

Mad in America

SCIENCE, PSYCHIATRY AND SOCIAL JUSTICE



Our guest today is Diane Dimond, a longtime, award-winning investigative journalist specializing in crime and justice issues. As a freelance journalist, syndicated columnist, and former television correspondent, her reporting and commentary have been featured in newspapers, magazines, and TV news outlets across the country.

She's also the author of several books, including *Be Careful Who You Love: Inside the Michael Jackson Case*, which she wrote after years of groundbreaking reporting on the topic; and her most recent, *We're Here to Help: When Guardianship Goes Wrong*, just published by Brandeis University Press.

The transcript below has been edited for length and clarity. Listen to the audio of the interview here.

Amy Biancolli: Diane Dimond, welcome. Thank you for joining us today.

Diane Dimond: Thank you for having me, Amy. I appreciate your time.

Biancolli: Your book has so many stories, absolute horror stories—one after another, the stories of human anguish. But before we delve deeply into that, if you could, for our listeners who aren't familiar with it: What is guardianship? In some states it's called conservatorship.

Dimond: Well, that's really where you have to start, because it's such a secretive court system that most of America doesn't know what the heck it is. Guardianship is a legalized system whereby states help with their citizens who need help, those who need protection because of various maladies, disabilities, physical or mental. They're elderly, they have no family to take care of them, and they're having memory issues. It's a court system that we really need in this country to help the citizens who cannot help themselves.

After eight years of investigating cases and writing about them in my syndicated column and magazine long-form articles, I discovered that the system has been infiltrated by predators, financial predators who have simply, quite simply, bastardized the entire system. It's not there—in many instances—to protect people. It's there ready, willing and able to victimize people, and that's what caught my attention. Thank you for saying there's so many stories in this book, because I wanted to show the various ways that guardianship has morphed into this industry. Really, in my mind I like to call it a racket. It's almost like organized crime in some instances.

Biancolli: That really comes through in your book—the abuse, the fact that this is state-sanctioned, literally, and state run. And

it's all behind closed doors. Most people don't know what's going on. There's the level of horror in terms of what people have to go through, and then that horror seems even more extreme because it's done in secret.

Dimond: Right, and it's allowed because a judge has decreed that someone is "incapacitated." Let me just quickly tell you how it all started. Anyone, and I mean anyone, from your landlord, to your next door neighbor, to your angry business partner, to your former lover can go to a lawyer and say, "Hey, I want some of that person's money or property, what can I do?"

The lawyer will inevitably say, "Oh, guardianship. This is a panacea. Guardianship." It might even be a family member, an adult child of an elderly person, for example, who can't get along with their brothers and sisters about what to do with mom or dad. The lawyer will say, well, let's write up a petition to the court and I'll just give it to the judge and he or she will rubber stamp it. That's literally what happens.

The judges that hear these cases, they don't have time to vet what's in this petition, and many times what's in these petitions are just downright lies. Having gotten a petition from an officer of the court, a familiar lawyer in front of them, the judge says, okay, guardianship. It's now in effect. Once someone is in the guardianship system, even if it's a temporary guardianship, it's almost impossible to get out of guardianship.

Amy Biancolli: That's the other thing that I think most people are unaware of. The idealized version of guardianship is to help someone who is in fact either temporarily or permanently incapacitated by something, whether it's brain trauma, perhaps it's some type of disability, perhaps it's Alzheimer's.

Dimond: Perhaps they just had a stroke, and they're going to recover.

Biancolli: They're going to recover and usually, or frequently, it's a loving family member who steps in and takes care, and is in charge of their finances. And you do, early on, describe some of

those loving family members who actually perform their jobs in a caring and responsible fashion. But the book is looking at the flip side of that, the people who aren't caring—the professional guardians primarily, but also some family members who abuse this profound power to sap resources and essentially take over someone's life and finances. How common is this?

