

Mother of NASGA's New York Legislative Liaison Diane Wilson (New York)

[Watch and listen to Dorothy Wilson telling how she was tricked by her court-appointed guardian and that she wants to go home.](#)

[Read Diane's blog in memory of her Mother: Judicial Destruction of Dorothy Wilson.](#)

My name is Diane Wilson. My 87 year old mother, Dorothy Wilson, was under the guardianship of Mary Giordano, of Franchina and Giordano, in Garden City, New York. The judge that has overseen the case from the beginning is Judge Joel Asarch of the Nassau County Supreme Court.

My story began December 8, 2008, when I found my mother on the floor in her home in Massapequa. I arrived there that day to move in to her home part time due to some memory loss and her need for household help. I had been caring for my mother's needs for three years since my father passed, in February 2006. She was on the floor, incontinent, and gravely ill. I called an ambulance and my nightmare began.

My siblings and I do not speak due to a long family history of verbal and emotional abuse and lies and drama. My family advised me that I needed to apply for guardianship of my mother because they feared what my siblings would do to her. I had health care proxy and power of attorney. I applied, not knowing how corrupt the courts were. My intentions were twofold; to prevent her house from being sold; to never place her in a nursing home. My siblings fought it, on the basis that "I would tell my mother what to do." A long, drawn out court battle ensued, and I was cast as the villain. According to everyone involved, including the judge, I did everything wrong. They all lied about me constantly. A reverse mortgage of \$275,000 was taken out against my mother's home in August, 2009. Judge Asarch stated, for the record, in open court, that this money, along with her monthly income of \$2300, would allow my mother to stay in her home with an aide for the next five years. By August, 2011, only two years later, the money was gone. Mary Giordano had managed to spend more than \$350,000.

During the past three years, my mother and I were subjected to legal terror tactics. I have listed some of the things that happened during the past three years.

- I was denied visitation for weeks at a time, based on false allegations that I "violated" the judge's order.
- My Mom was locked up against her will for 30 days in an assisted living facility, the Bristol in Massapequa, at a cost of \$53,000 to her. No breakdown of the charges was ever provided by Mary Giordano despite my request for same. Mom was not allowed any phone contact or visits with her family for a period of two weeks. She was not allowed out of the building for Thanksgiving, shopping or even a cup of coffee. She was not allowed to attend her great-granddaughter's christening; denied by

both the judge and the guardian. When I was finally able to see her, I recorded her pleas to take her home. I gave her a cell phone which the guardian stole from her purse.

- Mom was locked up in her own home with an aide by the guardian and care manager during a number of weekends that she was supposed to be with her family, with no explanation.
- Mom's HIPPA rights were consistently violated by the geriatric care manager, who has forced her way into the doctor's office where my mother had to disrobe in front of her. When my mother complained to me, I reported this to her attorney and a smear campaign began in earnest attack against me. The violation of her HIPPA rights continued until her death, with Judge Joel Asarch's awareness of this egregious violation.
- When Mom complained about the removal of an aide from her home that she had grown to love and who was her friend, Anne Recht, the care manager, threatened to call the police and have my Mom thrown in jail. There were two witnesses to these threats.
- Court conferences were called and held over and over again for minor issues which could have been resolved with one simple phone call.

On Monday, August 1, 2011 there was yet another court conference held so Judge Asarch could make his decision whether to place my mother in a nursing home or be allowed to live with me. He made a decision to sell her home and force her to live in a nursing home although it was against her wishes, and despite the fact that I was able and willing to care for her in my home. Judge Asarch claimed that he thought long and hard about it but he decided that I cannot care for my mother, that I have no idea what her medical needs are, and that he was only concerned with her "safety."

One of the factors Judge Asarch used to make his decision was the fact that she fell in her home once and my brother was called to go there and pick her up. My brother notified the guardian and care manager about what happened, which led to the aide being fired for not notifying the care manager immediately. The fall happened at approximately 2 am. My mother and I called her attorney requesting immediate intervention but her attorney, Jamie Butchin of Mental Hygiene Legal Services in East Meadow, NY, did nothing.

When I cared for my father, who was terminally ill with pancreatic cancer, there were one or two occasions where he needed assistance in getting up from the bed or toilet and I was unable to do it alone. I called a neighbor and the problem was taken care of.

Falling is not uncommon amongst the elderly. According to the website, cdc.gov, each year a typical nursing home with 100 beds report 100 to 200 falls. Many falls go unreported. Between half and three-quarters of nursing home residents fall each year. That's twice the rate of falls for older people living in the community.

I was fully aware of what my mother's medical needs were. She was cared for in her home with one aide during the week and she stayed with me on the weekends; occasionally one of my siblings. She needed to have her meals made for her, her pills handed to her and her colostomy bag changed, which she was able to do on her own. She needed to be driven to the doctor or anywhere else she needed or

wanted to go. I was capable of picking up her prescriptions and reading the instructions as to how many she gets per day. For a little over one year, at a cost of well over \$12,000, a nurse was hired by the guardian “to pour her meds.” I did this for both of my parents for years.

The geriatric care manager was sent to my home on Wednesday, July 27, 2011, to determine if it was “safe” for my mother. The care manager sent a letter to the judge stating that while my home is safe, I don’t know what her medical needs really are so I can’t care for her. During the hearing, the judge criticized me over and over again. He claimed that I wanted to micromanage my mother’s care, that according to my letters and faxes and testimony “things were never Diane Wilson’s fault; they were everybody else’s fault.” Not once did Judge Joel Asarch ever state or note for the record that my correspondence and testimony were my responses to the correspondence and testimony from Mary Giordano and Anne Recht and my siblings. During this entire guardianship proceeding, I have been accused of doing anything and everything wrong in every case. I have been crucified by the court and the guardian because I was the only one speaking up for my mother. The court has consistently refused to accept any truth from me.

