

Guardianship abuse: Dealing with the fallout from the April Parks case

National Guardianship Association
Lexington, Kentucky
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Presented by



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"As a general matter I see four fundamental problems with the guardianship system in the U.S."

Prof. Nina A. Kohn
April 18th, 2018

Testimony before U.S. Senate Special Committee on Aging

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“Third, a subset of guardians act in ways that violate the rights and insult the humanity of those they serve. Sometimes this is intentional....”

Prof. Nina A. Kohn
April 18th, 2018

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Two examples of such an intentional violation....

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March 2017

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THE STATE OF NEVADA,
 Plaintiff,
 -vs-
APRIL PARKS #1571645
 MARK SIMMONS
 GARY NEAL TAYLOR
 NOEL PALMER SIMPSON
 Defendant(s).

7

117 counts of perjury
 73 counts of offering false instrument for
 filing or record
 42 counts of theft
 37 counts of exploitation
 1 count of racketeering

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All the alleged criminal acts
 in this indictment occurred
 between December 21,
 2011 and July 6, 2016

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Parks, Simmons &
Taylor worked for “A
Private Professional
Guardian LLC”.

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They used their position to steal funds
belonging to elderly and disabled adults
over whom they had guardianship
authority through use of a series of
fraudulent billing practices.

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It was no less than a
criminal syndicate

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Parks was arrested on March 8th, 2017 in East Goshen Township in Pennsylvania

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February 2018

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THE STATE OF NEVADA,
Plaintiff,
-vs-
JAMES MELTON, #1110993
APRIL PARKS, #1571645
MARK SIMMONS, #7040739
NOEL PALMER SIMPSON, #7040248
Defendants.

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17 counts

16

3 counts of perjury
2 counts of exploitation of an older or
vulnerable adult
3 counts of theft
8 counts of offering false instrument for filing
or record
1 count of auto theft

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All the alleged criminal
acts in this indictment
occurred between
December 24, 2010 and
May 30, 2017

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On November 5th, 2018 April Parks pled guilty to 5 felonies from the first indictment:

- 2 counts of elder exploitation
- 2 counts of theft
- 1 count of perjury

And one count of elder exploitation from the second indictment

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Business partner Mark Simmons pled guilty to 3 felonies:

- 1 count of elder exploitation
- 1 count of theft
- 1 count of perjury

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Husband Gary Taylor pled guilty to 1 count of financial exploitation

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Attorney Noel Palmer
Simpson pled guilty to 1
count of elder exploitation
in second indictment

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Prosecuting senior deputy DA Jay
Raman of the Clark County DA's
office laid out the evidence that
would have been proved if the
defendants had gone to trial.

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He described multiple
billing scams, and
charging for unneeded
services...

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He also described the “Christmas Gift Scheme” where Parks would buy small gifts like popcorn or socks. She would then direct her colleagues to drop off the gifts to the residents - and charging \$100+ an hour

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Victims were also billed when Parks’ husband drove to the courthouse and waited in line to file papers that could have been submitted online.

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Lieutenant James Thomas Melton of the Las Vegas Metropolitan Police Department entered a not guilty plea. His trial has been set for Sept. 9th 2019.

He is presumed innocent until proven guilty.

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On January 4th, 2019
Parks, Simmons & Taylor
were sentenced by 8th
Judicial District Court
Judge Tierra Jones

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Several victims made
impact statements...

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Herman Mesloh, blind, was visited by
Parks at the Southern Nevada
Medical & Rehabilitation Center in
late 2013 after he had undergone
various surgeries.
He was then involuntarily isolated
from his wife Kathy for 6 months.

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“There are some evil people in this world. And April Parks is a predator of the worst kind.”

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Barbara Neely was separated from her friends and family by Parks.

“She was not a guardian to me.
She did not protect me.
As each day passed, I felt like I was in a grave,
buried alive.”

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Rudy North compared Parks to Hitler.
“This lady should be banished.”

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Karen Kelly, the Clark County Public Guardian also spoke.

“The choices she made were out of greed, not because she didn’t understand the ethical obligations of being a guardian.”

“She didn’t see them as people. They were paychecks.”

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And then April Parks addressed the court...

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“I never intended harm...things could have been done better.. we were a group practice and honestly, I think that some things got ahead of us.

I had a great passion for guardianship and took great care and concern in my work.”

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Under the first 2017 indictment Parks was sentenced to 192 - 480 months in state prison.

Simmons received a sentence of 84-216 months in state prison

Taylor received a sentence of 24-60 months.

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Under the second indictment Parks received a 72 - 180 months state prison sentence and Simmons received a 48 - 120 months state prison sentence.

These sentences will run CONCURRENT with their other sentences.

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These defendants were also ordered to pay restitution in the amount of \$559,205.32

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Attorney Simpson is still awaiting sentence...

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Two ways to learn more details of this case can be found by..

41

Reading this article...

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So what lessons can be learned from this case?

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Why did it take so long for Parks to be arrested?

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August 30th,
2013...

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The day when Parks arrived at the home of Rudy & Rennie North and “kidnapped” them. She told them she had an order from the Clark County Family Court to “remove” them.

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How could that happen without proper notice and due process?

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Has it taken this case for law enforcement and prosecutors to appreciate that guardianship abuse is not “just a civil matter?”

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Could there be an April Parks in your jurisdiction?

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Unfortunately there are similar stories of such abuse cropping up in New Mexico, Texas, New York & California.....

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Are we missing vital clues and red flags?

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Isolation

Inappropriate applications for guardianship

Constant referrals from same source

Over-familiarity by probate court staff

Prior complaints to law enforcement ignored

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Is there anything proactive we should be doing in our communities to identify or prevent guardianship abuse?

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Join your local elder abuse MDT... or if there isn't one, then start one!

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Start a dialogue with your local Probate Court staff and judges and Elder Law Bar Association about ways to identify such abuse early on

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Do not be afraid to reach out to those advocates in your community that are outspoken critics of guardianship

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Read what they are saying online and try to look for any common ground

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“Conservators are self-serving and profiting off elders and the disables, instead of considering what’s best for the conservatee.”

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“Once the court conserves your loved one, it’s almost impossible to get the conservatorship lifted - it’s all about the money! The probate court is a money-making criminal enterprise.”

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Do you see any opportunity to build a bridge here?

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Continue to educate yourself about guardianship reforms and new laws in your state - especially regarding Supported Decision Making

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Accept that guardianship may not be in the best interest of the individual

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Remember the quote at the beginning of this presentation...

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“As a general matter I see four fundamental problems with the guardianship system in the U.S.”

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So what are those four problems?

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“First, some people who are subject to guardianship should not be.”

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“Second, many - indeed probably most - people subject to guardianship are subject to more restrictive arrangements than they need.”

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“Third, a subset of guardians act in ways that violate the rights and insult the humanity of those they serve. Sometimes this is intentional. Sometimes it is negligent. Sometimes it is simply because the guardian does not understand his or her role.”

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“Finally, existing systems and rules unintentionally create incentives that exacerbate these problems.”

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If we can agree to address these four problems - then just maybe we can help to reduce the number of incidents of guardianship abuse in the future.

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Reaching all victims - that is our goal

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A Message to Seniors:

- We respect and honor you!
- We commit to seeking justice for you
- We prosecute with:
 - Passion
 - Purpose
 - Perseverance

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