

Guardians Gone Wild?

State-sanctioned thievery at its sickest

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Salem, Oregon - Sometimes there are people who need the help of others; people whose lives, for whatever reason, get turned upside down by mental illness, age, health issues, or even life altering situations. For these people, those who are left without family, friends, or anyone willing to care for them responsibly, the state should get involved. Or, at least, that's how it should work according to our current system.

Oftentimes these days the state involves itself much earlier under the auspices of caring for people, even those who still have a responsible support network. With doctors stating these individuals need assistance, the state takes it upon themselves to appoint a Guardian ad litem - someone who is supposed to be responsible for the welfare of the individual in question. This guardian tends to be someone who makes the responsibility of guardianship their business, profiting from their court-appointed positions. The problem with this kind of court-sanctioned "control" of another individual is, it tends to give guardians too much power to protect the guardianship, for the sake of making money, rather than serving the interests of the clients, whose welfare the whole process was supposed to be about in the first place.

According to a recent article by the Houston Chronicle regarding a General Accounting Office (GAO) study, "Federal auditors uncovered hundreds of allegations of physical abuse and mistreatment by guardians of the elderly and disabled in 45 states ... Nationwide, complaints about guardianships are common, but no one centrally tracks or investigates abuse, the GAO found, 'Although we continue to receive new allegations from family members and advocacy groups, we could not locate a single website, federal agency, state or local entity, or any other organization that compiles comprehensive information,' the [GAO] report said."

The GAO report states that in the 20 matters they focused on they found, "guardians stole or otherwise improperly obtained more than \$5.4 million in assets from 158 incapacitated victims." Oregon is not untouched by this rampant pilfering of incapacitated peoples' assets.



Carolyn Rousseau

A case that has the potential of becoming such a story is that of Carolyn Rousseau, from Grants Pass, Oregon. Rousseau was deemed mentally ill by Jackson County, Oregon, Circuit Judge Daniel Harris on November 5, 2008. According to court documents, Harris placed her on a 180-day commitment hold, and Ms. Rousseau effectively became a ward of the state. Soon thereafter the court appointed Nancy Doty, a professional guardian with a reported case-load of over 100 clients, as Carolyn's guardian and conservator. Not only could Doty make decisions on Carolyn's well being, but she could make financial decisions regarding Carolyn's personal property. Doty was given complete control and the 180-day hold has turned into 731 days as of this writing and most of this time has been spent away from the city that Carolyn calls home. Her friends, who believe Carolyn to be much improved, while still needing some sort of care, have been denied access to her. The foster home in Portland, Oregon, where Carolyn now resides won't even allow Carolyn to receive phone calls from most of them, reportedly on the orders of Nancy Doty.

Carolyn attends church, plays duplicate bridge and loves to walk, even unsupervised at times, yet Nancy Doty still retains control over all that is Carolyn's. Accusations have been made that Doty and the foster home care-giver collude in their reporting to make it appear that Carolyn still requires their "services" thereby ensuring they get paid.

In a move that seems to support this claim, Nancy Doty filed a motion that is being entertained by the court to sell Carolyn's home to pay for Doty's services and Carolyn's expenses. Doty even had Carolyn's car towed from a friend of Carolyn's residence where it was placed in storage and it has been reported that it is currently scheduled to be auctioned off.

In a scheduled court hearing that in part addressed the home-sale issue that I attended on November 2nd, I saw that Carolyn Rousseau is not a quick woman, but that she is thoughtful, kind, expressive and incredibly articulate. She reasons and has an understanding of what is being said to her. And, Carolyn knows full-well that the home and property she worked all her life to achieve is slated to be sold-out from under her, even though she has repeatedly voiced her objections to the sale. Carolyn passionately stated to Doty in a recess during the hearing, "[my home] is in my heart, not just my head. It is in my heart."

