



Not all Limited Guardianships  
Are Easy!

Lessons Learned

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An offer to take on a case as the Successor Limited  
Guardian, only handling visitation, sounded easy.

A little more money for very little effort!

The reality was different.

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law &  
court or a ju  
summons. no  
order to ap  
citation by  
officially



I was verbally attacked daily by both sides, taken to court for "abuse of authority," and a local news team became involved, broadcasting a story with the potential of jeopardizing my business.

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What this presentation will help you understand

- different ways to obtain “substitute judgement”
- how NGA Ethical Principals can become an integral part of a guardian’s decision process
- ask discerning questions before accepting a case

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## The Ward

- 83 year old man
- suffered a multiple strokes 20 years ago
- has Aphasia so unable to speak for himself
- unable to do activities of daily living

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## The Ward

- wheelchair bound
- second wife of 25 years
- three adult children from first marriage (youngest is 53)

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## The Assisted Living Administrator

- This was the 3<sup>rd</sup> ALF Ward had lived in
- Youngest son had threatened the previous ALF Administrator
- The current Administrator noted “Word gets around, there are few of us.”
- The Wife had been calling other ALF’s just in case

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## Events

- The Beginning: Court, Introductory meetings, Visitation Schedules and Interactions
- The Middle: Revised Visitation Schedules, ongoing emails, signs of what is to come
- The End: Receipt of Summons, Court, Schedules prior to Death of the Ward
- Aftermath: Warrant delivered to the Children

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# The Beginning

- Call to me from Attorney
  - Background information: June 2015: Children had gone to court to get guardianship for father. It was denied but an attorney was put in place as Limited Guardian.
  - Two attorneys merge companies

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# The Beginning

- Court order naming me Successor Limited Guardian
- My Authority: ... to suspend, require supervision, or terminate the visitation of Respondent's (three) children

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# The Beginning

How was I to prepare to represent my new Ward, who could not speak and because of the dementia diagnosis, had limited cognitive ability?

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# The Beginning

- Reading the GAL Report
- First meeting with wife, then children to understand their positions

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## The Beginning

- Visitation Schedule: I had to schedule for specific days and times each week that the children were allowed to visit.
- First email from youngest son after initial meeting

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## The Middle

- Consideration of removal of supervision of youngest son
- Supervised visitation reinstated on youngest son
- Daughter's inquires on holiday visitation and father's medical condition

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## The Middle

- Youngest Son's visitation terminated on October 17<sup>th</sup>
- Requirement added for children's visitation

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## The Middle

- The children's efforts leading up to me receiving Summons:
  - Friends writing me requesting youngest son be taken off visitation;
  - Calls to Commissioner of Courts, APS Family Services and my franchise (three times)
  - Threat to go to the Archdiocese of Arlington.

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## The End?

Receipt of Summons to attend Court Hearing  
addressing Petition for Abuse of Authority by Alice  
Paxton (2-14-2018)

Virginia Code 64.2\_2019e

- A guardian shall, to the extent feasible, encourage the incapacitated person to participate in decisions, to act on his own behalf, and to develop or regain the capacity to manage personal affairs...

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## The End?

- The Trial
- Approached by local TV reporter asking if I'd like to comment on the hearing.
- The children's attorney requesting a psychological therapist visit Ward during children visitation

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## The End?

- Visitation requests from opposing council
- Court hearing
  - Channel 7 on your side
  - Request to be relieved of Guardianship duties
  - Court's reply
  - The Judge ordered to children to have even less time visiting their father

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## The End?

- Visitation schedule during Ward's final days
- Death of my Ward

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## The End

- “Police can seize heirlooms in family disputes”
  - <https://wjla.com>
- Warrant served on children

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## Recommended Reading

- Standards for Financial Decision-Making: Legal, Ethical, and Practical Issues, Robert B. Fleming, Esq. & Rebecca C. Morgan
- Person-Centered Planning in Guardianship: A Little Hope for the Future, A. Frank Johns

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## Recommended Reading

- Person-Centered Planning & Investing, An In-Depth Look for Guardians and Conservators, Lee Anke, Ted Ong, Mareo McCracken, Jared Ong, Terry Hammond, Terry W. Hammond & Associates
- Your State Code
- NGA Ethical Principles

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