Dimond: Amy, I wish I could answer that definitively. Let me throw out some figures for you. First of all, nobody keeps track of guardianships in the United States. Nobody. There is no entity that says, okay there are 4,000 in Arizona and there are 11,000 in Illinois. Nobody knows. Then, how often does an abusive guardianship, a financially devastating guardianship, happen? I don't know. But I'll tell you: Over eight years I collected so many, I could have written a book that was twice as long as this book. I feel guilty that there were many cases I didn't even mention in the book.

But here are some stats for you. Every year in this country, state courts hear guardianship cases. The targeted person is declared an incapacitated ward of the court. They are stripped of their civil rights. In most states, the vast majority of states, they can't even hire a lawyer to defend themselves because they're incapacitated. These state courts then confiscate the money, property, investments of all the wards and put it in the name of the guardian.

Every year in this country, state courts confiscate \$50 billion worth of estates. So is it any wonder that financial predators have thought, "Hey, I got to get in on this, this is great"? Because only three states actually require a guardian to be licensed—California, Alaska, and Nevada. Many of them don't even require them to get any sort of certification. It's just a playground for predators. That is what it's become.

Guardianships last an average of six years. If it's \$50 billion every year that the state courts are confiscating, that's a pot of money of \$300 billion just sitting there. Now, as you say, there are some great guardians, there are

some great conservators and lawyers working in this field, and some of the guardianships work out just fine, especially if a family member is appointed as the guardian. But more and more, I discovered when a case comes before a judge, a judge decides, "Well, if it's in court the family must be dysfunctional, so I'm not going to appoint you, brother Joe, as the guardian. I'm going to appoint a for-profit professional guardian." They can charge you up to 600 bucks an hour, and hire any amount of other helpers to come on to service the ward. You can see how an estate gets drained pretty quickly.

Biancolli: As you point out, that \$600 an hour can be applied to something like answering emails, something really mundane and small. I would at some point like to hear you describe a case, a specific case. One that really popped out to me is the story of Carl, the young man with disabilities. There are so many others that just broke my heart. But just to emphasize before you get into that: when someone becomes a ward of the state, they essentially lose their right to vote, they lose their right to spend their own money. They lose their right—as many of us learned from the Free Britney Movement and her whole guardianship struggle—to get married, lose the right to make all these basic human decisions, because they all have to be made by the guardian or the conservator. Someone who's a ward is stripped of their civil rights, their basic human rights.

Again, there's just so many stories. But is there one that to you typifies what happens, or illustrates it in a way that people will just hear and connect?

Dimond: You're asking me to choose my children, here.

Biancolli: I realize. I mentioned Carl, this young man with developmental disabilities who was essentially informally adopted by a really loving family, and he wound up with this outside guardian. It was just an unbelievable nightmare. Here, he had this entire loving family advocating for him. But as you

described, whoever is trying to become somebody's guardian for the right reasons, they wind up being vilified by the court—and so the judge assigned somebody else.

Dimond: Right. Carl DeBrodie was born to an addicted mother who neglected him, at the very least. The school bus driver, a wonderful woman, sort of adopted him. He was profoundly disabled, both physically and intellectually. She and her husband took in Carl. They just loved Carl, and Carl came to live with them. His mom didn't really care that that happened, but they loved him so much. The whole big family did. But somewhere along the line, they thought, well, we should get this legalized.

They went to court to become his guardians. The judge said no. He assigned an outside guardian. That guardian—a stranger, complete stranger—had no idea what the loving couple was about or Carl's needs, wants, or woes. They took him out of that home and put him in a group home. To make a long story short, that group home was run by a couple of criminals. I can say that because [they are in prison](#). They made a slave out of Carl. They would take him home to their house, make him sleep in a damp basement, do the chores. Then they brought another person home from the group home, another disabled man, and had them fight in the basement for their own amusement.

In the end, Carl was killed. He was murdered, frankly. They stuffed him into a can of cement and put him in a storage locker only to be found months and months and months later. Nobody really knows the date of death of Carl DeBrodie. That's one case.

