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Chief judge shakes up guardianship system after Post series

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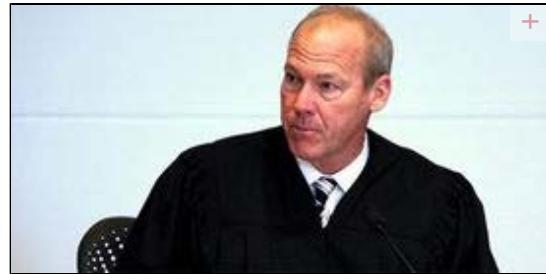
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By [Pat Beall](#) and [John Pacenti](#) - Palm Beach Post Staff Writers

Palm Beach County Chief Judge Jeffrey Colbath announced Tuesday sweeping changes for guardianship of incapacitated seniors. The actions come amid revelations by The Palm Beach Post that the savings of these elderly wards flow into the household of Circuit Judge Martin Colin via his wife's work as a professional guardian in his division.

Also Tuesday, Colin announced that he won't be running for re-election.



Chief Circuit Judge Jeffrey Colbath reads the jury instructions to the jury in John Goodman's retrial Monday afternoon, October 27, 2014. [... Read More](#)

requiring all of Colin's current colleagues in south county to recuse themselves from her cases.



The chief judge's reforms come in response to last month's [Post series](#) examining the role of [Judge Colin](#) and his wife — former tennis pro Elizabeth "Betsy" Savitt — in guardianship cases. Among the changes is

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Some of the changes by Colbath were unspecific, leaving more questions than they answered. The announcement does not mention Colin by name, though sources have told The Post that Colin is indeed going to be transferred.



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

The changes are:

- Rotation of personnel to be effective Feb. 15.
- In-house training for probate judges and court staff.
- The establishment of a guardianship wheel to provide random assignment of professional

guardians to cases.

- Standardization of bill practices for guardians and attorneys.
- Recusal of the current south county judges from Savitt's cases.

Colin, 66, said on Tuesday that he had planned not to run because he would not be able to complete his term before reaching the mandatory retirement age of 70.

- [Stopping corrupt guardians: Advocates say start by capping fees](#)

A Florida Supreme Court justice told The Post Savitt's role as a guardian created an appearance of

impropriety for Colin, which could violate the state's judicial canons. While Savitt doesn't appear in front of her husband, attorneys who represent her did regularly, relying on him at times to grant lucrative fees.

[Colin recused himself of 115 cases](#) between July and December involving Savitt's attorneys after The Post started investigating. Colin denied any conflict involving Savitt because he does not hear her cases.

Seniors in guardianships often lose all of their legal rights. If a family

minority voters

Winners and losers from the New Hampshire primary

member can't serve as guardian, then the court can appoint a professional to manage the incapacitated senior's finances, their medical care and where they live.

In 2011, **Colin's wife became a professional guardian**, working in the same Probate & Guardianship Division where her husband presides. Since that time, Savitt has generated complaints from families on several fronts.

The Post's series revealed how Savitt took tens of thousands of dollars from the bank accounts for seniors without prior judicial approval, double-billed and funneled money to key relatives of the seniors in her care, including one son who had been accused of physical abuse and one daughter who had been accused of loaning herself \$140,000 from her father's bank accounts.

Savitt also assisted a family guardian in trying to seize property from a Lake Worth house where an incapacitated senior lived. Deputies stopped Savitt and made her return the possessions that did not belong to the senior.

Savitt told The Post she has done nothing wrong and pointed to the fact she has never been sanctioned by one of her husband's colleagues. Despite concerns about her work, Colin's fellow judges continued to appoint her to oversee the lives of seniors found incapacitated by the court.

Many of her cases were in front of Circuit Judge David French, a friend of both Colin's and Savitt's who once planned a cruise vacation with the couple. It is unknown what will happen to French amid Colbath's changes.

Colbath's announcement comes on the day the Florida Senate moved forward a bill that would for the first time establish regulatory authority over professional guardians.

Colbath's changes do not bar Savitt from guardianship cases. They do keep her from appearing before her husband's colleagues and fellow judges in south county, where Colin has been in the family and probate division since 2009.

Colbath — who is an elected official — emailed his guardianship changes to The Post's attorneys through his own General Counsel Amy Borman, thus circumventing reporters.

"As you may know, the guardianship process does not have a traditional adversarial system that protects the interests of all parties. The chief judge has determined that improvements can be made here in Palm Beach County," Borman wrote.

When the Post reached out to Borman at home at 6 p.m. she refused to clarify Colbath's changes, such as which judges would be rotated and whether Colin and French would remain in the Probate & Guardianship Division. It was also unclear if Colbath's "standardization of bill practices" includes barring guardians like Savitt from taking money from seniors' bank accounts without prior judicial approval.

"This is my time. I'm not answering any questions," Borman said when contacted on her cellphone. When she was told The Post simply wanted to accurately portray the chief judge's intentions, Borman said, "Call me at work" and hung up.

If Colbath hoped these changes would mollify the families of Savitt's senior wards or advocates for guardianship change, he may be mistaken.

"Sadly, these are not improvements; they are instead a patronizing attempt to protect these judges by changing their address," said Dr. Sam Sugar, co-founder of Americans Against Abusive Probate Guardianship.

James Vassallo, a son of one of Savitt's senior wards, said he planned to move fast in order to protect his father's assets while Savitt still had control.

"So I got to get my lawyer to freeze my father's money so Savitt can't have it and then say, 'Catch me if you can,'" the Deerfield Beach resident said. "The money should be frozen so she can't touch it anymore. This just means I got to get a lawyer to go after her and spend more of my money."

Vassallo said he fears Savitt could move out large chunks of cash like she did in the Helen O'Grady case after O'Grady died. Savitt and her attorney took **\$30,000 from O'Grady's savings** to be held in trust. A judge made them return all but \$2,600 of it.

Robert Jarvis, ethics law professor at Nova Southeastern University, applauded Colbath for instituting "overdue changes," but added, "One wonders why these procedures were not in place from Day

One."

Jarvis said he hopes other judicial circuits are taking note.

"Hopefully, these sorts of changes will be happening throughout the state," he said. "The real question is, 'Are other courts paying attention?' Is the Florida Supreme Court paying attention?"

What The Post Found

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin courtesy of Colin's wife — professional guardian Elizabeth "Betsy" Savitt. Fees in most of her cases were approved by another judge who is a friend of her husband's. Colin approved the fees of her lawyers in other cases.

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