The judge has allowed his court appointees to have total control of my mother and her finances. Her civil and humanitarian rights were stripped from her. My mother was intimidated by them and very much afraid to use her own voice. I was her voice to express her wishes in every case. She stated in court emphatically many times that she did NOT want to go into a nursing home. My siblings were so angry that I brought this to court that they did everything they could to make me look wrong on every level, despite the fact that they were hurting my mother. When the judge announced his decision my siblings were actually gleeful. My siblings also stated in court that they would never see my mother if she lived with me and they want her to remain in a nursing home. Although I stated that they could come and pick her up anytime, that I would facilitate this, that she would have unlimited telephone contact with them, they stated that they would not even consider it or drive out to my house, which is a 30 minute drive from where they both currently live.

Mom was kidnapped from her home in Massapequa of 60 years on August 22, 2011 and imprisoned against her will in a nursing home by Mary Giordano. Mom did not commit any crimes. My siblings were notified this was taking place on that day. I was not.

On August 22, 2011, the guardian, Mary Giordano, along with a caseworker, Lynn Vaughan from Anne Recht’s office, AMRecht Associates in Plainview, NY, went to my mother’s house and told her they were taking her to the hospital for a problem she had with her recent surgery. That is the only reason she willingly got in the car. Instead, they took her to Meadowbrook Care Nursing Home in Freeport, a sub-standard nursing home with substantiated reports of abuse and registered her there as a resident. This location isolated Mom from her family, friends and healthcare providers. That same day she was transported to South Nassau Community Hospital where she was admitted for low white blood count. A few days later she had a minor surgery for a small complication from a previous surgery. She was held there for 11 days, without her clothes, without her walker, without her wheelchair, without physical therapy, which she had been getting at home prior to Judge Asarch’s order. She was forced to use a bedpan because the nurses would not assist her to walk to the bathroom, approximately two feet from

her bed. She was heavily drugged, and became weaker and disoriented. She cried daily, begging to go home. On September 2, 2011, the guardian transferred her to Maria Regina Nursing Home in Brentwood, NY, where she unhappily remained to the end of her life. Since the guardian stated Mom was there for rehab, Mom was receiving physical therapy at this location, Medicare was fraudulently charged for her stay, at the taxpayers' expense.

On August 23, I filed an Order to Show Cause. Judge Asarch refused to sign this order until September 2, 2011, the same day my mother was moved to the new nursing home. We went to court on September 19, 2011. My siblings, Anne Recht, and Mary Giordano spoke against me during the entire hearing. Judge Asarch listened while my siblings spouted lie after lie about me. Mary Giordano, under oath, perjured herself and stated that I moved \$20,000 out of my Mom's account. When I objected and stated that I never took one penny from my Mom, that every single penny was accounted for, Judge Asarch, while leaning on his bench, waved his hand twice at me and said "I know, I know...I've been with this case from the beginning." Mary could not even look at me, yet the judge did not say anything to her about her perjured testimony. Mom's attorney did nothing.

Mary Giordano refused to allow my mother to attend the hearing. The conference ended with the judge stating that he wanted an "evaluation of my mother from the nursing home" before the next conference. We left court without a conference date being set. On that same day, September 19, Mary Giordano handed the keys to my Mom's car to Douglas Wilson, as a reward for getting on the stand and agreeing with Mary that Mom should be confined to a nursing home. Candice Bruder also got on the stand and stated that she wanted to see Mom in a nursing home. She handed the keys to the house to Candice Bruder, allowing her to go in and take whatever she wanted before the tag sale took place. I was not allowed to go in the house or even on the property. Mom was not allowed to have her clothing or any of her personal possessions.

I was advised by letter that a tag sale was going to be held on October 2, 2011, to sell all of Mom's furniture, clothing, etc.; that if I wanted anything I would be given one hour to buy things before the public was allowed in. Since the tag sale was illegal, I did manage to stop it.

On Saturday, October 8, 2011, I was advised that Mom's house was in contract and awaiting the signature of Mary Giordano to finalize the sale. I discovered that Mary Giordano actually signed the contract on October 6, 2011.

On October 18, there was yet another hearing, this time with Mom in attendance. Mary Giordano had put in a petition requesting to resign as guardian. She showed up in court with counsel from her own firm, Maria Begley. Mom was there; however Judge Asarch refused to hear anything except Mary's petition to resign. The hearing lasted less than an hour. Judge Asarch said he would hear my request for guardianship at the next hearing which he scheduled for November 4.

We never made it to that hearing. The stress and fear of permanent incarceration became overwhelming for Mom. She passed away on October 23, 2011, in fear and unprotected by our courts and government. The New York State Judicial Commission was fully aware of everything that was happening and did nothing to stop it.

I am the executrix of my parents will. I relisted her home and closed on the sale March 30, 2012. The car was never returned to the estate; many items were missing from the house. In addition, more than \$10,000 worth of jewelry has been missing since March, 2009, when Mary Giordano was appointed by Judge Asarch as guardian.

My intent in going to the courts was about protecting my mother; yet all of the parties involved used her as a pawn in a venue against me and to siphon the last penny of her small estate. The financial exploitation, psychological and emotional abuse my mother and I have suffered at the very hands of the agencies that are supposed to protect the people was allowed to go consistently unchecked.

Guardianship is a person's worst nightmare. Mom's cause of death was guardianship abuse.

[Read NASGA's 8/25/11 letter to Judge Joel Asarch](#)

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A Heartbreaking Story of Elder Abuse

By [Jim Fargiano](#)

08/31/2011

Until relatively recently, I was unaware of how rampant elder abuse is within the legal court system. For almost the last two decades, my life has been consumed by helping as many people as I could in a different way than most give help. I have informally counseled and helped thousands of people through the publishing of my book, as well as in private sessions as a medium/psychic. It was not until my good friend started to share her story with me that my eyes were opened to something far more prevalent than I was cognizant of; at least on a conscious level.