There's another case in Staten Island, New York. A young man, damaged at birth. He was deprived of oxygen and he developed a mild case of cerebral palsy. He walked a little differently, and he spoke a little differently, and his parents won about two million dollars in a malpractice suit from the hospital. As an infant, the court named a guardian for him. It's the Shirley Temple Law that you don't want the parents to spend all the

money, so the money is protected till he's 18 years old. His name is Michael Liguori.

At 18, Michael now wants his money. He's graduated from high school with good grades. He wants to go to college. He has a problem with his hand and he wants to get surgery. The guardian says, no, no, no, no. Goes back to the judge and says, your honor, look at him. He's intellectually disabled. Look at it. He can't even walk right. The judge allowed that guardianship to go on for six more years. Six more years of the guardian and the people the guardian hired taking chunks of Michael Liguori's money.

Michael called me last Christmas and said, "Diane, it's over. I'm finally free." I said, "What happened?" He said, "I didn't want to—they hung on for a long time—but the guardian was insisting that I pay him \$58,000 more, so I went ahead and paid him. And now I'm free." I spoke to him about a week ago and I said, "Michael, do you know how much money is left?" He said, "No, I really don't." Because the guardian who was supposed to file this annual audit saying where all of Michael's money has gone, he never filed it. He never filed an audit with the court, which is mandated by law.

What happened to that guardian? Nothing.

This is the problem, Amy. I find these unscrupulous guardians all over the place, and when they get caught, mostly they get a slap on the wrist. Some of them now are actually being convicted, which is heartening. But it just breaks your heart. All of these stories, I can go on and on.

Biancolli: I know you could go on and on, because there are so many stories like that in the book. Each time I read one, well, why didn't law enforcement do something about this? I'm not a lawyer, I'm not a scholar when it comes to these things, but good lord, it's criminal. On a human level, it's just so deeply wrong. It's appalling that there are so few cases where someone like Michael has some kind of a happy ending, even though he had to

pay for it. That's just astonishing. But to him it's a victory. To him it's a victory because it's over.

Dimond: Now he finally can make his own decisions. Like you say, a ward cannot vote. They can't decide where they live. They can't write a check. They can't have a baby. They can't get married. They can't write a contract. People on death row have more rights than a ward of the court. It's stunning to me how powerful guardians are.

If you go to court and you think you're going to be the guardian of your elderly mother, and the court appoints an outside professional guardian—and you don't like what that guardian's doing to your parent, and you complain to the court? That guardian can ban you from seeing your loved one. Permanently ban you. They can go back to court and they can say, "Your Honor, all of the liquid money is gone. I've gone through the checking account money and the savings account money. So now I need to sell the ward's house and everything in it so that I have enough money to take care of them for the rest of their life."

No matter that there is a last will and testament, a power of attorney, an estate plan, a trust, an irrevocable trust—in effect, judges nationwide nullify those legal documents and say, "Okay, go ahead, sell the house." Now, that house maybe was bequeathed to the adult daughter or the adult son—or the heirlooms inside it, worth a lot of money. Suddenly they sort of disappear in the sale, and nobody knows where those things went. This is how powerful guardians are.

Some of them, they're financial predators, but some of them are also just control freaks. They just get off on the control of it. I'll give you a quick example. In Las Vegas, Nevada, there was a guardian named [April Parks](#), and she was convicted. She's doing 16 to 40 years in prison for stealing from her wards in Nevada. After she went to prison, her storage locker came up for auction. The man who bought it opened the door thinking, hey, what kind of treasure will I find here? What he found instead were the cremains—the cemetery urns—of 27 of April Parks's wards. But in some

instances, she hadn't even told the family that the person had died. She made no attempt to get the cremains in a respectful manner to the family. She just shoved them in a storage locker and closed the door. You know, why? Why did she do that? Because she could. Nobody stopped her. The judge intervened.

