



# Human Rights Defenders

Guardianship Abuse in U.S.A.

Medical Whistleblower Advocacy Network

# No Meaningful Protection

- In the U.S.A. there is little meaningful protection of mandated reporters of child abuse and elder abuse
- No governmental agency is empowered and financed to provide witness/victim protection

# Retaliation against Human Rights Defenders

- Mandating professionals to report and then not protecting them with they do report – means that ethical, competent professionals face retaliation

# Whistleblower Protection

- Although governmental agencies are supposed to protect whistleblowers they seldom do
- Whistleblowers almost uniformly lose their jobs when blowing the whistle then face long term legal battles to obtain their own rights back

# Medical Professionals

- Medical professionals who report abuse often blacklisted and may permanently lose medical licenses
- Therapists and psychologists who report also will suffer professional blacklisting and professional retaliation

# Court Ordered Guardianship

- Court Ordered Guardianship for vulnerable children and adults
- No monitoring of guardians
- Many courts don't require guardian reports
- Information in reports not verified

# For-Profit Guardians

- A growing trend of for-profit guardians – entrepreneurs who utilize court ordered guardianship to maximize profits and income
- Work collaboratively with others
- Manipulate the court process
- Coerce vulnerable victims

# Emergency Guardianships

- Emergency Guardianships allow abusers to gain legal and physical control of wards without due process and without notice to ward or to the ward's family



# Falsified and Perjured Court Testimony

- Fabricated testimony of dangerousness and even perjured court testimony is routinely tolerated by the courts
- Lack of notice to the ward and his/her family allow little chance to refuse allegations

# Guardianship Monitoring

- No eyes and ears on the ground for the Judge
- No verification of information in reports submitted to the court
- No standard auditing of guardianship reports
- Many cases of outright fraud and abuse in court documents

# Courts Overwhelmed

- Court system overwhelmed with the increasing numbers of guardianship cases
- Judges want to spend as little time as possible
- 5 year plans with permanent guardianship preferred by court

# Guardianship Abuse

- Once legal control over the ward is established the ward is stripped even of his/her right to request investigation from law enforcement agencies or from even the US Congress
- The legal surrogate even votes for the ward
- The ward has no civil legal rights

# Guardianship Abuse

- Family members and friends watch in horror as they can not stop the process and have no legal rights
- Mandated reporters are silenced with retribution

# Law Enforcement Investigation

- Law enforcement agencies do not investigate if treatment is court ordered and approved by court appointed legal guardian
- Title 42 violations and Medicaid Fraud are ignored because treatment is court ordered

# Abusers have Impunity

- Abusers are protected by governmental immunity from prosecution & US Attorneys won't open investigations
- Local and State statutes do not protect wards
- Medical Privacy – prevents transparency and accountability

# Case 1 - Nebraska

- Male, 50 years old
- Schizophrenia
- Married, wife Durable Power of Attorney
- Lived independently within the community with his wife for decades
- Valid doctor/patient relationship with local MD



# Case 1 - Nebraska

- Suddenly emergency guardianship
- Court Ordered treatment in lock up facility
- Excessive medication – chemical restraint
- Wife restricted from contact – only allowed to visit inside locked ward - supervised

# Case 1 – Nebraska

- Use of court ordered guardianship has permitted extensive billing for residential treatment and care
- Previous cost to taxpayer was \$500 per month plus a few mediations
- Now cost \$6,000 per month plus increased pharmacy costs

# Case 1 – Nebraska

- Patient now ward of the court
- Doctor of the facility – proxy medical decision maker
- Facility can enroll all residents into pharmaceutical drug trials
- Ward court ordered to any drug treatment – no legal right to object

# Case 1 – Nebraska

- Court ordered guardianship allowed the facility to force a person younger than 62 into lock up care – with Medicaid paying the bill
- Death do us part – control over the ward's medical and financial affairs

# Case 2 – Colorado

- 28 year old Male
- Victim of shooting – PTSD
- Outspoken citizen  
whistleblower against the  
pharmaceutical industry
- Testified to US Food and Drug  
Administration
- Living independently not  
under therapeutic care

# Case 2 – Colorado

- Anonymous complaint of dangerousness
- Sudden “intervention”
- Forced hospitalization
- Emergency guardianship
- Forced drugging – until unable to speak or communicate
- Held incognito from family

# Case 2 – Colorado

- State of Arizona attempting to make him ward of state
- Family refused communication and not informed of guardianship proceedings
- Court ordered treatment
- Held 18 months while force drugged

# Case 2 – Colorado

- Now “addicted” to psychotropic medications
- Can’t be taken off without medical supervision and extensive care
- Ward had legal rights removed
- Court ordered strangers now surrogate decision makers



# Case 2 – Colorado

- Family not permitted input into medical decisions
- Proxy medical decision maker decides to put ward on Saphris
- FDA alert warnings about Saphris – never discussed with ward or family

# Case 2 – Colorado

- Ward is chemically restrained with excessive amounts of antipsychotic medications
- Doctors unresponsive to mother's concerns
- Surrogate decision makers create hostilities between family members in order to manipulate court guardianship

# Case 2 – Colorado

- Ward is now “addicted” to medications that he actively and publically advocated against
- Ward now is in permanent guardianship and life long treatment with psychiatric medications – controlled by the doctor/proxy

# Case 2 – Colorado

- Ward is under 62 years of age but because treatment is court ordered – Medicaid is now being used to pay his extensive medical bills
- Targeted case management is also paid by Medicaid – its goal to keep ward taking medication

# Need for Guardianship Monitors

- In the USA we need an independent system to do guardianship monitoring
- Independent
- Unbiased
- Volunteer
- Trained by courts in human rights, civil/constitutional rights and court process

# Medical Whistleblower

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