I have been privileged to know Diane for over five years. During that span, she has never been anything but helpful, loving and compassionate to everyone. Doing what I do for a living generally makes me able to be a pretty good judge of character. Ironically, it is a judge and his decisions that prompted me to write this article. The choices and attitude he has expressed have been protected by legal statutes. While they might be legal, they are far from moral, ethical or compassionate.

This all began approximately two and a half years ago. Diane's mother had given her power of attorney and named her the healthcare proxy. Like many families, there were

disagreements with the siblings. Diane was being told that her brother and sister wanted to sell their mother's home and place her in a nursing home. While this elderly woman, Dorothy, had some early dementia and knee problems, she was still a vibrant, cognizant person. She had no interest in being displaced so that those two could have her money. Diane's family suggested she file for legal guardianship to protect her home and to protect her mother's life as well. It seemed to make an abundance of sense.

To tell the events of what unfolded quickly is really an injustice to the elder abuse that has incurred since. The siblings contested the petition for guardianship. Instead of reaching a mediated agreement, the judge listening to the case decided he would be better at making decisions for everyone. He assigned a law guardian and a healthcare manager. It appears these three have worked together before. Diane was immediately removed from what her mother wanted; to have her take care of her needs if there was any reason for it. As it was, Dorothy would spend many weekends at Diane's house. It must be noted that Diane works from home and took care of her father in his last years. It would give Dorothy a change of scenery and much appreciated love and companionship. All of that was about to change.

Diane, rightfully, brought in a lawyer to help overturn the judge's decision. This attorney had handled her parents' legal needs in the past. Not only was he familiar with the family dynamics, but he had intimate knowledge of what Dorothy wanted. He was even going to represent Diane pro bono. All he wanted to see was that this aged woman was allowed to live happily at her own home, or with Diane. The Supreme Court judge, based in Nassau County, New York, took it upon himself to unfairly disallow the attorney's generosity and right to represent Diane. It was the first step in a string of negatively prejudicial rulings against my friend.

The law guardian requested that a reverse mortgage be approved for \$275,000 on Dorothy's home of six decades. In open court, opposed by some, this magistrate authorized the financial decision and stated that the money would allow Dorothy to remain in her home for at least five years. It is now only two years later and all of that money has been spent. In addition, social security and a couple of small pensions were still coming in. In a mere twenty-four months, more than \$325,000 had been frittered away!

As of the writing of this story, the judge has ordered Dorothy into a nursing home. In his ruling, he admits this goes against Dorothy and the family's wishes. The law guardian, healthcare manager and another person showed up unannounced and told Dorothy they were taking her to the doctor to check on a problem she was having. Dorothy, now eighty-seven years old, willingly went with them. She was hustled to a nursing home that was a distance far from the only child who has been battling for her freedom. She is frightened beyond belief.

The lie to get her into the car is one of a long string of deceptive tactics used by the law guardian, healthcare manager and the judge himself. There has been hearing after hearing over the last thirty or so months where the three of them have waged a war of defamatory statements, incredulous lies and perjury against Diane. They have fought the only daughter looking to do the right thing for her mother, with their end game

being a complete bleeding of Dorothy's modest estate. Her health has been compromised, and from my outsiders view, it was done solely to line their own pockets. The tragic thing in all of this has been that the judge, elected to uphold the rights of all people, has spearheaded his attack on an elderly woman.

How I wish I could condense hundreds of pages of documents into a short article. There was the theft of over thirty thousand dollars of jewelry. Dorothy stated that her other daughter absconded with it and she has been asking to have it returned. The supposed law guardian knows about it, but has refused to step in. There was a sworn statement from another legal person stating that from all of the interviews she had with people familiar with the family, that Diane was seen as the most loving and giving child of the three. It states that her brother is known to have a violent temper and would be a danger to his mother. In court, the very same woman stood before the judge and said that this same man would be the best person to have Dorothy live with. In my opinion, these egregious actions of Diane's siblings has been overlooked in exchange for their support in allowing all of this to go on without their objections.

As I sum this up, I would share with you that there was a previous time that Dorothy was locked away for thirty days in another facility. She was denied the chance to be taken out by Diane for Thanksgiving, nor was she allowed to attend her only great granddaughter's christening; something that she wanted very much to be a part of. In trying to support Diane in whatever limited way possible, I have found that elder abuse is a much broader problem than I was aware of. The National Association To Stop Guardian Abuse (NASGA) has stepped in to help with this case; one of a multitude they are bringing to the attention of Congress and other law related committees. It seems like power-hungry people who are trusted to protect the rights of our senior citizens run amuck and take advantage of them, their families and so forth. Justice is supposed to be blind, yet it is those in society who need not be blind to the fact that this goes on far too often. If you find yourself in a position to make a difference by correcting the wrongs of these judges and guardians, make sure you do not wait for someone else to fix it. What would you do if this was your Mom or Dad; if it was your family faced with this?

Jim Fargiano can be reached on Facebook and Twitter, but most easily through his website at: <http://www.Jimfargiano.com>. He is a widely recognized leader in spirituality and posts messages he receives from the other side almost everyday. Short quotes will be on the fan page for The Spoken Words of Spirit on Facebook, as well as on his home page. Longer messages can be read at <http://www.jimfargiano.blogspot.com>. If you are serious about improving your outlook on life, then take advantage of the opportunities Jim provides.

Life is best lived when we share insights to inspiring words and deeds with each other.

