



Disability and Guardianship Project Disability and Abuse Project

9420 Reseda Blvd. #240, Northridge, CA 91324
(818) 230-5156 • www.spectruminstitute.org

May 4, 2017

Jay P. Raman, Chief Deputy
Clark County District Attorney
Box 552212 / 200 Lewis Avenue
Las Vegas, NV 89155-2212
jay.raman@clarkcountyDA.com

cc: Hon. William Kephart
Dept. 19 – Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Re: Sentencing of Helen Natko for Elder Abuse / Case #16-313574-1
(www.ktnv.com/news/contact-13/felony-conviction-in-guardianship-case)

Dear Mr. Raman:

As you review the sentencing options in this elder abuse case, please consider the following:

The **numbers of potential victims affected** by the choice of sentence in this case are increasing dramatically as the baby boom generation ages. According to AARP estimates, **over a million vulnerable adults** are already living under guardianships or conservatorships. Given that the courts are insufficiently funded to screen guardians and to monitor guardianships; given that guardianship abuse is easy to hide; and given that vulnerable adult victims are unable to call for help and are dismissed as meaningless if they do, most guardianship abuses go unrecognized and unpunished, promoting more abuse of more victims. With absolute power assumed by guardians through a position of absolute trust, an order of guardianship is an open invitation to abuse. The only real deterrence is application of the highest possible penalties for the very few who are caught.

Guardianship abuse and exploitation of vulnerable adults warrant severe penalties because they are committed by someone in a fiduciary relationship to the victim. The powers of the guardian have been conferred by the court. The dependent adult is supposed to be under the court's protection and the court relies on the guardian to fulfill those protective duties. Abuse of the ward by the guardian not only victimizes the ward, it violates the fiduciary duty of the guardian, and is a betrayal of the trust placed in the guardian by the court on behalf of the state in its capacity as *parens patriae*.

Societal **outrage has fueled the growth of activism** to fight exploitation and human trafficking of elders and vulnerable adults by those appointed to protect them. Many state and national organizations have increased their activism against guardianship abuse, including the Coalition for Elder and Disability Rights, Americans Against Abusive Probate Guardianships, National Human Rights Committee of TASH, ACLU, American Disability Rights Network, California Association for Nursing Home Reform, and state chapters of The Arc of the United States. A failure of justice in this case will not go unnoticed. (<http://disabilityandabuse.org/newsfeed/contents.htm>)

For these reasons, a powerful statement in this sentencing proceeding is needed to help curb widespread guardianship abuse. Deterrence is essential when the power relationship is so severely imbalanced as between a court-appointed guardian and a dependent adult. Leniency will contribute to the problem by sending the wrong message to would-be abusers and exploiters. We should keep in mind that we are all vulnerable at some point, so the rights we protect now may someday be our own.

Respectfully submitted:

Nora J. Baladerian, Ph.D.
Director, Disability and Abuse Project

Thomas F. Coleman
Director, Disability and Guardianship Project