

Statement of Dr. Tina Paone

Testimony to the United States Senate Special Committee on Aging
“Guardianship and Alternatives: Protection and Empowerment”
March 30, 2023

Good morning Chairman Casey, Ranking Member Braun, and Members of the Senate Special Committee. I am a university professor and a licensed professional counselor. I live just outside of Philadelphia, in Montgomery County, Pennsylvania. I am here to share my family’s story. It is a story that resonates with so many other families.

In January 2015, my 68-year-old mother had a major stroke. A judge granted guardianship to myself and my brother. The judge also ordered a court appointed attorney as well as another evaluation by a court appointed psychologist.

At that point, two professionals declared my mother incapacitated. But much to our surprise, the newly-appointed attorney insisted on a *third* evaluation. It resulted in the same conclusion, but now the cost to my mother’s estate was over \$8,000. This was our *first* indication that something with the guardianship system was wrong.

Soon after, the inventory of the estate was filed, which valued my mother’s estate at over \$2 million, including the business she owned.

My brother and I successfully performed guardianship duties for almost a year. But then, the court appointed attorney *insisted* on a new plenary guardian, a woman who admitted she had no previous experience working with large estates, businesses, or families who were actively involved. This was the *second* indication that something was wrong with the guardianship system.

In 2018, my mother’s assisted living facility told us they had not been paid in months. Despite more than adequate funds available, our mother was in arrears for close to \$100,000 to the facility and her care aides.

When we threatened to expose this situation to the courts, the guardian resigned. But she only resigned as guardian of the *person*, not as guardian of the *estate*. We quickly learned that this decision was supported and encouraged by the court appointed attorney. **This was very concerning to us and seemed indicative of a much larger problem.**

My brother and I kept expressing concerns. But we had no voice. Eventually, our mother’s guardian informed us that our mother’s business would be sold, eliminating half of the monthly income she relied on for her care.

Even worse - we discovered that the guardian failed to pay bills to my mom’s skilled nursing facility and aides more than half of the time. Real estate taxes fell behind too. Guardianship reports were filed late more than 80% of the time, and the required filing of the estate inventory was a year and a half late.

My mom never paid a bill late in her life. And yet now, the charges and late fees were piling up in excess of \$11,000.

This is a person charged with ensuring my mom's well-being and yet she intentionally sold the business, my mother's largest asset and income source. And she failed to protect her second largest asset, her home.

It was only when we approached the court appointed attorney to request the removal of the guardian that the bills got paid.

Finally, the guardian of my mom's estate agreed to resign. The court appointed attorney also agreed to resign... but it comes with conditions. My brother and I cannot contact any governmental, regulatory or administrative office to make claims or allegations of wrongdoing against her. Additionally, we cannot speak to family or friends about her negative impact. Either action would be deemed a violation and would result in monetary sanctions and possible removal as our mother's guardians.

If we had agreed to sign this gag order, I wouldn't be here today.

Since her stroke, this situation has cost my mom more than \$116,000. This is money that could have been spent on her care but instead went to fund a system that seems driven to pay professional guardians, attorneys, and others motivated by greed and power.

My situation is not isolated. In my experience, when an incapacitated person has a larger estate, they are more likely to have frequent involvement with the courts, which increases payments to lawyers, guardians, and services hired by the guardians.

Even more disturbing, the same individuals are selected repeatedly to serve in these roles, creating conflicts of interest and perpetuating a widespread abuse of power that impacts this marginalized population.

As I sit here today, my mother's situation remains unresolved. I call on you, our Senators, to create change. You have the ability to implement meaningful reform. From my perspective, we need federal standards that regulate the appointment and oversight of judges, court appointed attorneys, and court appointed guardians. Additionally, families like mine must have a recourse to prevent devastating medical and financial exploitation.

On paper, the current system appears well-intentioned. That's not how it plays out. On behalf of my family, and so many others, I beg you to please implement meaningful reform.

Thank you.