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A Heartbreaking Story of Elder Care and Guardian Abuse

by **Jim Fargiano**

09/06/11

My last posted article took me far away from my comfort zone. In “A Heartbreaking Story of Elder Abuse” I outlined the plight of my friend’s fight for her mother’s rights to be restored. Whether you believe in the ability of mediums and psychics or not, that is generally what my efforts are put into. It was not something I sought, but rather given by a Power unexplained to me. Over the years it has allowed me to have helped thousands of people get focused on their life path, as well as to bring about a healing to most of them on numerous levels. The reason I am sharing this is that I have always tried to adjust to what is requested of me by the “inner drive” that often seems to differ from my personal concepts, wants and desires. That probably makes more sense to those of you who are on a good spiritual or religious path.

As my friend, Diane, continues to put up a noble effort to overcome court decisions that have consistently denied her of her rights, as well as violated her mother, Dorothy’s rights, it became evident that “someone” wanted me to take on a more active role in bringing this situation to light. In my circle, my abilities and strengths are fairly well-known. I have shied away from the spotlight for many personal reasons; most based on my own insecurities. That was one of the causes for me to be feeling a bit timid about this new push to bring attention to something well out of my cocoon of safety. However, I also knew how important it was to move forward.

Considering that bringing attention to another elder abuse case going on in this country has brought me numerous e-mails and messages asking for my assistance in similar situations that others are facing, I hesitated even more in writing this second article. However, if I stay silent, I am only adding to the problem and not helping it to be recognized. That would put me in the same cluster of others who know about elder and guardian abuse, but do little to stop it. Apparently, my personal phobias are being overridden in the hopes that some of what I share will help at least one person. I am as far from an activist as anyone could be, as the inspirations and teaching I do comes in the form of allowing others to be self-empowered.

It was curiosity that got the best of me. Diane, who I have known for closer to six years, has never showed herself to be anything but loving and concerned about others. There are some people who are natural magnets for ridicule by family and strangers alike. Usually, this is because those people are either jealous or feel threatened by those who are trying to do the right things in life. Many of them are judging without cause. It is a problem that runs unnecessarily rampant in society. For over two years, I witnessed Diane struggle to deal with a judge’s power and ego-driven attitude in making his

decisions. His rulings were based on blatant lies by others, testimony and statements that in many cases would be seen as perjury, are what shaped his erroneous opinions of my friend. It is a dangerous precedent to disparage someone for their behavior when you have nothing more than the hearsay of the people you put in control of an elderly woman, and who is financially benefitting from having autonomy over her.

I decided to do more than just give Diane moral support and have made a conscious decision to let other people across the country know about her battle to save her mother from being unwillingly incarcerated in a nursing home. While I know many facilities are excellent, none of them are excellent enough to override the desire to want to stay in your own home of sixty years, or to stay the remaining years of your life with the one daughter (in this case) who loves and wants to take care of you. I cannot understand how the laws that are supposed to protect people—under the guidance of judges—are twisted so that the judges and lawyers can benefit, instead of protecting the citizens who need the help.

My career has me dealing with emotional situations amongst family members on a weekly, if not daily basis. One person would tell me things about their spouses, parents, children or siblings that would make them seem like monsters. The truth is almost always better, albeit in many cases somewhat true. Personally, Diane would tell me about the differences she had with her siblings, yet I did not ever hear her say anything horrid about them. While I totally believed her, in the last few days I have witnessed a side to them that magnifies their attitudes and the truth of my good friend. This came through comments they made on a Facebook page intended to shed some knowledge about Dorothy's plight. One made comments that showed he was only thinking about himself, and not an inkling of concern for his mother. The other posted an angry, vile, run-on sentence of baseless accusations and name calling. Again, it showed me that Diane had every reason to try to legally protect her mother from them.

My assessment of what has been happening came more into focus. Dorothy is being used as a pawn by a judge, law guardian and healthcare manager who all seem to be benefitting from a rift in the family. While Diane's siblings made it pretty clear that it is all about money or themselves (my viewpoint after reading and hearing about some of the courtroom escapades), they have done nothing, in my opinion, to have helped their mother to live with some dignity. I have no right to attack her siblings, and quite frankly am not doing that, nor do I have any interest in doing so. Had they not decided to oppose that their sister be given legal guardianship, none of this would have happened. Diane had already been made power of attorney and healthcare proxy by her mother, so the real fault lies in the lap of the judge, as he showed a lack of compassion and commonsense. Instead of setting up arbitration or having the family sit with a mediator, he seized control, thereby making sure that the differences amongst them would be inflamed. He did this despite the fact that the lawyer Diane wanted to use during the early stages of this trauma emphatically stated to the judge, law guardian and healthcare manager, that he had known the family for twenty years and that they were having the wool pulled over their eyes by her siblings. It appears that the magistrate already had a plan of control and seizure of Dorothy and her estate in his mind, because he not only dismissed the attorney's statement, but also disallowed him

from representing Diane any further.

I was shown some of the court papers about this case over the last week. There is one in the public record that states that Diane's siblings refuse to speak to her, yet the judge always manages to blame my friend for the lack of contact. It is convenient for him to do that because he gets to keep controlling opinion of the small estate by openly defaming Diane. In two years, this judge has allowed the law guardian to run rampant in her spending; most of which directly went into the pockets of herself and her law firm. In addition, neither she nor the judge did anything to reel in the absurdity of expenses tallied by the so-called healthcare manager. In reviewing some of the public records, I found that there was approximately \$12,500 spent on "medication pours" over about the course of a year or so. When I broke the numbers down, they were being charged \$135 per hour to separate Dorothy's pills for her. This is something that Diane used to do for her Mom and told the court she would still do, but was disallowed. That is just one example of the absurdity that is being authorized by this Nassau County, NY judge.

