

GUARDIANSHIP CORRUPTION INVOLVES MANY REAL CRIMES

Contrary to what the very ignorant and lazy paper pushers think in various district attorney offices and the FBI, guardianship corruption is NOT a civil matter. Those paper pushers try to convince the victims families it is. The FACT is, guardianship corruption is CRIMINAL and involves many various crimes. I and many other families have had to deal with and waste our time with those paper pushers because our loved ones are victims of guardianship corruption. We keep trying to help our loved ones get away from those guardian animals.

Those paper pushers do not understand that guardians of person and/or estate do not have just one or two "clients" (victims). They usually have 50, 100 or more. That means those barbaric animals are conducting their various crimes TIMES the number of people they "own". If those animals are guardians of estate, they are involved with the gross misuse and/or theft of probably many millions of dollars. In addition, those animals have sold the victims house, car and maybe even taken out life insurance policies so when the victims are killed or just die, those animals make much more money. The fact is, life insurance payouts are non-taxable. None of the victim's family would ever think that the greedy guardian wants even more money by taking out life insurance policies on the victim. Usually, the guardian animals have a friend take out the life insurance policy on the victim so it could never be traced back to those animals. The animals will sell the house at a extremely low price to a friend and the friend will resell the house at the full retail price without the family knowing it was resold. The animals keep the difference.

The following documents pertain only to the laws in Pennsylvania.

Pennsylvania's Older Adults Protective Services Act (OAPSA), 35 P.S. §§ 10225.101–10225.5102, is the state law establishing a system to identify, investigate, and respond to abuse, neglect, exploitation, and abandonment of older adults. Its stated policy is to protect older adults who lack capacity to protect themselves while also safeguarding their rights and personal liberty. Pennsylvania General Assembly

For the circumstances you describe—an incapacitated older adult in Montgomery County and alleged conduct by a guardian, lawyer, nursing home, or care manager—several parts of OAPSA are especially important.

1. OAPSA's definition of financial exploitation is broad

The most important starting point is 35 P.S. § 10225.103.

OAPSA defines an older adult as someone 60 or older. It defines exploitation as conduct by a “caretaker or other person” against the older adult or the older adult's resources, without informed consent—or with consent obtained through misrepresentation, coercion, or threats—that produces a benefit, gain, or profit for the perpetrator or a monetary or personal loss to the older adult. Pennsylvania General Assembly

The words “or other person” are significant. The definition is not limited to nursing-home employees or relatives.

For example, if money belonging to an incapacitated older person was allegedly used to pay:

- a guardian,
- the guardian's lawyer,
- another law firm,
- a care manager,
- or some other person,

the central factual questions would include why the money was paid, what services were actually performed, whether those services benefited the older adult, whether the charges were authorized, whether informed consent was possible or obtained, and whether anyone obtained an improper personal or monetary benefit at the older adult's expense.

A large professional fee is not automatically exploitation. But an allegation that someone caused an incapacitated person's assets to be spent for services that were unnecessary, unauthorized, fictitious, grossly overstated, obtained through misrepresentation, or primarily for somebody else's benefit could potentially implicate the statutory definition, depending on the evidence.

2. Neglect is separately covered

Section 103 defines “neglect” to include a caretaker's failure to provide goods or services essential to avoid a clear and serious threat to the older adult's physical or mental health.

Pennsylvania General Assembly

That makes neglect analytically different from financial exploitation.

Suppose, for example, a guardian or paid care provider knew an incapacitated person required medical treatment, adequate nutrition, appropriate placement, supervision, hygiene,

protection from injury, or other essential care and nevertheless failed to arrange it. Depending on the circumstances and that person's actual responsibility for the care, the situation could potentially fit the OAPSA concept of neglect.

3. How this could apply to a guardian

For a court-appointed guardian, there is an important interaction between OAPSA and Pennsylvania's guardianship statute.

A guardian of the person has a statutory duty under 20 Pa.C.S. § 5521(a) to assert the incapacitated person's rights and best interests, respect the person's expressed wishes and preferences to the greatest possible extent, participate where appropriate in developing supportive services, and encourage the person's participation in decisions. Pennsylvania General Assembly

The guardian's annual report must also disclose, among other things, the person's placement, major medical/mental issues, services being received, and the number and length of the guardian's visits during the year. Pennsylvania General Assembly

Consequently, if the allegation were that a guardian rarely visited an incapacitated nursing-home resident, failed to monitor serious care problems, ignored medical or safety problems, or failed to obtain essential services, the relevant questions would include both OAPSA § 103's definition of neglect and the guardian's independent duties under 20 Pa.C.S. § 5521.

