

ABOUT NASGA

NASGA was formed as a public interest/public benefit/civil rights advocacy organization in 2006 by several individuals, each of whom were involved in state guardianships conducted in violation of law. Our membership consists of victims - family, friends and associates - from all across the country, who have experienced lawlessness, exploitation, injury and loss of life, liberty, and property in the guardianship system at the hands of total strangers - court-appointed fiduciaries who claim to be operating in the "best interests of the ward."

Our members have been rendered helpless as their loved ones suffer civil and human rights violations due to lack of due process in proceedings conducted under color of law. "There is no crueller tyranny than that which is exercised under cover of law, and with the colors of justice ..." ⁸/

NASGA advocates on behalf of those individuals and their families deprived of due process of law and abused by overburdened, uncaring, or corrupt courts.

We also focus on judicial and other abuse, in addition to financial exploitation. As an example, people who have executed advance directives and other estate - planning documents, designating their choice of individual(s) to act on their behalf, can have their wishes totally disregarded and an abusive guardianship needlessly forced upon them instead, without the benefit of a due process hearing. Worse, they can have their documents voided and/or altered, to benefit others than those originally intended.

We share a different perspective from those individuals and entities who have addressed the issues in the past. We address the guardianship problem with the unique insight of experience - as victims - and not as detached professionals.

Many guardianships can begin because of family disagreements regarding domicile, care, or finances of a parent or loved one. These disputes can get ugly. Each side is sure they will win if they go to court, based on what they consider overwhelming evidence in their favor.

Often, one party suspects another of theft, and too quickly makes accusations without actual evidence. When such an issue is introduced in court, instead of the expected "justice," a stranger to the ward - rather than either family member - is appointed. The result is usually a long-running or never-ending contested guardianship.

NASGA members come to us disturbed and perplexed by their experiences in the court system. They leave the courthouse puzzled and deeply dismayed. As they describe their experiences, we identify with their disillusionment. They tell us they

⁸ *U.S. v. Jannotti*, 673 F.2d 578, 614 (3d Cir. 1982)

felt something was very wrong while they were there, but didn't understand what was happening and why a third-party guardian was appointed instead of a family member or why the judge did not allow them to speak, etc. Those who have gone through the entire process come away thinking that they never really had a chance; which leads them to ask, "Where's the justice?"

Additional problems encountered by our members are:

- Judicial grievances, cloaked in secrecy, fail to protect the public;
- Appeal is a too-costly and lengthy process and usually futile; and
- The AIP or ward may not outlive the appellate process.

Joining NASGA and communicating with fellow victims, they find others who have been through similar circumstances, and gain unique insight into specifics of why and how the justice system failed them and their loved ones. They learn the intricacies of how the appalling law violations are perpetrated. Recognizing that they are not alone, they feel the guardianship system has become the guardianship "racket" and that despite their best efforts, there was little they could have done that would have made a difference in the end.

There has been exponential growth of abuse and exploitation by court-appointed public and private fiduciaries ostensibly engaged in care and protection of "incompetent/incapacitated" individuals, and even those who are only physically disabled, due to a staggering lack of oversight by government.

NASGA, in its educational outreach, seeks to raise awareness of the growing epidemic of misuse and violation of existing law permitted by the absence of any meaningful monitoring, oversight, enforcement and penalties.

Bad guardianship is like cancer: People don't want to hear about it or deal with it unless and until it happens to them or their loved ones. Congress must act now to protect Baby Boomers as they reach the age of vulnerability.

Our members' complaints to law enforcement agencies, their elected representatives, and attorney and judge discipline systems are met with blind eyes and deaf ears, as are their grievances to numerous other agencies and organizations which should be offering resolution. That is why we are bringing this issue directly to Congress.

Representative stories of members can be found at:
<http://www.stopguardianabuse.org/victimsandtheirstories.htm>