

**Complete description of the situation.**

I filed a lawsuit to have my brother and his wife removed as Trustees of my sister's special needs Trust. They behaved in ways I felt were inappropriate, and also they failed to file any accountings for the Trust for 5 years. When confronted with this they became belligerent to my sister. After that exchange I finally decided to file a lawsuit. As I was subsequently told, Trustees are allowed to use Trust funds to defend themselves. Apparently this is true even after breaking Michigan Trust law, and the constraints of the trust itself. So in spite of their legal lapse, they are getting a free, virtually unlimited defense fund that they then very effectively weaponized against me using my sister as their pawn. (They were basically allowed to create their own Frankenstein monster to scare my sister into coercing me to drop lawsuit.) The case sat in Court for most of a year, with no Court hearing ever held. I finally agreed to settle in mediation on 10-13-2022 under duress.

**How do you feel the ACLU can assist you?**

I am not a lawyer, but I have studied Trust law and this case immensely. I cannot fathom how it can be legal for a Trustee that does not fulfill their legal Trustee obligations, to proceed to plunder a Special Needs Trust fund for their own personal defense. And they spent egregiously, approximately 10 times what I spent out of my own personal funds. (~ 8 grand for me to ~80 grand for them) What I am asking for is for someone from your agency to review the case, and issue a statement to the Court involved, (and to any and all applicable law reviews), that a practice of squandering funds from a Special Needs Trust and then consciously weaponizing the excessive spending to further their interests should NOT BE LEGAL. In a situation that a significant lapse of Trustee responsibility occurred, the Trustees should be required to finance some or all of their own defense. The hugely unethical nature of what was done in this case seems very clear to me, and it should not be legal.

**Provide information about the lawsuit.**

I filed a suit in Midland County Probate Court on Dec. 13, 2021 requesting that the Trustees of my sister's Special Needs Trust (my brother and his wife) be removed. (File #21-1951-TV) I did so on my sister's behalf, as I did not feel she had the capacity to act on her own behalf under the difficult circumstances. I did not feel that my sister's needs were being appropriately handled, & also those of other family members for full disclosure.

The primary claim was their failure to provide any accountings for the Trust in nearly 5 years. The Trust itself called for an annual accounting be supplied to all family members. None was ever provided, and when my sister asked the Trustees, one of them turned on her and publicly castigated her in a note to the entire family. The Trustee didn't know the law, didn't follow the Trust itself, but had the audacity to turn on my sister when she stuck up for herself and her legal rights. It was a shame. After that exchange, I filed the lawsuit.

Submitted by Halsey Wolff