

# Parents Are Hard To Raise® S03 Episode 134

## Transcript

The world's becoming a dangerous place for us women. Lipstick bodyguard looks just like an innocent little lipstick, but it'll instantly drop any attacker to his knees so you can get away unharmed. Lipstick bodyguard. Fear no evil. Get yours today only at [lipstickbodyguard.com](http://lipstickbodyguard.com).

Announcer 0:00

This week on Parents Are Hard To Raise. Diane's special guest, award winning investigative reporter, Gretchen Hammond, pulls back the curtain to reveal the grisly truth about a shady practice the court systems don't want you to know about and how your parents are at risk of losing everything. Join 180 million monthly subscribers you can now listen to Parents Are Hard To Raise on Spotify.

Diane Berardi 1:15

Welcome to Parents Are Hard To Raise, helping families grow older together without losing their minds. I'm elder care expert, Diane Berardi.

It's been called a civil death for those who fall prey to it. The proper name is guardianship. It's an arcane system rooted in medieval English law. And it's running amok in modern day America. When a person, say your aging parent, is unable to manage his or her own affairs, he or she may be deemed incompetent by a judge, who by the way, doesn't even have to meet your aging parent face to face or even inform them or you that a judgment is taking place. When this happens, the court often appoints a professional Guardian, a perfect stranger to take control over every aspect of their life, effectively stripping your parent of their identity and their property. Instantly your parent now deemed a legally incapacitated Ward becomes a non person. As a result, they lose control over every decision and aspect of their life. Meaning they can now be told where they will live, where they may or may not go, who they are and are not allowed to see and what they are not allowed to eat, access to their homes, mail, bank accounts, retirement and Social Security income, Life and Health Insurance, wills trusts property, even their passports, driver's licenses, and voter registration cards are all taken away and put into the control of their court appointed guardian. In as little as a year your aging parent could be rendered completely indigent; their homes are gone, as are their savings and investment accounts, cars, personal belongings, keepsakes, heirlooms, jewelry, and even their clothing. How can this possibly happen in 21st century America? Here to tell us is award winning investigative reporter Gretchen Hammond, who wrote an amazingly candid five part expose' series entitled "The Fortress," which ripped the top of America's closely guarded probate system, revealing the shocking truths inside.

Gretchen Hammond, welcome to Parents Are Hard To Raise

Gretchen Hammond 3:39

It's a pleasure to be here. Diane, thanks very much for inviting me on.

Diane Berardi 3:44

You know, I want to ask you, how can this possibly happen in 21st century America?

Gretchen Hammond 3:50

You've got me. I tell you, when I first heard of this, I had never heard of guardianship before. And I was writing for a Jewish publication at the time. And there was a book written by a Jewish author by name of Dr. Sam Sugar. And I read it and I was just doing a feature on it. And I was reading it. I'm just reading it absolutely. My God struck. I mean, my mouth dropping open. This doesn't happen in the United States, what people taken from their homes, I mean, no constitutional rights, all the constitutional rights strip, this does not happen. And, you know, I went ahead and wrote the 700-word feature on it, and I sent it off to my editor, he was the same way he goes, this doesn't happen. This is this is nonsense. It's absolute nonsense. He can go back and find me some examples if you're absolutely sure that this is real. And it's not some sort of, you know, conspiracy theory. And so I went back and I found some contacts now, and the first one I found was her son in Michigan, a woman named Mimi Brown, whose mother had been taken from her and placed on the guardianship because of the past you Bill owed to a nursing facility, and she was stripped of all his civil rights. She was virtually imprisoned inside of this now. facility isolated from her daughter and it took her daughter two years to free her and goodness knows how much in court costs and emotional damage and financial damage.

