

Insights

Top 3 Tips to Protect Your Loved Ones in the Wake of the Rebecca Fierle Guardianship Scandal

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Per AARP, an estimated 1.3 million American adults are under guardianship, with approximately 85% being over age 65. In the wake of revelations that professional guardian, Rebecca Fierle, signed Do Not Resuscitate orders for a plethora of elderly wards in her care without knowledge or approval by family members, you may be wondering how to protect your family in the event that guardianship is necessary or appropriate.

The first tip is that FAMILY IS BEST.

Rebecca Fierle aside, there are dedicated and wonderful professional guardians who serve an important function in the guardianship system. However, wherever possible, select a family member to serve as guardian.

Two family members can also be appointed as co-guardians to ease the burden on any one family member. Family members have intimate knowledge of the ward's likes, dislikes, preferences, and medical history that can be critically important in the long-run.

The second tip is to BE REPRESENTED.

The Court will appoint a lawyer for the ward. However, you can (and should) hire your own lawyer to participate in the process and to keep the family involved in making decisions that are truly in the best interest of the ward.

Court-appointed lawyers are not compensated unless a guardianship is established. This is not always in the best interest of the ward but you need a lawyer to participate and seek less restrictive means where appropriate.

This leads me to my third and most important tip: BE AN ADVOCATE.

Whether through your lawyer or individually, effective communication and active participation is necessary to protect your loved one. Do not sit on the sidelines and assume that the professional guardian or family guardian has everything handled properly. Seek out copies of relevant records and ask questions.

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As we've learned from the Rebecca Fierle scandal, your active participation could be a matter of life or death for your loved one.

While the investigation is ongoing in the Fierle matter, the media has reported that the Attorney General is investigating Medicare fraud and financial exploitation. The cremated remains of nine wards were found in Ms. Fierle's office by local law enforcement. Conflicts of interest between a local hospital and an examining committee member charged with determining whether a person lacks capacity and requires guardianship in the first place abound.

Stay vigilant and part of the process to ensure the safety of your elderly family member.