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STATEMENT OF ROBIN A. WARJONE, SEATTLE, WA

Ms. Warjone. Hi, everybody.

In May 2000, I was 56 years old with grown children 30, 31, and 26. I lived in my own home with a high yearly income of about \$140,000 and a vigorous investing program which included T-bills, IRAs, and a small portfolio.

I would have had \$7,000 minimum each month after I was 65. Now I will have less than \$2,000.

After my divorce, I left behind an exhausting life as a professional executive wife, and I stopped entertaining, gave up as much cooking and cleaning as I could possibly manage. I was living very happily in my messy house. I had a small antique shop in a large mall. I was gathering items for the shop, which I enjoyed, and that made for dozens of boxes around my house.

I had a new man friend. I remember how often the stars spread in all their glory across the night sky that winter. It was the happiest year I had had in 15 years.

Today, after being nearly destroyed by a financially and emotionally exhausting guardianship law suit which lasted almost 11 months, from May 18, 2000 until March 29, 2001, it cost me nearly all I had.

The first hint that trouble was coming in the spring of

2000, was when my lawyer completed revision of my revocable trust and phoned my three children to come in and sign it. They refused, saying, ``Our lawyers advised us against it,' and ``our lawyers said it will make us responsible for your debts.' Wow, I thought, pretty rotten financial advice. Full inheritance, without probate, is not such a bad deal.

On May 18, 2000, a ratty little man rang my doorbell and thrust a lawsuit into my hands. It was a Petition for Guardianship naming me as an ``alleged incapacitated person'' and listing my three children as the plaintiffs. Of course, I was horrified.

I knew they had not read the statute, and they had not done their homework. They must have had some pretty ruthless lawyers urging them into this extreme, almost violent, action.

Later, the kids said things like: ``We did not want to have to take care of you when you were old.' One volunteered: ``I asked the lawyers how we could get control of our mother, and they said that that it wasn't possible except by one method--the Guardianship Suit.''

I call this the ``Capone Trick''--they could not get Al Capone on racketeering or murder or prohibition violations, they could get him by income tax evasion.

What does this tell you about the guardianship laws? Diane Armstrong's book, ``The Retirement Nightmare,' has plenty of horror stories about the ``backdoor'' approach.

A court appointment was made for the Case Investigator, whom they call the ``G.A.L.' or ``guardian ad litem.' I did not get to be the defendant. I called the ``A.I.P.' alleged incapacitated person.

I hired a topnotch private law firm, because I had just learned that almost no one escapes a guardianship perhaps 6 percent, mostly those who have the time and money to resist.

Diane Armstrong and I went to college together. The day that the petition was served me, my Alumni Bulletin from Scripps College came, and Diane's book about contested guardianship was reviewed. I called her immediately and she worked with my attorneys throughout the almost one year that this system held me up.

If you have not looked at those graphics over there, really, really look now. This can happen to anyone in this room, and that is what you lose. This system is so corrupt--and I do not mean money-under-the-table corrupt the system has no checks and balances; it has no oversight. It is so terribly unorganized that it operates on its own, in a little void. In Seattle it is a department of the Washington State Superior Court, called ``Ex Parte and Probate,' and it is a law unto itself. We had no appeal system to get me out of it.

In my report, I have little checks, and there are dozens of them here--how disorganized and therefore abusive and corrupt, the system is, I have just gone through this. So take a minute and count those checks.

I do not think you are a person if your legal identity is taken away, which happens under this law. You do not exist under the law without your rights. If you do not exist under the law, you are a slave in ancient Rome or the Old South, or you are somebody in a concentration camp. You do not exist. Therefore, whether you are capacitated or incapacitated does not matter, because you can be abused either way.

When I got the attorneys, I said ``The first thing is that

the G.A.L., guardian ad litem, cannot talk to me unless one of you guys is there.'" I had the good sense to do that. The next day, the G.A.L. comes to my door and tried to get in; he was ignoring the injunction.

The G.A.L. had to read me the petition, the law, which had just been served to me. That is required in Washington State. We did it in my lawyers' offices. When he is through reading it, Pam leans forward and says, ``Well, tell me, Mr. W., how are you going to go about this investigation? The sole decision on whether you are going to have guardianship or not is based on a single report by this investigator--that is it. There is one other thing, but it does not necessarily work.

OK. She leans forward and says, ``How are you going to go about this investigation?''

The G.A.L. is an attorney, but he answers, ``Well, by the nature of the report I have to write, I rely almost solely on hearsay and gossip for my information.'" Everybody's necks at that table went, ``What? Did he just say hearsay and gossip? But he is an attorney, and this is supposed to be a legal matter!''

One of leading judges--and they call them ``commissioners''--they make nice language one of the commissioners sitting on a panel discussion recently said, ``We are not so much a court as a social agency.'" Wait a minute. You are not a social agency. You are a court.

According to the statute, you are supposed to be heard. There is a hearing 30 days after you are served the petition. Hopefully, a decision will be made. The G.A.L. canceled that meeting; he was busy. He did not even begin his research on me until August. His research eventually included talking to my accountant, my doctor, the trustee of my revocable trust--all those people. He did not even start until we were mostly through the summer.

I had good attorneys. By the middle of July, I have spent \$20,000. In July, I had to sell the first of my major investments. Twenty thousand dollars went to the attorneys, and the rest I used to buy a rental house in a nice neighborhood, I figured that financially, I could recover enough on the rental to make up for the interest income I lost by selling the T-bill.

My children urged the guardian ad litem and their attorneys, to ask for a special hearing to stop me from buying the house. My attorneys did a precedent search, which had to be done by hand, because the stuff was so old that it was not on the computer.

The Chairman. Robin, you are about 5 minutes over. If we could ask you to shape your time a little.

Ms. Warjone. I am so sorry. OK, I will.

The Chairman. Thank you.

Ms. Warjone. They found a precedent in 1852 which ruled that anyone who has not been convicted of a guardianship still has all their civil rights.

The trial went on in that fashion. The court abused every law, every custom. It is here if you want to read it; and I recommend Diane's book. So thanks, everybody.

The Chairman. Well, Robin, we do appreciate you being here, and I will have some questions, but I have to believe that you viewed that as a living nightmare.

We thank you very much for that testimony.