And after I published a story in June of 2018, I got calls from all across Michigan. This was this happened in the Oakland County Probate Court, which is a suburb of Detroit. You know, it's another court, one of the wealthiest suburbs in Detroit, but it's sort of a mixed bag of areas where the probate court is located is one of the poorest areas in Pontiac, Michigan. But I got calls from across the state but mostly focused in Oakland County saying, you know, you should have heard my story you should have heard my story. So it led me to believe that that obviously something systemic was happening there. And so, in July of 2018, I set out on a self funded investigation to figure out whether anything systemic was happening there, and eventually I was able to bring on 300 researchers from Wayne State University as well as Tim Mulholland, who is a certified fraud examiner, and he was based in Chicago. And between all of us, we dug into 2278 separate cases. All of them filed I should know by outside agencies that is Adult Protective Services, social workers in hospitals, attorneys from hospitals, even cases filed by accounts receivables managers from nursing homes, like I mean, all these bizarre petitions for guardianship. And we were seeing reasons that were just I mean, outrageous Diane and things like bipolar, altered mental state, I have no idea what that what that means. [laughing]

They will be placed on the guardianship. We found families that have been placed under guardianship, husbands and wives who've been placed on the guardianship at the same time. Sisters.

Durable power of attorney, medical powers of attorney. They tell you in the United States, you know you've got to get those forms right settled as part of your estate planning and people would do that. And then these judges were just routinely tossing them out for no reason whatsoever.

These petitions were being filed with no medical evidence, absolutely no medical evidence at all. They were being filed for bizarre reasons, reasons that you couldn't even verify. One of my favorites was fell down in the parking lot of Costco. And you know, yeah, absolutely. What was on the on the on the seat? And you know, and then they would send out a guardian ad litem who is a person who's supposed to advocate on behalf of the proposed ward.

These individuals, by the way, were elderly and developmentally disabled individuals, all races, religions, anywhere from 19 to 98, was about the oldest that we saw. And these Guardian ad litem would go out and visit them and say, you know, they don't make recommendations for guardianship an adult say, well, the ward waves their presence of the hearing. But when we actually got talking to the wards and their families, they said what the guardian ad litem never came to visit us. And all the Guardian ad Litem did come to visit us and said, Well, we didn't need to be at the hearing that they would take care of everything. And of course, they were just as naive as I was when it came to guardianship. And so you know, these people were placed. Sometimes they would have emergency petitions. So the ward wasn't even told that they were going to be placed on the guardianship. It just happened.

And we basically all these cases were presided over by four Oakland County probate court judges, and they belong to four Oakland County Public administrators. Now what those individuals are, Diane, are people under under Michigan statute, what they're supposed to be is they're supposed to just take over deceased estates when there were no living heirs, so if you were to pass on without any as then they'd appoint a public administrator to distribute your assets. But what these guys were doing was they were acting as guardians and conservatives outside of the public administrators job description. So they were doing it as private attorneys. And between them, they had well over 1700 open cases at the time that we started the investigation. Some of them had four to 500 wards each. And there is just no way that one person with maybe two or three assistants can handle that many people. What we were seeing is that these individuals, yes, they were stripped of all the civil rights. They were removed from their homes, all them is uniformly about 98% of the time, within a month of guardianship being initiated and being handed over to one of these public administrators. They were being removed from their homes and placed in either long term care, assisted living or was called an adult foster care facility, but some of them were unlicensed. In other words, they hadn't been

inspected by the state. They hadn't been looked at for staffing for safety. And these places were just, I mean, they were horrific. They were utterly horrific.

One of the things I will never forget is that we went to a group of unlicensed nursing homes over Thanksgiving weekend, 2018 and one of them. We appeared on the Saturday evening. And then we went in and we saw a refrigerator and it's actually in the article a picture of it padlock the obviously the owners of the nursing home before they had left had wrapped a chain around the handles the refrigerator padlocking it shut. And there were three women in that home, who had nothing to eat except for McDonald's, which luckily one of the one of their sons was able to bring in once every once every day. Otherwise, they would have totally starved. And one of the woman her name like Carolyn, she's done the guardianship for two years. And I said, What do you have to tell the world? She said, "Get me the hell out of here."

And yeah, she came in, she was sobbing and this that, you know, it was just, it was so hard to say sort of remain emotionally detached. And what do you say to that? You know, I could say I could do my best, you know. We went out actually and then when got them some Food and some slippers, just something. So tied them over to when these people are gone because they've been fruitless since this day.

Diane Berardi 11:09

How do you leave them? Right?