All I can speak to is my perspective of what is happening. At about the same time the judge ruled Dorothy into a nursing home, despite Diane's home being cleared as suitable for her mother to live in, all physical therapy was stopped. Dorothy was lied to one afternoon by the law guardian, the healthcare manager's associate and another person, and told she was being brought to a doctor to have a medical problem looked at. Instead, she was initially checked into a nursing home that had only substandard reviews about the medical care. Dorothy was then brought to a hospital that was inconvenient for her children, and especially for Diane. For eleven days, she was forced to stay without her walker, clothes or therapy. This systematic neglect was to ensure that there would be "lawful" excuses to remand her into the custody of a nursing home. What this law "guardian" did was to try to create a weakened body because that creates a weakened heart, desire and mind; not to mention hope. It was her way of trying to seize a firmer grip over the life and assets of a still functioning, aged woman. Regardless, the strength of the soul and person's spirit will not diminish if loved ones fight for them. When people of power begin to think their word is invincible, they are the ones who are responsible for the pathetic demise of a country and system that was derived from Godly principles.

Society is run by a set of rules that man has made. Most of them are designed to keep people safe, as well as protected from thievery. It is when those who create the laws abuse them, that many "regular" people feel overwhelmed and hopeless. While the universe runs best under the Golden Rule, human failures will still run amuck by those of greedy hearts and minds. This is when you have to take a stand against the injustices that happen to genuinely good people. My hope is that someone who has some backbone and legal prowess, as well as the ear of the media, will take on this corruption. However, none of that will matter if other people do not take a stand against this legal abuse, and often enslavement, of our senior citizens and others who are challenged in physical or emotional ways. It is time to get the word out about a serious problem that always seems to be swept under the proverbial carpet. What steps will you take to make a difference, regardless of whether or not you are personally

impacted by a similar situation or not?

Source: <http://jfargiano.searchwarp.com/swa769043-A-Heartbreaking-Story-Of-Elder-Care-And-Guardian-Abuse.htm>

The Heartbreak of Elder Abuse Continues

by **Jim Fargiano**

09/21/11

I will continue to be amazed at the ludicrous actions of those in charge of protecting our citizens. This is the third installment of the blatant elder abuse case that my friend's mother, Dorothy Wilson, is a victim of. On September 19th, the latest conference was held, only to end in the call for another conference without a date being set. The judge decided that after listening to what seems to be more lying and perjured testimony from the law guardian and healthcare manager, that he wants a health evaluation from the current nursing home that Dorothy Wilson is incarcerated in.

Mrs. Wilson's health has spiraled down somewhat since she was deceived into leaving her home of six decades by the law guardian and healthcare manager's associate. This was bound to happen after the law guardian made Dorothy move from one nursing home to a hospital to another nursing home within thirty days. It is ironic that in open court, one of the excuses submitted was that moving someone like her from place to place would be harmful to her mental and physical state. The "place" they were referring to was her daughter, Diane's, well-equipped home, where Dorothy has repeatedly stated she wants to go to if she is not allowed to stay in her own home. I must be clear that this is no indictment of any nursing home because they do serve a necessary and worthy function.

On the day of this latest hearing, Dorothy Wilson was not allowed to attend. Her law guardian, whose firm is in Garden City, NY, failed to make arrangements to have her there. When Diane left several messages for the fourth party in this case, her mother's appointed attorney, to ask her to make it happen, she did not get a timely response, so Diane called the nursing home. She was told by the social worker that the director of the nursing home stated, "It will not be safe for Dorothy to leave the nursing home." This woman went on to say that prior to being transported anywhere, Diane would need to be trained by the staff. A follow up call to the correct department at the facility was made, where she was told it would take five to ten minutes. She was denied the right to have this done before the conference. Diane has been getting her Mom in and out of the car for a long time without incident, but suddenly she needed to be trained in how to do this. It was another blatant attempt to keep this elderly woman from having her own voice heard in the courtroom in front of the NY State Supreme Court judge who is responsible for this entire situation.

It must be noted that the following day, Dorothy's safety wasn't a concern for her to leave and go to a doctor appointment (not her own long-time physician) that is approximately the same distance as the court. While there was an original excuse that there were not enough funds to transport her, suddenly funding was not an issue. Dorothy and Diane are lied to on a consistent basis. I am not sharing anything that cannot be substantiated. The trail of evidence is pretty easy to follow, but the pompousness of the offending parties is such that it makes no difference to them.

There were several people who attended the latest conference to show support for Diane and her Mom. All of them appear to have gotten the same thing from the mockery of this judge's courtroom—that it is apparently legal to bleed the last of Dorothy Wilson's money out of her account while she waits dejectedly in a place that she did nothing to deserve to be put in. I can say this because the alternative to her own home would be to live in the home of Diane. The healthcare manager had sent a letter to the judge for the previous conference stating that the house met all of the standards needed to have someone handicapped live there safely. Dorothy, at age eighty-seven, has some knee problems that make it hard for her to walk, but she is able to do so pretty easily with the help of a walker. The renovation to the bathroom she would use all came out of Diane's own money.

During the hearing, the law guardian blurted out that "Diane took twenty thousand dollars from her mother's account." What she failed to say was that when this case first began, Diane had power of attorney and sought legal counsel to apply for legal guardianship herself, as well as to get advice on how to manage her mother's money while she applied for it. However, the judge removed her as Dorothy's power of attorney, and healthcare proxy, and assigned it to the current woman. At that point, all of the financing was requested. Since Diane had records of every penny spent, this was easy for her to do. She had a bank check made out and gave it to the law guardian for \$19,326.76 on March 26, 2009, which is the only amount remotely close to what was stated. If that money is missing, wouldn't it make sense that it is missing at the hands of the guardian?

According to sources, Dorothy's appointed attorney did little to fight to have her client at the hearing, nor fight to get her out of the nursing home. This entire alliance has given the appearance of some form of collusion, yet I am unable to state that with certainty until I receive more information. It does look like the "game" they play is to rant about things in the courtroom that are baseless, but once said, become part of the public record. It is yet another abuse of the legal system that has gone on unchecked by the judge handling this case. Until this latest hearing, he has consistently cut Diane off in most of her efforts to speak, but with this case gaining in national awareness amongst guardian abuse sites and more, he had no choice but to listen.

