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# Local 10 News viewer claims guardian not acting in best interest of father

## Professional guardianship booming business in South Florida

By Judy Reich (<http://www.local10.com/author/judyreich>)

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**PEMBROKE PARK, Fla.** - Florida ranks as one of the top states with a large elderly population and professional guardianship is a booming business, especially in the tri-county area.

Florida law designed guardianship to protect vulnerable seniors. However, some families accuse guardians and their attorneys of not working in the ward's best interest.

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The Call Christina team explored the lightly regulated industry and efforts to reform it, beginning with a Century Village man who called Christina for help.

During the course of a months-long Call Christina investigation into a complaint about professional guardian Elizabeth Savitt, her husband, a Palm Beach County Judge, was reassigned.

In an email to Local 10 News, a spokesman for the Chief Judge stated, "Judge Martin Colin is now presiding in the Circuit Civil division at the main courthouse. This change took effect on Monday, February 15, 2016. In addition, the change is permanent as Judge Colin has indicated he does not intend to seek re-election. The Chief Judge is a proponent of transparency in government and wanted to be proactive in addressing concerns expressed by the media and the public. The move of Judge Colin to Circuit Civil division was one of the initiatives implemented by the court."

"We'd lock the doors. We'd get in his car. We'd go out; food shopping, doctors. My father lived here. I moved in 107 right next to each other," James Vassallo told Local 10 News investigative reporter Christina Vazquez.

Vassallo said he and his dad Albert did everything together.

Noting Albert's odd behavior over the years combined with a legal battle with his siblings over missing money from his father's bank account, Vassallo asked the Palm Beach County Court to intervene. His attorney urged him to hire a professional guardian, recommending Elizabeth Savitt.

"I said great," Vassallo said.

Now Vassallo said things are not so great, claiming the guardian fees and legal bills are out of control. In the six-month period from August 2014 to February 2015, the bills totaled \$65,000, and they continue to grow.

"This is what you call a legal way of robbing people and they're getting away with it," Vassallo said.

Citing continual family discord, the court removed Vassallo as his father's trustee, making Savitt the sole decision-maker in all of Albert's affairs.

Now Vassallo is appealing the ruling, citing Savitt's personal financial worthiness in her guardianship application with Florida's Department of Elder Affairs.

"If I knew she had a lien, foreclosure, a judgment against her," Vassallo said during a court hearing in front of Judge David French.

Savitt's 2015 guardianship application with the Department of Elder Affairs revealed a pending home foreclosure case, and a FICO credit score below 600.

"Are you financially fit to be a guardian?" Local 10 asked Savitt after she emerged from another guardianship hearing.

Savitt did not answer the question, but in a response to the Department of Elder Affairs Savitt stated, "the loan was made under improper conditions and circumstances," and she said she hoped the court will negate the delinquent loan status. Records show the court issued a final judgment of foreclosure in November of 2014 and Savitt later paid off the loan.

Last fall at a different guardianship hearing, Savitt requested the judge to sign off on her invoice for payment.

"You took funds?" Judge Krista Marx asked while questioning Savitt's payday advance.

"It happens every single morning in here, that people come in and ask forgiveness instead of permission," Marx said.

The judge then signed off on Savitt's motion for payment, but opposing attorney Bruce Rosenwater questioned the practice.

"We have a motion to remove the guardian. We have a motion for sanctions. We have a motion for surcharge," Rosenwater said to the court. The ward in this case has since died and there are no more issues in court relating to the guardianship.

Exiting the courtroom after the hearing, Savitt slipped past Local 10 as she was escorted down a hallway reserved for judges by a Palm Beach County Sheriff. A judge she is not, although her husband, Judge Martin Colin, is.

At the time, Colin served in the Probate division, the same court division Savitt's clients are in and often heard arguments from attorneys representing Savitt in court.

Colin never presided over any of his wife's cases, however last month he was reassigned and now hears cases in the Civil division.

For Varrello, who is appealing his removal as trustee, the odds may be stacked against removing Savitt as his father's guardian.

"Getting out of one of these guardianships is harder than going to the moon. It just doesn't happen," Sam Sugar said.

Sugar is a retired physician and founder of Americans Against Abusive Probate Guardianship. His organization wants laws changed protecting the elderly against abusive guardians. Sponsoring seminars nationwide, he hears from others with stories similar to James'.