Gretchen Hammond 11:12

I couldn't. It was so difficult. It was so difficult. We had to move on. And then you know, the other thing we started finding what these homes, all of these wards homes, you know, they had real estate they was sold within Oh, I would say, again, two to three months. A lot of these sales had been you know, they didn't even that home have only been on the market for a week before it was sold. It was always sold for under market value. We looked about 59 homes, and they were sold for a total of about \$2 million under market value to local investors.

There were a group of investors who are attorneys, there were a group of investors from the Ukraine who also owned some unlicensed nursing facilities, and they were buying up these probate homes and then flipping them inside of three to four months for full price and then everything else would be for the home. was sold that the garden would go in, they do a walkthrough and then the next thing you know, they're getting someone to come in and totally clean it out. Everything gets tossed in the trash, memorabilia, clothing. I mean anything that's not a value. And then you know, the things that were a value. We looked at the guardians accounts, and there was no accounting for it. So we didn't know how much how many dollars in jewelry, or how many how much in cash was found. And there was over billing massive over billing and we found money that was missing somewhere in the region of four or \$500,000.

In one case, and you know, it was impossible to add it all out because you're looking at 2278 cases, and a lot of it was money that it just disappeared. And also these were people this was the most heartbreaking thing. There were people who were veterans, there were veterans who were fought in World War Two, and had been placed on the guardianship and just disposed off, literally disposed off as if they were human trash. And one of the most heartbreaking cases was that a Billy Garner, who was World War Two Navy that he was placed on the god issue of a gentleman named John Manga. And he was dead within two years from scabies mites. And then nothing happened he was placed in and every penny of his \$128,000 by the time he died had been spent, he has nothing left. So it was gone inside of two years. And that was the most bizarre thing. These individuals have literally rendered completely impoverished depending on how much money they have when they go into guardianship. By the time they were done two to three years Max, they were thrown onto social services like Medicaid, and social security. They had nothing left in the bank. So all that planning, they're done all that estate planning. You know, the 401k is the things that you are told in this country you're supposed to do. What totally worthless. And that was one of the most heartbreaking things and the families who were trying to push back would end up you know, being punished by these judges by being isolated from the last month almost routinely. You know, the Guardian would come in and given ex parte order, which means in order where the other party isn't present and the families aren't present to isolate these individuals from their loved ones, so they couldn't see them. And there weren't very many attorneys who would take on their cases because as one attorney told us, you know, I can't fight these judicial appointees, we get punished for it. We get sanctioned.

Diane Berardi 14:19  
Oh my gosh.

Gretchen Hammond 14:23  
One attorney who spoke to me on the record was the gentleman who had fought for the estate of Rosa Parks, the famous she was a famous woman who, you know, was one of the famous women for civil rights, and her estate was literally depleted by two attorneys. And one of the attorney that spoke up about it, he ended up getting hold up in front of the Michigan board of accountability board or the attorney board and discipline board. And he got he ended up almost losing his license over it. Just to speaking out. So that's the kind of thing that these attorneys were facing. And, you know, so there really wasn't any way out for these folks.

Diane Berardi 15:06  
Right.

Gretchen Hammond 15:08  
You know, it really was a life sentence.

Diane Berardi 15:13  
It's like legal abuse and thievery. It makes absolutely no sense.

And, and for us as children, we do powers of attorney, you know, we do what we're told to do, or the proper paperwork. So it doesn't seem possible that all this can happen.

Gretchen Hammond 15:35

No, know. And, and and I don't I, you know, I don't entirely think it is legal. I think what they're doing is beyond the bounds of Michigan statute, obviously, you know, taking money from these individuals and under selling their homes is not what they're supposed to be doing an audience and yet they were doing it almost routinely, and I could tell that something Was definitely wrong with what they were doing. And they knew it. Because when I would walk into that courtroom and I always used to say, I'm just a girl with a press badge, and I would walk into that courtroom and most of the time, you know, when you're an investigative journalist that you know, you tend to see this kind of stuff like nothing to see here kind of expression, you know, it's sort of like you're taking down, you're going up the garden path, there's nothing here there's nothing, nothing, nothing going on. Nothing wrong. But when I went into this probate court to watch a case or to monitor a case or even to go to the computer, so look at the court files. I mean, I felt like it was Eliot Ness busting into a speakeasy. I mean, there was a palpable reaction, from everyone in that court and then included the sheriff's, the Oakland County Sheriff's who were who was sort of monitoring the three entrances and kind of like really received nasty TSA agents. Terrible, terrible. They would just I mean, they would singled me out for stripped sir is literally they would take me into another room and start taking off my clothes. So the same Yeah, they would absolutely. I'm saying they were looking for recording devices. One of them. One of them I used to call Kojack is a friendly colon Kojack because I didn't even know what his real name is never let me get close enough to his badge, but he's to trail me around with this gruff, nasty looking expression on his face. And he was constantly asked him he wanted to bust me for something.