I keep asking myself as I recall all these stories, where was the judge in all this? Why doesn't the judge listen to the family? Well, because in the very beginning, the family was declared to be dysfunctional or greedy—after the inheritance before the person even dies—and so in the eyes of these judges, the families are tainted from the beginning. There's no way they can redeem themselves. These are called equity courts. This isn't like a criminal court or a civil court. In equity courts, there's no due process guaranteed. There are hearings but there's no trial. At the hearings the judge will mostly just listen to the guardian's medical person who says, "Oh yeah, yeah, the person's incapacitated."

They'll listen to the court visitor, the same one who always works with the guardian. "Oh, yes, I went to the home and it was a mess and this person needs protection." It's the same testimony in all these cases—and all these people work together to enslave people, frankly. There are processes that are far less restrictive than strict guardianship that judges could consider, but they don't because it's just easier to say, "Oh, petition for guardianship? Okay, guardianship's on."

Biancolli: Here at Mad In America, the readers and listeners are accustomed to stories of people who aren't heard for whatever reason, because they've been slapped with a label. You give some examples in your book—for instance, a young woman who'd been diagnosed with depression, borderline, ADHD, and she was guardianized. She was making an argument for freedom from guardianship because she enrolled in college and she has a decent GPA. She's obviously functioning. But because she's been labeled—she has been deemed by somebody in the

courts as incapacitated, however they might define it—she's stuck.

Once we label someone as somehow problematic, diagnosed, whatever it is, then we stop listening to them and we stop taking them seriously—and we start stripping their human rights.

Dimond: Now, think about what you just said. Is that the society we want to be? Is that what we want to do to people who have temporary issues? Mental or physical issues? We take them and we warehouse them away somewhere with a minder that can keep them away from everyone else—and oftentimes, I discovered, over-medicate them to ensure compliance. Is that the country we want to be in?

Let me quickly tell you about a woman down south: 38 years old, single woman, successful, bought herself a condo. She had a car, she had money. You see, guardianship abuse happens with people with money. Keep that in mind.

While she was in a coma she was guardianized, and when she woke up she found herself in a group home, where she recovered. But she's in guardianship. She's "labeled," as you say, incapacitated, and she couldn't convince the judge, "Hey, I'm okay now." That group home owner put her to work. She became the housekeeper, the grocery shopper. She was on the computer keeping the dosage of medications going to all the other residents. She really became enslaved. It took her years to get out of that guardianship because the judge just wouldn't hear her, couldn't imagine that somebody could get better from a traumatic brain injury. Give me a break. What century are we living in?

Biancolli: Yet here she was, doing all this work. I'm reminded of the story of Britney Spears, who was locked into this guardianship while she was raking in millions. How incapacitated was she? Of course in her case, I think she was stuck in guardianship for 14 years before she finally got free of it. For a lot of people, that was the a-ha moment when they

understood or saw, for the first time, an example of the problems with guardianship. You do talk about her quite a bit at the beginning as an embodiment in pop culture of what's wrong with it.

Dimond: I went back and really did some investigative work on that, and I truly believe that her guardianship—conservatorship, they call it in California—was established illegally. The judge in the case pulled some strings and appointed her favorite guardian, Sam Ingham, to be Britney's co-guardian with her father. Sam Ingham made \$10,000 a week for almost 14 years off Britney Spears, while she's dancing and singing in Las Vegas and being a judge on the TV talent show and, as you say, raking in millions of dollars. There's a California law, I discovered, that anyone who is a ward of the court who makes money should be given that money. But she never got it. I mean, she had a little allowance, but yes, that whole case really woke up America. But still, because it's such a secretive system, the courtroom doors are closed, the case files are often sealed, there's frequent gag orders issued.

It's all under the guise of HIPAA protection. There's this federal law that protects people's medical information, and so that's a really convenient cloak used to keep everything secret, to keep the rest of us, really, in the dark. That's why I wrote this book, because I got those case files and I talked to people who didn't care about the gag order. They just wanted to tell their story so badly. And it was a lot of work, but it was a real passion project for me.