"Litigate, medicate and take the estate. The cases are all the same," Sugar said. "They involve emergency temporary guardianships, favoritism by the judge toward certain guardians and lawyers and ultimately the rape of the estate."

Last February, Gov. Rick Scott signed HB-5 into law adding additional protections to make it difficult for guardians to seize control of their wards' assets.

This legislative session, state Sen. Nancy Detert was successful in getting SB 232 passed. Her bill establishes a "complaint department" for families and those in guardianships.

The bill also certifies and supervises court-appointed guardians. As of now those decisions are left to the individual courts and vary from county to county. The bill now goes to Scott for his signature to become law.

In an email to Local 10, a spokesman for the Chief Judge also said, "the information listed on the Court's web site is accurate, Judge Martin Colin is now presiding in the Circuit Civil division at the main courthouse. This change took effect on Monday, February 15, 2016. In addition, the change is permanent as Judge Colin has indicated he does not intend to seek re-election. Between now and the end of his term, the Chief Judge does anticipate the need to rotate Judge Colin."

"The Chief Judge is a proponent of transparency in government and wanted to be proactive in addressing concerns expressed by the media and the public. The move of Judge Colin to Circuit Civil division was one of the initiatives implemented by the court. Other initiatives include the following:

- In-house training for probate Judges and court staff;
- The establishment of a Guardianship Wheel which will provide for random assignment of professional guardians to cases;
- Standardization of bill practices for Guardians and Attorneys; and
- Recusal of the current South County Judges from Ms. Savitt's cases."

In a statement, Savitt told Local 10, "all concerns brought by James Vassallo were brought out in open court and are meritless." With respect to her credit report that accompanied her application for guardianship, she said, "all the years that I have been a professional guardian there has been no finding that I have not duly performed my duties to a Ward of mine as a result of my financial condition."

Savitt also said she is "debt free."

"You haven't seen your father?" Vazquez asked Vassallo.

"Haven't seen my father in six months," Vassallo said.

"You have to miss him?" Vazquez said.

"I do I miss him a lot," Vassallo said.

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The New York Times

(http://www.nytimes.com/2016/02/25/nyregion/babysitter-tortured-staten-island-boy-who-died-prosecutors-say.html?WT.mc\_id=2016-MARCH-OUTBRAIN\_AUD\_DEV-0301-0331&WT.mc\_ev=click&ad-keywords=AUDDEVREMARK)



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Fame10 (http://www.fame10.com/entertainment/9-most-shocking-child-star-transformations/?utm\_content=1490be&utm\_medium=cpc&utm\_source=outbrain&utm\_campaign=FT\_OBN\_US\_MOBI&utm\_term=1849033)

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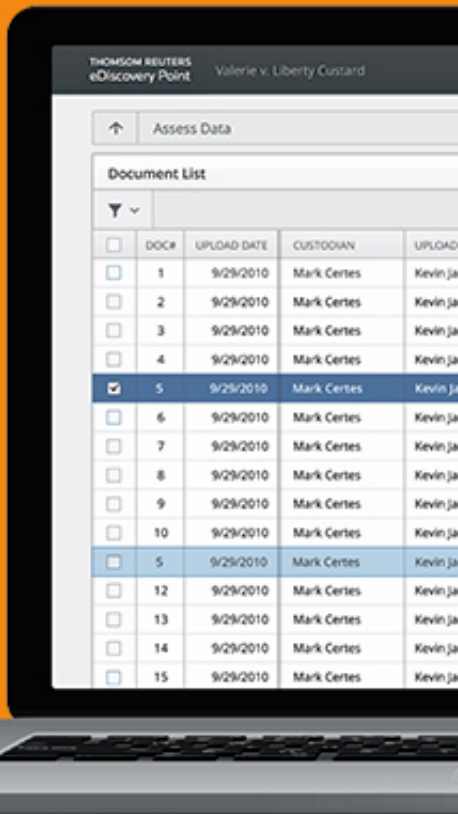
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(http://www.local10.com/pets/2000-parrot-stolen-from-miami-couples-backyard)

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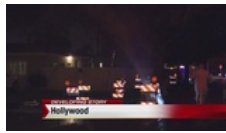
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