One day, for example, it was raining outside, I brought in an umbrella. And I put it in the X ray scanner and this guy. Kojak starts taking it apart and said we're doing it's a cheap umbrella. He says, there's a recording device in here. I'm like, there's no recording device in in here. "Q" didn't give it to me before I left. It wasn't an MI5 Sanctioned recording device in an umbrella. Tough luck Kojak. Sometimes the umbrella is just an umbrella. I'm, you know, I'm this guy with you know, follow me around glowering and stuff like that. I mean, it was it was trying to intimidate me as much as they could.

Diane Berardi 17:56

We're going to continue talking with Gretchen Hammond, but first, If you're a woman or there's a woman in your life, there's something you absolutely need to know.

I want to tell you about my friend Katie. Katie is a nurse and she was attacked on her way home from work. She was totally taken by surprise. And although Katie is only five feet tall, and 106 pounds, she was easily able to drop her six foot four 250 pound attacker to his knees and get away unharmed. Katie wasn't just lucky that day, she was prepared. In her pocketbook, a harmless looking lipstick, which really contained a powerful man stopping aerosol propellant. It's not like it was in our grandmother's day. Today just going to and from work or to the mall can have tragic consequences. The FBI says a violent crimes committed every 15 seconds in the United States. And a forcible rape happens every five minutes. And chances are when something happens, no one will be around to help. It looks just like a lipstick. So no one will suspect the thing. Which is important since experts say getting the jump on your attacker is all about the element of surprise. Inside this innocent looking lipstick is the same powerful stuff used by police in the military to disarm even the most powerful armed aggressor. In fact, national park rangers use the very same formula that's inside this little lipstick to stop 2000 pound vicious grizzly bears dead in their tracks. It's like carrying a personal bodyguard with you in your purse or your pocket. Darkness brings danger, murderers and rapists use darkness to their advantage. We all know what it's like to be walking at night and hear footsteps coming at us from behind. Who's there? If it's somebody bad, will you be protected? Your life may depend on it. My friend Katie's close call needs to be a wake up call for all of us, myself included. Pick up a lipstick body guard and keep it with you. Always

Announcer 20:10

You're listening to Parents Are Hard To Raise. Now. Thanks to you the number one elder care talk show on planet Earth. Listen to this and other episodes on demand using the iHeart Radio app. iPhone users can listen on Apple podcasts and Android users on Google podcast.

Wants a great new way to listen to the show?

Diane Berardi 20:32

Just say Alexa...

Announcer 20:34

play Parents Are Hard To Raise podcast,

Alexa 20:37

Getting the latest episode of Parents Are Hard To Raise. Here it is from iHeart Radio.

Announcer 20:43

It's as simple as that.

Diane Berardi 20:44

You're right Dolly. There are so many really cool new ways to listen to our show. It's hard to keep track. You can join the 180 million listeners on Spotify. You can listen

in your car, at the gym, or pretty much anywhere on your smartphone with apple podcasts and Google podcasts, you can get us an Apple TV, DirecTV, Roku. And like Dolly said, you can even ask Alexa to play the show for you. It's great because you don't have to be tied to a radio anymore. You can listen when you want, where you want for as long as you want. And if you're listening to the show, and one of these new ways, please do me a big favor, share this new technology, help someone else learn about the show and show them a new way to listen.

So Gretchen, I am wondering how do people become professional guardians?