Biancolli: How many years did you spend researching this book?

Dimond: Well, since 2015, so about eight years. I first heard of the case in my home state where I grew up, New Mexico, but I couldn't report on it because I couldn't get the court documents. A dear friend's father had been guardianized, and I just had to tell her, "I'm sorry, I believe what you're saying, but I can't confirm it. As a journalist, I have to have documents or other people confirming what you're saying." And I couldn't crack it.

Then a few months later, coincidentally, a private investigator I work with told me about a case in Pennsylvania. [The cases in] New Mexico and Pennsylvania were both elderly people, both held under guardianships that they did not want, that siphoned off their multimillion-dollar estates.

I began to write about the case in Pennsylvania, a woman named Betty Winstanley, just a fascinating woman. She was so interesting to talk to, and I actually went to a court hearing with her. When it was discovered I was there, I got tossed out of the courtroom, but I wrote about her in my syndicated column. I began to write about the exorbitant amount of money her guardian was charging, because I had the spreadsheet that the guardian had sent to the court. Don't ask me how I got that, but I got that. I started to write about Betty Winstanley's case, and Amy, I cannot tell you how many dozens and dozens of people contacted me from states across the country saying, "Me, too. Please tell my mother's story, my brother's story, my sister's story, my dad's story." I realized, this is a nationwide problem. Nobody's writing about this. Nobody's talking about it.

But I'll tell you, I found that there are some two million people in guardianship right now. Now, we heard about Britney Spears, but there are two million others living under guardianship now. Some of them, the situations might be just right—a family member who knows what the ward wants out of life and what their goals were. If they're the guardian, that's great. But that's not what this book is about. This book is about all the ones that ran off the rails and enriched predators working within the system.

Biancolli: "Enriched" is the word, too, because one of the stories you tell concerns Marian Kornicki, whose story is familiar to people who read Mad In America. In fact, in your book you refer to her piece from January of last year, "[Guardianship Destroyed My Family](#)," and she describes this nightmare situation. At one point she uses an analogy, a metaphor, that I think someone else used as well: Guardianship was used to "turn us into human ATM machines." Whoever happens to be guardian or

conservator of someone with wealth, they can basically do whatever they want with that person's money.

One other piece of it that I want to ask you about is the way wills are completely discounted. Someone might have expressed their desires. They might have said, "Yes, I would like to live in this little house and be near family, and then I want to leave my money to X, Y, and Z." That might all be documented, but that can be discounted.

Dimond: And nullified by guardianship judges, yes. In Marian's case, her sister, Terri, was stealing money from her parents. I mean, the district attorney came in and charged her sister with a crime, and still, the judge in the case said, "Well, I'm going to make both you sisters the guardians." Well, why in the world would a judge do that? I'll tell you why: Because the players in this abusive part of the system love conflict. They love it when a family member fights back, because that means there's more court hearings. The guardian can charge more hourly fees, and then the guardian/conservator and the lawyers involved all have to write reports. That accumulates more fees. Who pays for everything? The ward of the court. If you fight back, you're depleting your loved one's money, but you're also depleting, probably, your own inheritance. They're using your potential inheritance against you to fight you. You see the Catch-22?

It's a system that is so stacked against families and wards in many instances. I found people who were not incapacitated at all, like Betty Winstanley in Pennsylvania, yet they were guardianized. She had a hearing problem, and so she's [deemed] incapacitated. Her oldest son guardianized her in Pennsylvania and her \$2 million estate. She wanted to move down to Maryland and be with her other two children, who, frankly were the only ones who ever came to visit her.

She told me actually on the phone, "My older son, he always had problems. He always fought with his siblings, and I think this is just his way of getting back at me, making me stay in Pennsylvania." Did you think

the Pennsylvania judge in that case was going to let a \$2 million estate go away to another state? No, he didn't.

