

By Nancy Gregory-McLendon (formerly Nancy Scott)
June 15, 2021 – World Elder Abuse Awareness Day

I am definitely my mother's daughter. We shared a profession (retired school teachers), a love of reading, writing, and travel. My mother was a true fighter; you don't live to be 103 years old without having a will to live.

My mom took care of me when I was young and, as the years passed, our roles shifted as I became her caregiver. For 30 years, my mom trusted me to act as her Power of Attorney for financial and medical matters. We thought we had prepared for the inevitable – I would be responsible for managing her affairs when the time came – but we were about to learn otherwise.

What I didn't know, (and who would know this ahead of time?) was the guardian and conservatorship arena is no place for the uninformed. The phrase, "If you are the smartest person in the room, you're in the wrong room" couldn't be more wrong when it comes to guardianships.

In America, a judge can determine a person to be incapacitated and take away their civil liberties with shockingly little evidence. A judge can also ignore a power of attorney or health care directive and appoint a person of their choosing instead. A guardian can liquidate property and belongings and take percentage of the proceeds as a commission. The guardian can also isolate their ward (victim) from friends and family.

My mom and I did not seek assistance from the Jefferson County Probate Court, but that didn't stop them from taking charge of her life.

Back in January of 2018, my mother and I were travelling from Tennessee back home to Dothan, Alabama. We decided to stop in Birmingham for the night to break up the trip. What happened next would forever change both of our lives.



Marian Leonard in 2016, before #guardianshipfraud stole her life.

Mom woke up running a fever, so before heading home (still 4 hours away) I decided to take her to St. Vincent's Hospital to have her checked out. The ensuing examination revealed she had a urinary tract infection (UTI) and mild flu-like symptoms and was admitted on 01/27/2018. This should have been a brief hospital stay, but unbeknownst to me, a social worker with Alabama Department of Human Resources (DHR) had other plans.

On 01/31/18, just days after being admitted to St. Vincent's, Dr. Peter Hwang wrote a letter for DHR stating, "Ms. Leonard presented us with dementia, Flu B and hypothyroidism." Presented with dementia? That's not the same as diagnosed with dementia.

I wish I knew then what I know now, as I would have fought smarter for my mom.

First – Dr. Sanjay Asthana of an NIH-supported Alzheimer's disease center at the University of Wisconsin says, "Dementia really isn't a disease itself. Instead, dementia is a group of symptoms that can be caused by many different diseases." [\[1\]](#)

Second – The Centers for Disease Control says hypothyroidism can mimic dementia. [\[2\]](#)

Third – The National Women's Health Network reports that UTIs can mimic symptoms of dementia, especially in older women. [\[3\]](#)

In spite of that information, on 02/08/18, Alabama DHR filed an Emergency Petition to appoint a court-selected guardian to take over my mother's life. And take over they did.

At the time, mom was 101 years old, and regardless of her age, she did not have dementia. It is true that the older a person is, the higher the chances to develop dementia. According to the 2013

study Dementia in the Oldest Old, dementia is only found in 13% of those age 90 to 94, 21% of those 95 to 99, to 41% in those over 100. [\[4\]](#) My mom was part of the 59% of centenarians who do not have dementia.

In the weeks that followed, Probate Judge Alan King appointed local attorney Sydney Summey as Guardian and Conservator over my mother and her estate. King wrote, “The POA’s [Power of Attorney’s] and Healthcare Initiative are set aside.” My mom chose me to be her guardian – not a man who was a stranger to us and a friend of the judge – but with the stroke of his pen, a judge took that away from her.



Judge Alan King

I was the one she trusted, and yet I was the one who brought to the hospital, which led to her “jail” sentence. I felt like I had failed her.

In April of 2018, my mom was discharged from the hospital, but the Probate Court prevented me from setting her up at a care facility near her family and friends – instead she was ordered to remain in Birmingham. This made it difficult for my mom to have regular visitors, as a one-hour visit would require 8 hours of driving! To make matters worse, my brother Mack Gregory had medical challenges lingering from a 2014 car accident. Mack, who has since passed, was not physically able to drive up to Birmingham and see his mom.

In the name of helping my mom, they isolated her from everything important to her – friends and family. They deprived her of living a life of her own choosing. But it got worse! The first court

decree ordered my mom to remain in Birmingham, the second banned her from having visitors – jailed and isolated...as if she was an infamous criminal.