Gretchen Hammond 21:39

Well, the folks that we looked at in Michigan, they were all attorneys, so they were all probate attorneys or Estate Attorneys or elder law attorneys. Majority were probate attorneys. But what I could see from, you know, across the United States, you know, as these sort of expanding research is that anyone can pretty much become a guardian. You know, mean even they just had a case in Pennsylvania right now where the person with a criminal record was appointed the guardian and of course found out that they they'd stolen money from their wards. I mean, so again, it seems like anyone can become a guardian. And there's very, very little oversight and there certainly isn't in Michigan in 30 years.

We trace this back 30 years in Michigan, and there hadn't been one single arrest of a professional guardian or any cases brought against any professional guardians. And this goes back from multiple government administration's multiple Attorney General. And here's what here's what here's what happened. And this, to me is one of the most bizarre aspects of the story. The new Attorney General and your attorney general had been elected during the course of the investigation. Her name is Dana Nestle, and she was elected in November of 2018. She took office in January 2019. Promising to speak up for those who could not speak for themselves and to seek justice for the vulnerable and So we reached out to her in early March and said, you know, we have you know, dug into all these cases, we'd like to give you some of the evidence and what we found and get some comment.

And on March the 12th, we met with the Attorney General Staff of about eight or nine people, presented them with evidence of all these cases, all the unlicensed nursing homes, this the theft, all that sort of stuff. And they did nothing. As a matter of fact, she announced an elder abuse Task Force on March 25, and denied me access to that press conference because they knew I would ask questions about Oakland County, how's it they didn't want me asking any questions about Oakland County. Ever since then, she's been totally dancing around the topic, has been talking about reforms, but absolutely no consequences for those who break the law, whether they be judges or attorneys. And the families themselves have been getting incredibly frustrated, because there's been no action taken from her office whatsoever. She has literally told them things like, well, I can't really do anything. Unless you file a grievance with the attorney discipline board, which is a licensing agency, that will be like, it would be like me, mugging you, in the middle of time in the middle of Detroit

and you going to the Attorney General and saying, you know, well, Gretchen just mugged me. She took off with \$50. And the Attorney General saying, well, I can't do anything and file a complaint with the, with the Society of Professional Journalists first. I mean, it's the most bizarre, ridiculous statement that anyone can make. The other thing she's told the families is, well, I could arrest these people. What What good would that do?

Diane Berardi 24:32  
Oh, my God.

Gretchen Hammond 24:34  
She said that. She's absolutely said that and it's these families looking at me. What good would it do? Because without consequences, these people are just going to carry on breaking and all of them,

Diane Berardi 24:45  
right.

Gretchen Hammond 24:45  
The only thing she has done, Diane, the only thing she's done is she's fired them as public administrators, which is basically because it's just a job title that has nothing to do with guardianship a conservatorship. It has it's basically a Telling the Duke of Edinburgh you can no longer be a Duke. And that's all it is. That's all she's done. She has fired them and the best still going around taking guardianship and conservatorship cases this business at normal at that court, and that court is the most devastating place.

I'll tell you I'm I started likening it to the Marston house in Salem's lot. There's a quote from that book. It's the house of brooded over the town, like a Ruined King. And that's what that court does. It is physically an exhausting place. Everything about it is misery, utter misery, you would hear the screams of families who have been torn apart while you in that court, you would watch court cases and see families begging to be put back together. And these judges just throwing it out. And and throwing these families out or bringing in the sheriff's and arresting them. It was just absolutely horrific.

Diane Berardi 25:50  
Yeah, I mean, in this day and age, you can't you can't imagine. It's just ridiculous.

Gretchen Hammond 25:57  
Yeah. And it's going on of course, nationwide. In Florida Of course right now they've just found out a guardian by the name of was executing Do Not Resuscitate orders on her wards without their knowledge or permission. She did so on one word by the name of Stephen Stryker and he ended up choking to death actually executed a DNR capped off his feeding tube. And that started a full investigation even the governor of that state Ron DeSantis said look, this has got to stop. He said you know

without consequences this is just going to go on and he's the only one who has actually said that. And there is currently a criminal investigation going on to Rebecca Fierle, but in Michigan that is not happening. And these families and these wards and these you know, such vulnerable wonderful people. No no reason for them to be a guardianship. Not incapacitated.