She died alone in a place where she didn't want to be during COVID.

Biancolli: Throughout your book you tell stories like that. You also talk about the struggles and the plight of the elderly, and some of them are incapacitated or struggling with dementia. But at the same time, they should still have human rights. They should still have basic civil rights. They should still be treated as human beings, right? For the elderly, specifically, in your book you note an older man with Alzheimer's who was found living in his guardian's dirty basement, wearing a diaper. The guardian had stolen more than \$640,000 from this man. I know that's an extreme and horrific case, but there are also situations in nursing homes where people are drugged off their heads—where chemical restraint is so common.

You also describe in your book several cases of people who were taken from their homes and forced into facilities when they had family members who wanted to take them in. I mean, it should seem so obvious. We should be treating our elders better. Isn't that supposedly something that we value? But apparently not. Apparently, once somebody has the slightest incompetency or incapacitation—some kind of disability, whether temporary or permanent, or they're labeled with a psychiatric disorder—it's, "Forget it, you don't have any more rights." Is that extreme, or is that pretty much the case?

Dimond: No, you said it very well. I wish I could have quoted you in the book.

My husband was one of my proofreaders. He said, "You know, every page makes me mad or sad. I can't decide which."

But I do try to meld in: how does the system work? Who are the players you're going to find in it? How do these guardians get into league with so

many other people within the system, and they all know what's happening? But nobody will tell on anybody else, because if you tell about the misbehavior going on, then you lose your place at the trough. Many guardians are becoming real estate agents now, so that when they go to the court and say, "Your Honor, I'm out of money, I've got to sell this house," they get a commission off of selling the house.

There's a judge in Polk County, Florida, right now who's under the microscope, because he has bought up the homes of wards at very low prices and then he resells them for a big profit—and this has happened with multiple homes. If there are antiques in your house, a guardian knows an antique dealer who's going to come in and buy the lot for a low price, and then sell it at a higher price and split it with the guardian. Cars, automobiles, collectibles, coin collections: all of a sudden they're just gone, and the family can't find them, and the guardian says, "Well, I don't know. I don't know what happened, Your Honor."

There's a woman named Rebecca Fierle in Florida. By the way, Florida is the worst possible state for abusive guardianships. Please, if you're elderly, if you've got money, don't retire there. I'm sure their chamber of commerce will be mad at me for saying that. But Rebecca Fierle was a guardian in Florida. She had more than 400 wards spread across several Florida counties. Now, one person cannot possibly serve 400 wards, I mean, you just can't. But judges kept giving her more and more and more wards. That meant that immediately she got her name on everybody's property, money, investments, homes.

She then proceeded, with no one's knowledge, to put do-not-resuscitate orders on all of her wards. One particular man who had a little bit of money—not a lot, but he was a real problem for her, because he had a swallowing difficulty and often wound up in the hospital having to have a feeding tube. In addition to his DNR, she put a feeding tube cap order, and so the next time he had his swallowing problem and was about to asphyxiate himself, the hospital staff could only stand by and watch

Steven Stryker die, because the guardian had put these orders on his medical chart. She had been beseeched by the doctors, “Please take that cap DNR off, because this guy’s going to—.” No, no, she said, “It’s all about quality of life, not quantity of life.” And so Steven Stryker died.

The State of Florida went back, did a big study and found all these DNRs on all these wards, and all this money she had gotten under the table from hospitals and whatnot. When it came to the court session, she was charged with dozens and dozens of crimes in the beginning. But by the time the trial came around, it was one count of neglect of an elderly person. And this is not in the book, because the sentence came too late: four months probation.

Biancolli: Four months probation.

Dimond: Yes. Rebecca Fierle has now registered herself as a life coach in the State of Florida. It would be my recommendation, if you need a life coach, you might not want to choose Rebecca Fierle.

Biancolli: Wow. What other recommendations do you have for people? What other advice do you have to people listening in terms of avoiding a guardianship for themselves or family members? What would you say to people?

