

# **When Abusers Seek Guardianship: A Qualitative Look at the Intersection of Elder Abuse Investigations and Adult Guardianship Proceedings**

Marguerite Angelari  
Loyola University Chicago

## **Abstract**

Adult guardianship is a court procedure through which an individual loses virtually all of his rights and a substitute decision maker is put in place to make all major decisions. The aging of our population has led to a dramatic increase in the need for adult guardianships, which is severely straining court systems in the United States. As a result, despite the magnitude of the decisions they are called upon to make, guardianship judges are limited in the amount of attention that they can devote to individual cases. Moreover, judges cannot rely on the adversarial nature of the proceedings to draw out the relevant facts. This is because one of the parties suffers from some degree of mental incapacity in the majority of adult guardianship cases. Under these circumstances, it is not difficult for an abuser to become his victim's court appointed guardian and thereby obtain full legal control over his life. Elder abuse investigators can offer critical information on whether a proposed guardian is physically abusing, neglecting, or financially exploiting the proposed ward. Unfortunately, in Illinois, and throughout the United States, adult protection services agencies and guardianship courts operate independently of one another. Therefore, a judge conducting a guardianship proceeding and an investigator in an elder abuse case are unlikely to be aware that the two proceedings are occurring simultaneously. Even when elder abuse investigators become aware of the guardianship proceeding, they may not be asked to testify or present evidence at the hearing. This paper presents the findings of a study on the interaction between elder abuse investigations and guardianship cases in Cook County, Illinois. The study included face-to-face interviews with elder abuse investigators about particular investigations followed by a review of corresponding guardianship court files. This paper documents the need for greater interaction between guardianship courts and adult protective services and offers recommendations for reform.