It must be noted that the main players in this abusive situation are all well-positioned. There are clear conflicts of interest; at least as viewed by most people. You have a law guardian who is the past vice president of the bar association; a healthcare manager who sits on the boards of several groups who are supposed to protect the people who are being taken advantage of. The judge is a NYS Supreme Court justice, so their clout either intimidates or squashes all legitimate complaints against them. The appearance

of wrongdoing is obvious to anyone who knows about this case, including the people who have been at the hearings.

My life is about seeing everything from a higher perspective; one where I look at people from more of a soul basis. In addition, I am well aware of life lessons, both physically and on a more spiritual plateau. This causes me to see things in a different light than most. I will always try to give the benefit of the doubt to someone who makes poor judgments, improper decisions, or errors in attitude. The people involved in this guardian abuse case have given me reason to question much of what I have learned. It has happened gradually; first by thinking that all people are intrinsically good, then by looking at how greed can weaken the mind and erupt into having no commonsense. Had there been any, then the court would be able to see that there is only one truthfully loving child doing her best to make her mother's wishes be fulfilled.

I will leave you with the actual words from eighty-seven year old, Dorothy. She handwrote her plea to get out of the nursing home the night before the conference. There are several other letters written by her over the past two years, but Diane was always accused of dictating them. This one had an independent witness to validate that these words were not coerced or given to Dorothy in any way. Some of the letters are much more emotional in her pleading for release. As an aside, the healthcare manager, under oath, told the judge that Dorothy is acclimating well. The judge assigned this woman and her company, located in Plainview, NY, to handle Dorothy's healthcare.

9/18/11

To Whom it May Concern,

I want to go home more then [sic] anything else in the world. There is nothing wrong with me. Being home will make me the happiest person in the world. You never realize how precious your home is until you are not in it.

Please help me. I want to go home.

Sincerely,

Dorothy Wilson

Source: <http://jfargiano.searchwarp.com/swa774096-The-Heartbreak-Of-Elder-Abuse-Continues.htm>

A Heartbreaking Story of Guardian Abuse—Part IV

by [Jim Fargiano](#)

Saturday, October 08, 2011

This is the fourth article in the continuing “Heartbreaking” series on the Dorothy Wilson elder abuse case at the hands of law guardian, Mary Giordano, of the Franchina and Giordano law firm. Most of the antics have been approved by the “honorable” Judge Joel Asarch, of the NYS Supreme Court in Mineola, NY, including the obvious bias against Diane Wilson, who has been the only one of Dorothy’s children fighting to help her.

Almost all of this would have been less complicated if Diane’s siblings would have tried to be of assistance. Instead, each of them stated in court that their mother would be better off in a nursing home, rather than at their sister’s. However, when Dorothy asked Diane’s sister on the telephone, several times, what she was doing to help her, she was allegedly told that this child was frequently making calls to the law guardian to help her. In court, at the last conference, where Dorothy was disallowed to attend, Dorothy’s son admitted not visiting his mother since she had been locked up in the latest facility. From an outsider’s perspective, they are using their family dissension as an excuse to provoke more problems for their mother. It is clear that the venom felt towards Diane’s close relationship with her Mom has fueled much of their antagonistic and greedy behavior.

When you have a situation where people in high positions seem to bend and break the laws, it takes all hope away from the victims and those helping them. Since researching and questioning a variety of people about this case, and other law guardian abuse cases against the elderly and sick, I am finding that the only thing that is truly sick is how much they get away with. Most people, in general, are afraid to get involved in correcting this serious situation. It appears that millions of dollars are basically stolen each year from the people who the guardians and judges are supposed to be in a position to protect.

I had the privilege of seeing Dorothy Wilson on October 7th. Keep in mind that one of the vague reasons that has been used to incarcerate her in a nursing home—against her will—is because of her mental state. Dorothy has some dementia; not a fact that anyone has tried to hide. However, the last time I saw her was over six months ago, she seemed very alert, albeit with some short-term memory issues. As I walked in the door to her room, she immediately knew who I was. Just as earlier in the year, she would have slight lapses in memory, but once reminded with a few words, Dorothy would expand in detail about whatever we spoke about.

It was very difficult seeing her sitting in a room by herself. Although the facility she is in is very nice, the room gave off a depressed energy. Granted, I am much more prone to feeling things like that than the average person is, but it still made me feel like I was suffocating; as though life was being drained from me. I could only imagine what Dorothy feels as she awaits the judge to do the right thing and free her from what she sees as a prison sentence.

My conversation with her was open and frank. One of the first things she shared with me was that she was angry that her son “stole” her car. This was brought up several

times, as she stated to me that she really wanted to keep it because it had so much sentimental value. Diane had an agreement—in writing—with Mary Giordano to buy it for her mother. The fact that Dorothy's daughter would have to buy something that Dorothy already owns is just another aspect of the evil, gluttonous and callous mindset that the law guardian has.

Dorothy also made mention of missing jewelry, acknowledging that her daughter, Diane, had a few pieces. She was grateful that she knew it was safe with her. While she spoke about this, you could see how much love there was for Diane. I found it heartbreaking that she will not wear any of it, out of fear that her other daughter, or someone else, will steal it from her fingers. Dorothy made mention several times that she knew that her other daughter had her jewelry. Diane, who has been fighting for her Mom throughout all of this, has brought up the subject of the missing jewelry to the law guardian many times over many months. It has never been given the courtesy of a response. Since we are talking about something that may have a value of about twenty thousand dollars or more, one would suspect that there is something nefarious taking place. It would not be out of the realm of rational thinking for most people to make an assumption that this is a payoff to the siblings for trying to help Mary keep their mother locked up and away from the only loving child she has, as well as all of her possessions.