Dimond: I’ve got a whole section in the book, and I’ll just be brief. First of all, if your family cannot come to an agreement about what to do with your vulnerable loved one, please don’t go to a lawyer first. Again, I’m sure the legal community doesn’t want me to say that—but go to family mediation first.

It’s going to cost you a lot less, and it really is very effective when a mediator looks at all the adult children and says, “Listen, this is what’s going to happen if you start to fight amongst yourselves.” They will explain what happens in guardianship, and they will explain that the person you hurt the most is your vulnerable loved one you are trying to protect.

If you are caught up in guardianship, try to—from the very beginning if you can, because often times these petitions just get approved without any family being in the courtroom or even the ward begin in the courtroom—engage a lawyer to suggest to the judge that they try something called [Supported Decision-Making](#). This is a volunteer program where family, friends, even staff of the court in some states, will go in and just assist the person. They need help with their checkbook, or they need help with transportation, or they need help taking their medication every day.

It is an option, but in most states judges don't even consider it, even when many state laws say there the judge may consider Supported Decision-Making. Well, that means they don't have to. And they don't.

Another thing is if you have children that are squabbling amongst themselves, and you have money, and you want to make sure you don't get put into guardianship—everybody's got a cellphone now, right? Set it up on your dining room table and speak to what your desires are. Do you want a guardianship, and who would you want to be the guardian? Do you want to stay in your home with healthcare aides coming in, and your money to be used for that instead of guardianship? Put it on videotape, because that's a powerful piece of evidence to show to a judge.

May I recommend that at the very end of that—if you can—have a big family meeting while you videotape yourself. Tell your loved ones if they start fighting over this, and anyone tries to put you in guardianship, they are automatically disinherited. They don't get any inheritance at all. Funny how that stops people from going after guardianship!

Biancolli: A motivator. What needs to change? I know that's another massive question, and you spend a lot of time answering that in the book. Should guardianship be federally run? Do we need a national database to keep track of all of it? Should there be a national registry of guardians, a certification

system nationally? You mentioned Supported Decision-Making as a good approach, but what needs to happen?

Dimond: Yes, yes, yes, and yes to everything you just said. I think guardians should be licensed by the state, and then if you do something wrong, you lose your license; you can't practice in that arena anymore. I think all states need to have certification levels for guardians. But here is something we haven't talked about, and I think really needs to happen: When a guardian is found doing something wrong like we have talked about here, and I talk about in the book, they need to be punished.

There is a woman named Susan Harris in New Mexico who stole \$11 million from her wards—she is doing 47 years in prison, by the way. They need to be punished, because that sends a signal to other bad actors.

In addition, when guardians tell loved ones, "I'm sorry, you upset the ward, so you can't visit anymore." You go to the local police department and you say, "Hey, I can't get in to see my elderly mother anymore, or my disabled brother. The guardian won't let me." You know what the law enforcement says? They say, "Sorry, there's a judge's rule. That there is a civil order, and we only deal in criminal matters." You go to the district attorney. You go to the attorney general's office. They all are hands off if a judge has ruled. They don't want to go up against a sitting judge's order. I think law enforcement needs to start paying attention to the fact that, no matter if there is a civil order in effect, if someone is being held against their will, that's kidnapping. If someone's money is disappearing, that's either extortion or fraud or embezzlement. There are all sorts of laws that law enforcement should be looking into, and they just don't. I think that needs to change as well.

Basically, we all need to start educating ourselves on guardianship, because even if you have a small military pension coming in every month, or you are disabled, totally disabled, you get \$10,000 a month to care for you. Well, a guardian can step in and put you in a group home, an unsavory

group home that costs \$3,000 a month. What happens to the rest of that 10 grand?

