reach the highest quality of life and quality of care. I can tell the nursing home how I want to live and how I want my care provided.

Federal and State Laws Protect My Rights

My rights as a resident of a nursing home are guaranteed by both federal and state laws. The laws require nursing homes to promote and protect the rights of each resident and place a strong emphasis on individual dignity and choice.

Living in a nursing home, I maintain all rights I had before becoming a resident of the home including the right to vote. My rights may be limited if I have a court appointed guardian.

My Right to Dignity

I have the right to -

- Live in a clean and safe place
- Be listened to carefully and spoken to respectfully
- Have meals that meet my needs and preferences
- Get medical and personal care, including treatment for pain, based on my needs and preferences
- Be free from verbal and physical abuse and neglect
- Privacy when receiving care
- Be free from any physical or chemical restraint used only for discipline or staff convenience
- My own possessions and clothing as space permits

My Right to Know

I have the right to -

- Written information for all available services and costs
- Information from the nursing home on how to get help to pay for my care
- Be informed of my health status and the health care I get
- Be informed of my care plan before it goes into effect, and whenever I ask about it
- Look at all of my records
- Allow my family, friends, or an ombudsman to look at my records
- Receive notice before my room or roommate is changed
- Receive a copy of the nursing home rules about resident conduct

My Right to Choose

I have the right to -

- Make choices about food, activities, and health care
- Choose my own doctor
- Refuse treatment including drugs
- Decide about end of life care

My Right to Participate

I have the right to -

- Private visits with anyone I want to see and visit any time with friends, family, my doctor, or an ombudsman
- Attend social, religious, and community activities, inside or outside the nursing home
- Join resident and family groups
- Send and receive mail unopened and use the phone privately

WHEN TO CONTACT US

Ombudsmen can help when you –

- Have concerns about care, quality of life, payment, or eligibility issues
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- Are notified that you have to leave the facility against your wishes
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- Wish to schedule a presentation on long term care
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WHO WE ARE

The Michigan Long Term Care Ombudsman Program strives to improve the quality of care and quality of life for residents of nursing homes, homes for the aged, and adult foster care homes.

The Program has local ombudsmen located throughout the state. Ombudsmen make frequent visits to facilities and work directly with residents to resolve their problems.

Ombudsmen use the knowledge they gain at the local level to educate policy makers and the public and promote improvements in the long term care system.

The Michigan Long Term Care Ombudsman Program is funded by the federal and state government. There is no cost to residents or families for ombudsman services.

WHAT WE DO

Ombudsmen are advocates who empower and support residents by—

- **Protecting** residents' rights
- **Promoting** dignity and choice
- **Meeting** privately with residents
- **Assisting** residents to identify and resolve concerns
- **Helping** residents to file complaints and appeals
- **Connecting** residents to legal and community resources
- **Clarifying** policies, rules, and regulations
- **Providing** education on long term care
- **Encouraging** innovation and quality

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- Things to consider
- Who to contact for help
- How to enroll



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For more information visit:

www.michigan.gov/MIHealthLink

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Additional information may be found on the Michigan Department of Community Health website: www.michigan.gov/mihealthlink

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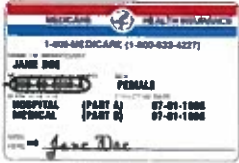


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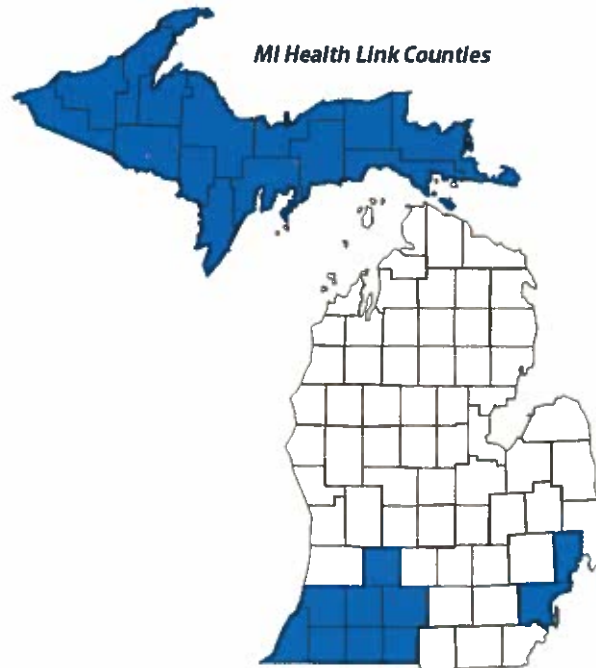
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- Community mental health services
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- Are age 21 or older
- Have full Medicare and full Medicaid
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Why Choose MI Health Link?

- You will not pay any co-payments or deductibles for in-network services including prescriptions (nursing home patient pay amounts still apply).
- You have one plan and one card for all your Medicare and Medicaid benefits.
- You will have your own Care Coordinator who will:
 - work with you to create a personal care plan based on your goals
 - answer your questions and make sure that your health care issues get the attention they deserve
 - connect you to supports and services you need to be healthy and live where you want
- You can include your existing case manager or supports coordinator in your integrated care team.
- You will keep your current rights and services if you enroll.

