



News Release

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Volunteers Speak About Guardianship Monitoring Program

Barbara Jennings saw first-hand how those entrusted with protecting others can take advantage of them.

After her father died, Jennings moved her mother to a nursing home, where she later learned her mother had been emotionally and physically neglected.

Jennings' mother's finances were intact because she handled them herself, she said, but the experience taught her how easy it is to take advantage of the elderly.

Her mother's treatment is one of the reasons Jennings volunteers for the Guardianship Monitoring Program (GMP), an initiative of New Jersey Chief Justice Stuart Rabner to increase volunteer and Judiciary oversight of guardianship cases. The Judiciary is working to recruit volunteers for the program.

The goal of the program is to review guardians' compliance with statutory and court-ordered requirements associated with performing their duties.

Through the use of volunteers and court staff, the purpose of the program is to monitor guardians' submissions and filing of documents and reports, and to assess their handling of the affairs of incapacitated individuals, including elderly and developmentally disabled adults.

Legal guardians of incapacitated adults in New Jersey are court appointed. Most guardians are required to report annually on the financial status and well-being of the individuals in their charge. Guardian reports are filed with the county surrogate and are subject to monitoring by the court.

Demographic trends in the state and country indicate an expected significant increase in the number of people who will be placed in guardianships in the coming years.

"The Guardianship Monitoring Program is a volunteer initiative that grows out of the need to ensure that friends, neighbors and family members who are incapacitated are treated with the dignity and integrity they deserve," Chief Justice Rabner said when he announced the creation of the initiative in 2013.

“Census data and health care experts tell us that the population of elderly and disabled Americans will grow dramatically in coming years. We must take steps now to meet the increased need for protection with an enhanced level of oversight of legal guardians,” he added.

Jennings, a financial advisor, said she has discovered some discrepancies in some of the cases she’s reviewed.

“Who’s taking care of these people?” asked Jennings, who lives in Wenonah, Gloucester County. “They are so vulnerable. What about the people who don’t have someone looking after them?”

Recent cases in New Jersey illustrate the risks to incapacitated persons when reports are not carefully examined.

Attorney Barbara Lieberman was sentenced to 10 years in prison in March for defrauding 17 named elderly victims, including several incapacitated individuals for whom she had been appointed guardian, of nearly \$3.9 million.

In two other cases, an attorney-guardian stole \$2.6 million from 56 incapacitated individuals and a minister-guardian stole more than \$200,000 from 19 incapacitated persons.

Most GMP volunteers work directly in county surrogates’ offices to review guardianship files and annual reports. Volunteer monitors flag inconsistent or incomplete information in the reports, which are brought to the attention of Judiciary staff and could be referred to judges or prosecutors for appropriate action.

Before the GMP began, the review of annual reports varied from county to county, and some reviews were minimal.

In Ocean County, which has one of the largest senior citizen populations in the state, county Surrogate Jeffrey W. Moran has been committed to guardianship oversight for several years. The office has a full time auditing department that tracks all formal and informal accountings of the guardianships it oversees. Audits are performed after the guardian files an accounting, and discrepancies are investigated, he said.

If a guardian is delinquent, a staff attorney prepares a court order to compel the guardian to appear in court and explain the non-compliance, Moran said.

The plan is to expand the cadre of volunteers to view these cases.

As part of the GMP, volunteers use a new statewide computer program to record every court-ordered legal guardianship and track the monitoring of each case.

In addition to seeing how her mother was mistreated, Jennings said she also witnessed mistreatment of some elderly residents when she visited nursing homes as a volunteer for the New Jersey Office of the Ombudsman for the Institutionalized Elderly, an agency that protects the interests of older individuals in institutions.

Melanie Adams uses her vacation time from her job at the Robert Wood Johnson Foundation to travel to the Monmouth County Courthouse in Freehold twice a month to volunteer for the GMP.

Adams said she learned about the program when she saw a sign about the program and the need for volunteers while she was serving on jury duty.

“It’s very rewarding,” said Adams, who lives in Monmouth County. “You read about the struggle a family goes through to improve the life and well-being of a family member, and you want to help.”

GMP volunteers must be at least 18 and must agree to comply with the Code of Conduct for Judiciary Volunteers. They are asked to commit to serve for at least one year.

Candidates are interviewed for details about their experience and background. Selected candidates are fingerprinted and must pass a criminal history background check.

One of the GMP volunteers in Essex County is retired Assignment Judge Alvin Weiss, who began his service in December when he recognized the need for volunteers. He said he believes his background will help him perform the critical functions that are required of a GMP volunteer.

Susan MacDougall doesn't have a background in finance or elder care; she's a retired kindergarten teacher who decided to volunteer for the GMP after she saw a newspaper story about the program.

"I know there are elderly people who need taking care of, and there are some sad situations where people have no one," said MacDougall, who lives in Brick Township, Ocean County. "It makes me feel good that elderly people and those with disabilities are taken care of."

Bill Reilly, a retired investigator with the New Jersey Division of Gaming Enforcement, witnessed elder abuse during the years he worked with the New Jersey Office of the Public Guardian for the Elderly, a division of the New Jersey Department of Human Services that serves as a surrogate decision maker for those over 60 who have been deemed incapacitated by the court and have no one available or willing to serve as guardian. Reilly gathered and reviewed financial documents and oversaw court-ordered repairs to client's homes.

Reilly volunteers for the GMP at the Atlantic County Criminal Courthouse in Mays Landing.

"I thought I had experience that would be valuable," said Reilly, of Galloway Township, Atlantic County.

Raymond Klacik Jr., a retired controller from Tewksbury, Hunterdon County, said he decided to volunteer for the GMP after he saw a newspaper op-ed Chief Justice Rabner wrote about the program.

The duties fit with his skills in accounting and finance, he said.

"It's a good thing I'm helping assist the guardians and hopefully making sure no wards are mishandled," said Klacik, who volunteers at the Hunterdon and Somerset County courthouses.

Jennings said she believes the need for GMP volunteers will expand as baby boomers grow older.

"The importance of this program is going to be more critical. It's the hope that these people get taken care of," Jennings said.

"When I'm 90 years old, I'm hoping someone takes care of me," she said.

For more information about the GMP or to volunteer, go to www.njcourts.com/guardianship.

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