You know, these guardian ad litem, they go in they ask them three questions; What's the President's name, you know, what's your birthday was the day of the week? And if they can't answer one of those questions, they said boom, you're incapacitated. But that's not the case. Lot of these people could remember everything. Everything about the guardianship their entire history, some one of them asked me her name was Nancy, how did she go? Where's my house? I and I'd already I knew I had been sold from under her to a Russian to a Russian ambassador. And I said, I don't know how to tell you this. Your house has been sold.

And she just looked devastated.

And she said, you put that man she says, Do what you have to do. Gretchen you put that man in jail.

Yeah, I know. Yeah, I know. And it's real. And people talk to me. You tell people this? And they say No, that can't this cannot be happening in the United States of America. There's no way that someone who is perfectly innocent can get their civil rights stripped from them and then get, you know, be placed inside something that's akin to being a imprisoned felon, if not worse, and you say no, it's true. It's absolutely real, and it does happen on a daily basis.

Diane Berardi 27:58

What can we do? What can our audience do? How can we help?

Gretchen Hammond 28:02

Well, I think raising awareness is one of the big things. I've spoken to a number of groups and unfortunately the rather like the Catholic priest abuse survivors back in the 70s 80s and 90s, you know, they were very marginalized. There was no one really believed them until the Boston Globe article came out in 2002 really kind of blew the lid off it. I think people really need to start listening to folks who say they are suffering from probate court, guardianship abuse, and elevating their stories and helping to spread them around and share them around and demanding accountability. That's the main thing, right? These people will continue to do what they are doing unless someone steps up and arrests them, investigates them, arrest them, and says that there are consequences. You can put all the legislation in the world out there, but it isn't doing any good because the judges are not obeying the law. And neither are the guardians.

And until that happens, and that's what people need to do. They need to start demanding it. They need to stop demanding investigations and the safety of these

vulnerable people and I am Also in America, there has to be a sea change in attitude towards the album. America is a very ageist place, I've noticed that the, you know, you see this sort of disconnect between the millennials and the baby boomers and and that has to change, because these are your parents, or grandparents, these will be me, I'm Generation X. So I'm some of next in line, you know, and, you know, you have to start thinking about this in the in terms of the future and saying, Okay, we got to put a stop to this right now. Because you know, someone, a total stranger can come in, based on the fact that you're bipolar and take everything that you've ever owned or saved or had or earned it. I mean, it's there's no way that that should be allowed. And I think people need to start pushing this. I mean, I think people need to start pushing, pushing that on and pushing it and pushing it forward. The conversation, the dialogue.

Diane Berardi 29:51

I mean, an outstanding nursing home bill, and it just it boggles our mind.

Gretchen Hammond 29:58

There is no There is there is no Michigan statute which says that someone should be put on the guardianship as a collection agency. There's nothing in there that says bad at all. So these guys that disobeying the law, it's tough to stop.

Diane Berardi 30:13

Gretchen, thank you so much for what you're doing. And thank you so much for being a guest and we love to have you back.

Gretchen Hammond 30:21

Oh, thank you, Diane. It's been an absolute honor.

Diane Berardi 30:24

Before we go, I just want to tell you all something. As many of you know, my mom passed away in mid September. And I just wanted to thank everyone for your notes and your emails and your cards and letters.

It's been a rough road, but my mom lived a great life, and we're sad and we miss her dearly, but she lived her life the way she wanted and she was always happy and had great sense of humor and was always meeting people and would talk to anyone and help anyone and she just enjoyed her life. And that's what we try to keep close to our heart. And I just want to thank all of you for reaching out to me and my family and it means so much to us. And you are my family, my Parents Are Hard To Raise family and my mom, she loved being on the show, and I wanted to try to get her back for one more show, but she was just too weak to do it. But she, she would be so happy that you remembered her and I just can't thank you enough.

Thanks again.

Parents Are Hard To Raise as a CounterThink Media production. The music used in this broadcast was managed by Cosmo Music, New York, New York. Our New York producer is Joshua Green. Our broadcast engineer is Well Gambino. And from our London studios, the melodic voice of our announcer, Miss Dolly D.

Thank you so much for listening.

Till next time, may you forget everything you don't want to remember and remember everything you don't want to forget. See you again next week.