From a spiritual perspective, which is how I look at virtually everything in life, there are no redeeming qualities in any of the major players responsible for the destruction of an eighty-seven year old woman. Dorothy is still living; has a mind that works, and a heart that beats. She is ambulatory for short distances and said that she would be walking more if she was back in her own home, or Diane's. My talk with her allowed me to see a woman who still wants to be passionate about living, but instead is deeply depressed by her unwanted situation. When Diane left the room, I asked Dorothy what she was thinking. There were some tears shed over the fact that she never expected her two other children to turn on her. "Diane is the only one who loves me." It made my resolve to share her story even more important. I could not help but laugh as she used some salty language to describe what she thought of her son "stealing" her car, the other daughter "stealing" her jewelry and the judge and law guardian who caused and allowed all of this to happen. It showed me that this elderly lady still has some spice to her personality.

Dorothy told me she knew her other two children were only interested in what they could get from her. She lamented several times how miserable they made her feel when they overtly told her she would be happy living in a nursing home and that she never expected them to turn on her. She shared with me a "project" that she had to take part in at the facility. Everyone was supposed to make a picture timeline of their lives. With teary eyes, she said that if she had time to finish it, she would have put bars on the windows because "they put me in prison." Dorothy also made sure she added that she has no problem with nursing homes, but only if there is no alternative. In her case, an obvious alternative is available. She told me that no one is helping her, including the lawyer assigned to protect her rights. I believe she used the term, "lip service only."

As I was trying to figure out how to end this article, I received a call from someone

who told me that Dorothy's house was sold, and the contract should be finalized in a few days. It is worth noting that neither Dorothy nor Diane were included in any discussions about this. On a personal note, I cannot imagine how it would feel to have your home stolen from you. Sixty years of memories have been taken from her.

Dorothy has endured the indignities of having all of her assets taken away, as well as her civil and humanitarian rights. She has been forced to use doctors other than her own, and even had to strip in front of her "healthcare manager", who by all accounts had no right being in the exam room. Her HIPPA rights were openly violated, yet Judge Asarch or anyone else did nothing about it.

Elder abuse is rampant, but kept hushed by the judges, lawyers and others who are responsible for ruining lives so that they can continue benefiting from their alleged legal thievery. It is important to know that almost all of Dorothy's possessions have been tagged for sale, with no regard for what she wants to keep. This includes her clothing, china, furniture, mementos, keepsakes, and so forth. What will it take for the people in the justice department or NYS Judicial Commission to correct this? Where is the media and why are they turning a blind eye towards a serious problem? What will it take to recognize that the taxpayers are being bilked for tens of thousands of dollars through Medicare and Medicaid to help pay for her to be imprisoned at the whim of a judge and law guardian who are making thousands upon thousands of dollars from "caring" for her? There will be more in the future about this. Dorothy is not disposable, and neither are any of the other aging or ailing people in society. My hope is that someone steps up and does something to free them. Will you?

Source:

<http://jfargiano.wrytestuff.com/swa779528-A-Heartbreaking-Story-Of-Guardian-Abuse-Part-Iv.htm>

The Heartbreaking Elevation of Guardian Abuse— Part VI

by Jim Fargiano

Wednesday, November 16, 2011

I was unsure how to go about writing this latest article in the series that has shed some light on the elder abuse case regarding Dorothy Wilson. While I was not related or great friends with her, the entire process has me feeling burned out. I can only imagine how hard guardian abuse cases are on the families of those trapped in it.

Dorothy was less than two weeks away from the potential of finally regaining her freedom when she suddenly had a seizure while in the nursing home. Dorothy was very happy the day before when she was taken by her daughter, Diane, to see how great

it would be to stay with her. The eyes of this eighty-seven-year old brightened when she was shown the renovated bathroom that would make things much easier for her. Imagine being excited by new plumbing? It certainly expresses how depressed she was while being held against her will in a facility.

I have tried to be very careful whenever writing about the nursing homes, because they are generally not the initial cause of what is a systematic legal abuse against the elderly and others who might be health or mentally challenged. In the past three plus weeks, there has been no explanation from the nursing home Dorothy was in as to why her daughter's call was ignored when told that Dorothy needed immediate medical help. Diane had spoken to her Mom on the phone and urgently contacted the facility because Dorothy was in distress. It appears that no one went to check on her for close to an hour and when they did her health was so bad that she was rushed to the hospital. They were unable to stabilize her, leading to the sad passing of a vibrant woman.

While it is not completely possible to say that Dorothy would still be on this side of the divide had she not been relegated to a miserable situation at the hands and insistence of her "law" guardian, Mary Giordano, of the Franchina and Giordano law firm, it is likely that she would. In my opinion, Dorothy would have been living under the close, loving care of her daughter. Obviously, Diane wasn't even physically with her and still knew more than the nurses at the facility. There is no doubt in my mind that she would have rushed her Mom to the emergency room before the seizures got so bad that there was no hope of saving her. It was an incredibly sad and unnecessary end to a woman who was still looking forward to being released from what she referred to as "prison" to me the last two times I spoke with her.

As a spiritual teacher, not all of life will ever make sense to me; at least as far as the physical world goes. While writing this series of articles, it removes me from what I do normally. It is much easier to channel motivational and loving advice to lift people up than it is to detail the darker side of humans. I do not know how Mary Giordano, Judge Asarch, or Dorothy's court appointed attorney, Jamie Butchin, can sleep well at night. There are others also involved in the systematic abuse of one of America's senior citizens. Anne Recht, of AM Recht and Associates, was a repeat offender in telling outright lies in the courtroom. The perjured testimony was allowed by Judge Asarch, who assigned her as Dorothy's healthcare manager from the onset of his stealing her freedom. There are multiple times when the law guardian did the same. Not once did the judge admonish anyone who openly created a story worthy of a fiction novel. Unfortunately, this story was real and involved a real woman, with real thoughts and emotions.

