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Editorial: Who's making sure guardians don't prey on the vulnerable?

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The Post's recent series, "Guardianships: A Broken Trust," has placed a penetrating spotlight on a system that is ripe for abusing people at their most vulnerable.

In Post reporter John Pacenti's stories about Palm Beach County Circuit Judge Martin Colin and his wife, Elizabeth "Betsy" Savitt — a tennis pro turned court-appointed guardian of incapacitated adults — some families of seniors in guardianship say in court papers and interviews that Savitt took advantage of her position, going after the life savings of their loved ones through unnecessary litigation, double billing and fees taken for herself and her lawyers without court approval.



MADELINE GRAY

Judge Martin Colin presides over a hearing on Thursday, August 20, 2015 at the South County Courthouse in Delray Beach. Judge ... [Read More](#)

responded by saying he is "preparing to make appropriate changes to address concerns."

That a guardian should do this in a court system where her husband sits as a judge — though not taking part in her cases directly — raises serious questions of ethics. We're glad to see that Chief Judge Jeffrey Colbath has

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But the problems of guardianships go far beyond these cases. In Palm Beach County, which has the state's largest population of **people over 85**, guardianship cases have been increasing at 15 percent per year. There are now 2,800 open guardianship cases in the county, according to Palm Beach County Clerk & Comptroller Sharon Bock.

And with 10,000 Americans **turning 65 each day**, Bock notes, the nation at-large will inevitably feel the strains that are appearing here first. "We call it the Great Tsunami," she told the Post Editorial Board.



Elizabeth Savitt, right, confers with Attorney Sheri Hazeltine, left, in a hearing regarding attorney fees for Albert Bach, center, on Thursday, ... [Read More](#)

It's time to lay down some rules.

Because this is a field in which rules are remarkably lacking.

Professional guardians are not regulated, for instance, by the state Department of Elder Affairs. A measure now pending in the

Legislature, **Senate Bill 232**, would change this, establishing an Office of Public and Professional Guardians under the department that would develop, set and enforce professional standards of practice — and make violators ineligible for court appointments.

Efforts should also be made to cap fees for guardians and their attorneys, to limit the amount of money they can sap from seniors they're supposed to be protecting.

And the counties' Clerk & Comptroller offices must be strengthened. Bock's office already reviews every guardianship's financial records each year, acts as an independent auditor with the power to dig deeply into suspect cases and pursue criminal, as well as civil, penalties. With just a lead auditor and a staff of six clerk auditors, her office has investigated more than 900 cases, uncovered more than \$4.5 million in questionable expenditures, and, she said, "put two people in jail."

The office could be more effective with more resources. But the state's 67 clerks offices are already facing a \$42 million shortfall in

fiscal 2015-16 and will be struggling to fulfill their basic duties in running the courts, Bock said. She plans to seek federal and state money to expand guardian oversight, she said, after gathering statistics demonstrating the scope of the problem, a project started on Friday.

The system must be have more safeguards. Because any one of us could get caught in it.

"Which one of us doesn't have aging parents?" Bock said. "And which one of us isn't aging?

"If you don't have yourself properly set up," she added, "if you don't have a trust, if you don't have a will, you could ... become a ward of the court."

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