Her guardian Summey, controlled my ability to see my own mother; he only “allowed” me to see her twice a month. But it got worse, Summey had his own decree! From August 2018 to May of 2019, I was prohibited from seeing my own mother. I was powerless and felt like a failure. My mom was a prisoner who did not receive visitors.

She endured her life sentence in Birmingham for a year and a half. Remember, I told you my mom was a fighter. However, each day took a little more of her strength, just as each day took a little more of her spirit.

When this all happened to my mom, I felt like I was fighting against this huge system, where only the insiders knew the rules, on my own. Since then, I’ve learned so much about the system and I was definitely not the only person in this country fighting against predatory guardianships.

The National Association To Stop Guardianship Abuse (<https://stopguardianabuse.org/>) is a wealth of information and I encourage you to visit their website. I also found a great support group, one I very much needed, on Facebook, called Murdered By Hospice (<https://www.facebook.com/groups/588415624648449/>).

In the fall of 2019, two soon-to-be-fired employees of Joann Bashinsky secretly met with the local conservator (a man named Greg Hawley) prior to filing an emergency guardianship petition in Jefferson Co., AL. The employees claimed Mrs. Bashinsky had dementia and needed a guardian. The case was heard by Judge Alan King, who was apparently sympathetic to the now-fired employees’ allegations.

Judge King then empowered Hawley to act as guardian and conservator for Mrs. Bashinsky. Coincidentally (or not), Hawley had been appointed to the position of Jefferson Co. Conservator by none other than Judge Alan King.

Last summer the Alabama Supreme Court (ALSC) threw out the emergency guardianship case against Joann Bashinsky and set her free from the conservator and voided Judge King’s ruling in a scathing opinion. (see the ALSC ruling – [here](#)). Unfortunately, Mrs. Bashinsky still had to fight the permanent petition which was still pending. She was still embroiled in this battle when she died in January of this year.

Did Hawley disclose his conflict of interest to the court?...No. Where did all of this take place?...Birmingham, Alabama (of course). Who was the Birmingham Judge who rubber stamped the guardianship case against my mother?...Judge Alan King.

Joe Lovvorn, an Alabama state representative, is also aware of the problem and has introduced HB603, which aims to bring much needed reform to the guardian, conservatorship, and probate court rules and procedures here in Alabama.

One of the proposed changes in Lovvorn's bill would prevent the appointment of a guardian or conservator when a valid power of attorney or health care directive exists and the person selected is willing and able to do the work. This alone would have saved my mother from living her last months under Summey's control.

If someone you love, or know, has been hurt by the guardianship system, I urge you to contact your local and state representatives and demand they take action to protect our seniors from this predatory system.

While Lovvorn's bill will not benefit my mother, I know she would be pleased to know others will not suffer the same injustice she did.

On August 24, 2019, my mom passed away. The fight was over; she died alone. She had not seen the sun or the sky, or the beauty of nature in over a year. The strict visitation rules in place by her guardian, who was supposed to be looking out for her best interest, meant she had few visitors in those final months. When she passed, it was 48 hours before the nursing home bothered to pick up the telephone and notify me she was gone...so caring (sarc).

The death certificate states she died of nature caused with dementia as a contributing factor. The doctor signing the certificate did so without examining my mother. The results from my mother's autopsy tell a different story. Dr. Samantha Halaseh came to this conclusion, "It is my opinion that Ms. Leonard died as a result of pulmonary compromise subject to increasing levels of morphine on an already compromised pulmonary system,...The possibility of an arrhythmia occurring cannot be excluded, but with the other pulmonary factors and the addition of increasing levels of morphine she was exposed to it is more likely that Ms. Leonard's ability to oxygenate her tissues was markedly compromised and the respiratory failure ensued and was the likely cause of death."

She died alone and drugged. Dr. Halaseh, who actually examined my mother, believes it was the excessive morphine that likely ended her life.



My mom did not commit a crime. She was a kind and loving woman, and I miss her dearly. Yet Probate Judge Alan King stripped of her civil rights and dignity in the name of saving her. In reality, the judge and the probate system helped kill her.

She deserved none of this.

[1]<https://newsinhealth.nih.gov/special-issues/seniors/dealing-dementia>

[2]<https://www.cdc.gov/aging/publications/features/dementia-not-normal-aging.html>

[3]<https://nwhn.org/is-it-true-that-utis-and-common-over-the-counter-medications-can-mimic-the-symptoms-of-dementia/>

[4]<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4234050/>