Other Important Numbers

The MI Health Link Ombudsman can help with many MI Health Link problems. However, some groups may be better at answering specific questions.

Want to know if a plan is right for you? Want to know if your doctor is part of a health plan's network? Want to know if a health plan covers your prescriptions?

- Contact the **Michigan Medicare and Medicaid Assistance Program (MMAP)** at 1-800-803-7174

Want to enroll, change plans, or disenroll from MI Health Link?

- Contact **Michigan ENROLLS** at 1-800-975-7630 or 1-888-263-5897 (TTY)

(Numbers continue on back panel)

Other Important Numbers (continued)

The MI Health Link Ombudsman can help with many MI Health Link problems. However, some groups may be better at answering specific questions.

Have a problem with a nursing home, adult foster care facility, or home for the aged?

- Contact the **State Long Term Care Ombudsman** at 1-866-485-9393



The MI Health Link Ombudsman is a project of the **Michigan Elder Justice Initiative** and its partners at the **Counsel and Advocacy Law Line**, two free legal services programs for low-income Michigians.



1-888-746-MHLO
(1-888-746-6456)
(TTY 711)
Monday – Friday
8am – 5pm

Email:
help@MHLO.org

Website:
www.MHLO.org

What is MI Health Link?



MI Health Link is a new health care program for adults who receive **both** Medicare and Medicaid services.

MI Health Link offers:

- A personal Care Coordinator for every enrollee
- No co-pays or deductibles
- Medical services
- Medications
- Dental services
- Vision services
- In-home services
- Equipment like wheelchairs, oxygen, or walkers
- Community-based long term care services
- Community mental health services
- Nursing home care

Am I Eligible for MI Health Link?

You may be eligible for MI Health Link if you:

- Live in the counties of Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, Macomb, St. Joseph, Van Buren, Wayne, or any county in the Upper Peninsula
- Are age 21 or older
- Have **full** Medicare and **full** Medicaid (not spend down)
- Are not enrolled in hospice



What is the MI Health Link Ombudsman?

The **MI Health Link Ombudsman (MHLO)** serves as an advocate and problem-solver for people enrolled in MI Health Link. All of our services are free and we keep all information confidential.

We can:

- Answer questions about MI Health Link
- Help solve problems with care, services, and benefits
- Connect beneficiaries to other agencies
- Assist with grievances and appeals, and
- File complaints

WE CAN HELP

- Evict abusers who live with you
- Modify or end a guardianship
- Get back money or property that was wrongfully taken
- Stop abuse, neglect, and exploitation in long term care facilities or in-home care
- Draft powers of attorney for finances and health care
- Get a divorce
- Get a personal protection order
- Make a plan to escape safely from abuse in your home
- Provide counseling to help you identify scams and to plan for financial recovery
- **And more...**

**In an emergency, please contact 911
or Adult Protective Services:
(855) 444-3911 (toll free)**

CONTACT US

To find an attorney near you:

- Visit www.cvlap.org
- Call (888) 783-8190 to be directed to the appropriate legal aid office
- Call your local legal aid organization

Other Helpful Free Resources

Adult Protective Services:
(855) 444-3911 (toll free)
State Long-Term Care Ombudsman:
(866) 485-9393 (toll free)
Area Agency on Aging (county map):
www.mi-seniors.net/regionmap

Crime Victims Legal Assistance Project
CVLAP is funded by a Victims of Crime Act of 1984 ("VOCA") grant from the Michigan Crime Victim Services Commission of the Michigan Department of Health and Human Services to the Michigan Advocacy Program.

ARE YOU AGE 55 OR OLDER AND
BEING NEGLECTED OR HARMED
PHYSICALLY, SEXUALLY, OR
FINANCIALLY?



OLDER ADULTS DESERVE
SAFETY, DIGNITY, & STABILITY



YOU DO NOT NEED TO REPORT A CRIME TO QUALIFY FOR OUR SERVICES

You may not see yourself as a victim of crime or abuse.

If you answer “yes” to any of these questions, please contact us for legal help:

-Has anyone taken physical or financial advantage of you?

-Has anyone threatened or intimidated you?

-Has a caregiver or someone close to you hurt or neglected you?

-Has a caregiver or someone close to you restricted your contact with others or stopped you from getting help?

-Do you have questions about how to identify and stop abuse (physical, sexual, emotional, financial) and/or neglect?

CRIME VICTIMS LEGAL ASSISTANCE PROJECT (CVLAP)- ELDER JUSTICE

CVLAP - Elder Justice provides free legal help to adults in Michigan age 55 and over.

We help people who have suffered from physical, emotional, or sexual abuse; neglect; or financial exploitation.



CVLAP Elder Justice provides, high-quality, client-centered services to help clients achieve justice, safety, dignity, and stability.



We have many legal tools and resources to help victims of abuse, neglect, and financial exploitation.

If you are concerned about an older adult or have questions about our services, please contact us.