This, however, wasn't the only issue brought up at the status hearing. Apparently, no legal representation has been found for Carolyn who is up against the state and an apparent guardian-gone-wild. Doty, on the other hand, was armed with two lawyers for her own representation at her client's, Carolyn's, status hearing. And, Marion County Circuit Judge Claudia Burton seemed to suggest that Carolyn, who has been previously ruled incompetent, requiring a guardian, can and will represent herself at the November 19th hearing that will determine if Carolyn's home will be sold. Judge Burton must be realizing Carolyn is competent. However, it is more than apparent that Carolyn is afraid of retaliation by Doty, as was brought up when Carolyn stated to Judge Burton that she thought Doty would take away her privileges.

To her credit, Judge Burton allowed a letter written by a friend of Carolyn's stating she would like to be Carolyn's guardian in Grants Pass, much attention. In it Carolyn's friend outlines her years of experience in related health fields and in care-giving and says that she wouldn't charge anyone for her time as guardian. Judge Burton seemed interested and went so far as to say she would like to see it properly formatted and all parties properly served before the November 19th hearing, and she even asked Carolyn if she would like her friend to be her guardian, to which Carolyn responded in the positive.

Carolyn does require some supervision as she has moments of unbalance. This fact has never been in question by anyone. Nor, has the fact that an episode in which Carolyn became incoherent, due to her father's death, required intervention - the event which started this whole nightmare. But, the level of the state's involvement, especially that of the current court-appointed guardian, is most definitely suspect. So much so in fact it appears the State of Oregon, the law offices of Cartwright & Associates (representatives of the court-appointed guardian), and Nancy Doty, herself, treat Carolyn Rousseau like just another "ward of the state" whose continual commitment means a paycheck through the alleged pilfering and sell-off of everything Carolyn has. That is the only thing that makes any logical sense. Because, it is apparent to those, not previously mentioned, who attend any of Carolyn's public hearings and Carolyn's friends, that justice, compassion and healing aren't the reasons Carolyn Rousseau is being held in foster care against her wishes. To these people it all seems to be about the money, and they could be right.

Perhaps the judge should re-read the letter sent to her by Carolyn on August 4th, 2010, before allowing Doty to abscond with her property and subjugate her to a life of state care. In it Carolyn writes in part:

"I, Carolyn Rousseau, read in Nancy Doty's report that I am to remain 'in foster care' for the remainder of my life. I find this statement most disturbing as I feel extremely let down by the Mental Health Service. The counselor I have does not help me work toward going home to Grants Pass. I want to be supported at my own home in Southern Oregon.

"Nancy Doty has threatened me with life-long foster home care. So I am relying upon the courts to hear what I want. ...

"Due to the restrictions placed on my life, I no longer enjoy the full and active experiences at my home ... in Southern Oregon.

"And, after all, Nancy Doty knew that my friends agreed to set up a schedule so that a caregiver would always be present ... However, this was not considered. To repeat, I have caregivers in Southern Oregon and choose to have my own life back ... "My detention 'in foster care' has merely served to exacerbate any/all problems I have had in the past and very likely contributed to presenting issues (e.g. in Nancy Doty's recent report).

"As a result of my isolation from a 25 year history of friendships, being removed from my ... familiar surroundings in Grants Pass and at home, this existence has merely served to play upon my mind. ...

"I, Carolyn Coyne Rousseau, do question all of these issues I supposedly have ... Many of the mental health diagnostics would leave very few individuals classified as 'normal'.

"I went through a bad patch surrounding my father's death and will - it churned up old wounds. Like anyone, I have some ups and downs, particularly with significant life events (eg. deaths)."

Perhaps, for Carolyn's sake, it not too late for the system to do what it was designed to do, protect Carolyn Rousseau.

Writer's Note: If I were Judge, I would look into the allegations made by Doty's lawyers that the insurance on Carolyn's home is set to lapse on November 19th. It has been reported that Carolyn never carried any home-owner's coverage as she owned her home outright, thereby making their statements fraudulent in nature (unless of course they could show they purchased this coverage after they took control of the property). I would want to see pictures of Carolyn's property as it was represented by Doty's attorney as needing so many repairs that it would be too costly to place Carolyn back in her home. The photo evidence is there to the contrary. Also, I would sanction these lawyers for placing the property on the market before ever being given the go-ahead by the court to do so. But, that's just me. ★★★