Financial allegations against a guardian are even more significant because Pennsylvania now has a specific criminal statute addressing financial exploitation.

4. Pennsylvania has a separate crime of financial exploitation

This is not merely an OAPSA provision.

Under 18 Pa.C.S. § 3922.1, Pennsylvania criminalizes financial exploitation of an older adult or care-dependent person by someone in a position of trust. The statute expressly includes conduct carried out through a guardianship, and expressly recognizes a person with a fiduciary obligation through guardianship as occupying a "position of trust." Pennsylvania General Assembly

The statute covers wrongful or unauthorized taking, withholding, appropriating, concealing, or using the person's property, including obtaining control through deception, intimidation or undue influence, or converting property so as to deprive the older person of its ownership, use, benefit, or possession. Pennsylvania General Assembly

This distinction is important:

OAPSA § 103 supplies the protective-services definition of exploitation and provides the framework for investigation and protection.

18 Pa.C.S. § 3922.1 can create an actual criminal offense when its elements are proved.

And the financial-exploitation criminal statute specifically gives a county district attorney authority to investigate and prosecute violations. The Pennsylvania Attorney General has concurrent authority under the statute when the amount involved exceeds \$20,000.

Pennsylvania General Assembly

5. How this could apply to lawyers

A lawyer does not become guilty of exploitation merely because the lawyer represented a guardian or received fees from an incapacitated person's estate.

The factual issue would be much more specific: what was the lawyer being paid for, who authorized the work, whose interests were being represented, whether the services were legitimate, and why the incapacitated person's assets were responsible for the bill.

OAPSA's definition is potentially relevant because § 103 says exploitation can be committed by a caretaker "or other person." Pennsylvania General Assembly

But the criminal statute, § 3922.1, has an additional requirement: the accused must be in a statutory position of trust. A lawyer's involvement therefore has to be analyzed according to the lawyer's actual relationship to the older person; one should not assume that every lawyer representing another party automatically occupies a position of trust toward the older adult. For example, there would be an important difference between:

(a) the older adult's own court-appointed lawyer,

(b) the guardian's lawyer,

and

(c) a law firm retained by the guardian's lawyer or guardian.

Their duties, clients, authority, and entitlement to payment can be different.

6. How this could apply to a nursing home

OAPSA expressly includes a long-term-care nursing facility within its definition of a "facility."

Pennsylvania General Assembly

That activates another particularly important part of OAPSA: Chapter 7—Reporting Suspected Abuse by Employees.

Under § 701, a facility employee or administrator who has reasonable cause to suspect that a recipient is a victim of abuse must immediately make an oral report to the protective-services agency and follow it with the required written report within 48 hours. For sexual abuse, serious physical injury, serious bodily injury, or suspicious death, additional reporting to law enforcement is required. Pennsylvania General Assembly

When an employee is alleged to have committed abuse, § 704 requires the facility to implement an appropriate supervision plan or suspension, subject to agency/regulatory approval. Pennsylvania General Assembly

And § 706 provides administrative and criminal consequences when a facility administrator or owner intentionally or willfully fails to comply with, obstructs compliance with, or—in specified circumstances—retaliates or intimidates regarding Chapter 7 compliance.

Pennsylvania General Assembly

There is also a separate Pennsylvania criminal statute that could be extremely important in a nursing-home case: 18 Pa.C.S. § 2713, Neglect of Care-Dependent Person.

It applies when a qualifying caretaker intentionally, knowingly, or recklessly fails to provide necessary treatment, care, goods, or services and thereby causes specified harm or endangers

the care-dependent person's welfare. Its definition of caretaker expressly encompasses nursing-home owners, operators, managers and employees, among others. Pennsylvania General Assembly

7. How this could apply to a care manager

A care manager requires a fact-specific analysis.