Read my book, frankly, or otherwise get yourself educated on my website www.dianedimond.com. There is a whole section called [Guardianship Central](#). There's lots of resources there. There's a Frequently Asked Questions section, and there's a glossary, because when you get embroiled in this system, there are all these names and phrases and positions of people within the system that come at you. "Whoa, what does all this mean?" I answer those questions for you on the website.

Biancolli: One more thing I'd like to just go back to—what should be foundational, which is civil rights protections of people, especially those most at risk. The WHO has identified forced treatment as a basic human rights issue. Why isn't it more obvious? Why isn't it foundational that we should be advocating for the rights of people who most need that advocacy? It should be foundational that people should have civil rights, but so frequently their civil rights are stripped from them. Why does this happen? Is this a classic case of "money is the root of all evil" or "power corrupts—absolute power corrupts absolutely." Is that it in a nutshell?

Dimond: Yes, yes, and yes, you got it right on the head. There's a lot of advocacy groups trying to reform guardianship right now. One of the major ones is [CEAR](#), which you can [find on Facebook](#), run by Terri and Rick Black, warriors in the fight. They've counseled more than 5,000 families about this. Tom Coleman at the [Spectrum Institute](#) fights for civil rights and disabled people. Again, what kind of country are we that we take the supposed or actually most vulnerable people and hold them incommunicado, strip them of their rights, put them in places where they don't want to be, give them no voice of their own? I just don't understand it, except to say nothing changes because of the lobbyists, the lawyers, the guardians, the guardian ad litem, the nursing homes, the hospital lobbyists.

When they have an elderly patient or a disabled patient in the hospital and their insurance is running out, they call their favorite guardian and say, "Hey, I got another one for you."

Again, many guardianships work well. That's not what I am talking about. I'm talking about the \$15 billion every year that's up for grabs, that bad actors with dollar signs in their eyes zoom in on, and the factitious guardianships they create. How about this one: there is a mechanic in Texas who was not getting paid by a wealthy man to work on his classic cars. The elderly man was having some memory issues, so the mechanic went to a lawyer in Texas and he said, "What can I do to get this guy to pay me?" The lawyer said, "Well, why don't you guardianize him?" It worked. Suddenly this car mechanic in Texas was in charge of this multimillionaire's entire estate. He got his \$30,000-\$40,000 he was owed, but he was in charge of the man's entire wealth. It took that family a couple of years and a lot of money to get that man out of that guardianship.

But anyway, why do we do it? Because nobody stops it. The United States Congress has been having heartbreaking hearings on this since the 1980s. What comes of it? Nothing. They say, "It's a states issue, we can't do anything." Well I call BS on that, Amy, because the Department of Justice goes into police departments in states when they think there have been civil rights violations, and they put those departments under watch. And they give them rules and regulations that they have to follow to keep civil rights safe. Well, why can't they do it with guardianship? The answer is they can if they wanted to, but they don't.

Biancolli: This has been an extraordinary conversation full of really sobering truths. Our guest today was Investigative Journalist Diane Dimond, author of the new book [We're Here to Help: When Guardianship Goes Wrong](#). For more on her work, see www.dianedimond.com. Diane, thank you so much for agreeing

to speak with us. This has just been, as I said, an extraordinary conversation.

Dimond: Amy, thanks so much for being interested in this topic, because when I bring it up to some people, they say, “I don’t know, that sounds boring.” But it isn’t when you really delve into it.

Biancolli: It’s the opposite of boring. It’s so compelling, and it’s absolutely imperative that word gets out there that this is going on. So again, thank you.

Dimond: Thank you.

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Amy Biancolli

Amy Biancolli is a former family editor and staff reporter for Mad in America. A journalist with decades of experience writing about the arts, culture, film and other topics for the Albany Times Union, the Houston Chronicle and Hearst Newspapers, she’s also the author of books including [Figuring Shit Out: Love, Laughter, Suicide, and Survival](#) (2014, Behler Publications), an account of the year following the suicide of her husband, author Christopher D. Ringwald. She’s a graduate of Hamilton College and the Columbia University Graduate School of Journalism.