The spiral of deceit is incredibly interwoven in most guardian abuse cases. In Sara Harvey's attempt to free her husband, Gary, the Judge, senator, law guardian and hospital that they have remanded him to, are all connected to the same law firm. This is just one simple example. I am finding that the magnitude of cases across the country seems to be growing each day. As family members gain the courage to make their stories known, and try to wrestle control of their loved ones back from illegal and immoral judges and law guardians, some moral politicians and judicial commissions

might actually wake up and halt the practice of legal thievery.

Dorothy was not given her sweaters or any of the warm clothing that she wanted while in the nursing home. Her lawyer, Jamie Butchin, had a conversation with Diane about this. Diane wanted to meet with her at her mother's home to pick up her belongings. She was denied this, being told that Jamie would meet with Mary Giordano the following week because, "they both had schedules and had to coordinate them." An eyewitness placed Jamie and Sue, a woman from the Franchina and Giordano firm, at Dorothy's house, early the next morning. No clothes were ever given to Dorothy. Instead, they were placed in a closet at Mary's office. No explanation was given to her daughter, Diane, as to why she was not allowed to pick them up from there, as Diane had made it clear she would drive to any location to get her Mom's belongings. The "law" guardian even refused to allow Dorothy to have her costume jewelry, which was all that was left since all of the thousands of dollars worth of valuable jewelry was taken or stolen by someone, with Mary Giordano's knowledge. There was a special "Grandma" pin that was precious to Dorothy. She was not even given the courtesy of being allowed to have that.

Consider that Judge Asarch stated that Dorothy Wilson needed to be in a nursing home because he was "concerned about her safety" and one has to wonder why the home of her loving daughter wasn't good enough. In November of 2010, he remanded Dorothy to a different facility. She was lied to by a family member whose interests were in helping to incarcerate her mother. Dorothy's last Thanksgiving was spent crying because her "guardian" refused to let her come out to enjoy the day with Diane and family. After numerous complaints and unnecessary hearings, Dorothy was finally released. It must be noted that her thirty day stay at the Bristol cost \$53,000 according to Mary Giordano's multiple statements in court.

When the subject of putting her back in a nursing home came up again, Judge Asarch inquired whether or not there would be the same grief and disagreement about being put in a facility. His attitude made it seem like *he* was being inconvenienced that she did not want to be removed from the house she lived in and loved for sixty years. Anne Recht responded with, "No, we have a different Dorothy Wilson." This was said with Dorothy sitting there and emphatically stating she did not want to go into a nursing home. Like everything else in this case, her wishes were ignored so that the ones now responsible for her could further profit from these decisions, either financially or egotistically. Control hungry people never like to be made to look bad. I might add at this point that Mary Giordano seems to have found a way to expunge any internet connections that show complaints against her. They are growing all the time. It is a sure sign that she wants to hide her actions. If they were honorable, there would be no fear or need to try to purge them from public consumption.

The New York State Judicial Commission is well aware of all of the violations, misconduct and law-breaking, but never did a single thing to stop it. Even the day of the wake, Mary Giordano allowed someone to go into Dorothy's home to rummage through her things. On that day—highly sacred to most people—Mary still needed to desecrate Dorothy's rights in order to find one last way to accomplish some sort of

greedy act.

Source:

<http://jfargiano.wrytestuff.com/swa790135-The-Heartbreaking-Elevation-Of-Guardian-Abuse-Part-Vi.htm>

Your Voice and Actions Will Make a Huge Difference in Lifting Society

by Jim Fargiano

Being resistance to doing the right things in life is the same as condoning whatever poor behavior is taking place. Let us share in the dismantling of people who bellow out loud and “con-vince” otherwise intelligent people into believing in their hurtful, repressive ways. Let us also work together to shut down those who work subversively to steal the innocence of our children in a multitude of ways, be it through the horrors of sexual or physical abuse, but also in emotional ways too. We want you to protect the elderly and those who are incapable of defending themselves from predators; many who do this under the cloak and robes of the legal community.

This is the time for all people to unite to become a voice of passionate, loving and optimistic hope for all of humanity. Let us knock back the wave of evil that seems to be permeating society by reinforcing our bond with spiritual principles! You are all deputized by God upon your arrival on earth to be part of His posse to evict all people who refuse to live up to the standards of right and wrong. Each of you has a soul that is geared towards self-achievement and personal power; courage and love through the various aspects of the universe’s ability to provide unlimited possibilities for you.

All that means in simplified language is that you have the ability to make a difference in your own life, but also in the lives of all others too. Your voice can and should be used as a platform to reform immoral situations, whether they are illegal or just go against the grain of the proper way to live life—in balance with the pure intentions of the Golden Rule. If you see an injustice being done to others, use your gifts, your connections or whatever it takes to turn the situation around, provided of course you are doing so within Godly laws. You cannot sit back and wait for someone else who you think is “stronger” to do it for you.

When the average person joins forces with each other, great things awaken within their collective soul. Fairness is not something meant to be batted around as a slogan, then beaten up, but as a truth in the reality of what all individuals can accomplish. This is provided that they seek their way to improve their own lives on their own merits. When united as a force, those who are good, peaceful and loving beings will show that there is nothing nefarious that can be duped or disguised as something else upon the public any longer. Stimulate the world you live in by feeling the triumphant power of the strength of the Creator within you—your Inner Child. These are The Spoken

Words of Spirit.

Source: <http://jfargiano.wrytestuff.com/swa854228-Your-Voice-And-Actions-Will-Make-A-Huge-Difference-In-Lifting-The-Principles-Of.htm>