If the person was paid to arrange, oversee, or provide care, the person's contractual responsibilities are important. OAPSA's definitions encompass exploitation by a "caretaker or other person," so financial exploitation does not necessarily depend on proving that the care manager was technically a caretaker. Pennsylvania General Assembly

For criminal neglect under § 2713, however, caretaker status matters. Pennsylvania's criminal definition includes not only certain facility personnel but also an adult who does not reside with the care-dependent person but has a legal duty to provide care, affirmatively assumed responsibility for care, or has responsibility by contract or court order. Pennsylvania General Assembly

Therefore, a care manager's contract, invoices, care plans, progress notes, communications with the guardian, nursing-home records, and actual duties performed could be very important evidence.

8. OAPSA gives Montgomery County authority to investigate

Under § 302, any person with reasonable cause to believe an older adult needs protective services may report the situation to the local protective-services agency. Pennsylvania General Assembly

Under § 303, the agency is responsible for investigating reports. The statute states that an investigation is to be initiated within 72 hours after receipt of the report, subject to the governing regulations. Pennsylvania General Assembly

Section 304 is particularly powerful in a case where a guardian, nursing home, lawyer, or other person controls information. The agency has statutory access to records relevant to investigations, assessment, service planning, and delivery of protective services. If necessary records or access to the older person are denied, the agency can under specified circumstances seek a court order compelling access. Pennsylvania General Assembly

In Montgomery County, the county's Older Adult Protective Services unit says it investigates physical/psychological abuse, caregiver neglect, self-neglect, and financial exploitation. Its published 24/7 numbers are 1-800-734-2020 locally and 1-800-490-8505 statewide.

Montgomery County PA

Montgomery County Older Adult Protective Services

The sections I would focus on for the situation you have been describing

Based on the type of Montgomery County guardianship situation you've been asking me about, these are the provisions I would put at the center of the legal analysis:

Law Why it could matter

35 P.S. § 10225.102 OAPSA's purpose: protect incapacitated older adults from abuse, neglect, exploitation and abandonment. Pennsylvania General Assembly

35 P.S. § 10225.103 Defines abuse, neglect, exploitation, older adult, facility, protective services, etc. Pennsylvania General Assembly

35 P.S. § 10225.302 Allows reports of suspected need for protective services. Pennsylvania General Assembly

35 P.S. § 10225.303 Requires the protective-services agency to investigate reports and generally initiate the investigation within 72 hours. Pennsylvania General Assembly

35 P.S. § 10225.304 Gives the agency important access to the older person and relevant records and permits court intervention when access is improperly blocked. Pennsylvania General Assembly

35 P.S. § 10225.308 Protects rights of the older adult and provides procedures concerning substantiated perpetrators. Pennsylvania General Assembly

35 P.S. § 10225.701 Mandatory reporting obligations for qualifying facility employees/administrators. Pennsylvania General Assembly

35 P.S. § 10225.703 Provides for law-enforcement investigation in the Chapter 7 circumstances specified by the Act. Pennsylvania General Assembly

35 P.S. § 10225.706 Penalties concerning intentional/willful noncompliance or obstruction by facility administrators/owners. Pennsylvania General Assembly

18 Pa.C.S. § 3922.1 Separate criminal offense of financial exploitation of an older adult or care-dependent person by someone in a position of trust; expressly includes guardianship/fiduciary relationships. Pennsylvania General Assembly

18 Pa.C.S. § 2713 Separate criminal offense of neglect of a care-dependent person by a qualifying caretaker. Pennsylvania General Assembly

20 Pa.C.S. § 5521 Independent statutory duties of a court-appointed guardian, including duties toward the person's best interests, wishes, supportive services, participation, visits and reporting. Pennsylvania General Assembly

One caution is especially important: an OAPSA allegation, a substantiated protective-services finding, a breach of a guardian's fiduciary duties, and a criminal offense are not the same thing. The evidence and legal elements have to be evaluated separately.

Also, Pennsylvania currently has HB 1611, which proposes a major rewrite of OAPSA, but as of September 24, 2026, the General Assembly's page shows it has not become law; it was laid on the table on September 8, 2026. So I have based the explanation above on the law currently in force, not the proposed revisions. PA General Assembly

If you want, I can next take the specific facts you've described about your mother's Montgomery County guardianship—the guardian's limited visits, the guardian's husband/lawyer, his law firm, your mother's court-appointed lawyer, the care manager,

nursing home, and the money each received—and make a person-by-person chart showing which OAPSA, Criminal Code, and Pennsylvania guardianship provisions could potentially apply to each person's alleged conduct and what evidence would be needed to establish each one.