

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony for the Judiciary Committee  
January 29, 2026  
Support for LB 985 (guardian caseload limits)**

To Members of the Judiciary Committee:

On behalf of Disability Rights Nebraska, we write to offer our strong support for LB 985. We are a nonprofit organization and the federally designated Protection and Advocacy agency for people with disabilities in Nebraska.

Over the last three years, we have closely studied how guardianship is working in Nebraska. Over 10,000 Nebraskans are currently under guardianship and over 90% of those are full guardianships rather than limited guardianships. Other states are moving to supported decision making and relying primarily on limited guardianship, both of which allow more autonomy for the individual and are less resource-heavy than a full guardianship. Since Nebraska's practice of using a full guardianship in nearly every case has created the need for many guardians, the system has then come to rely upon individuals who have seen a financial opportunity. Some people step up and accept appointment to as many cases as possible, since each new appointment means more money.

Once someone is placed under guardianship, the protected person loses all power over nearly every aspect of his or her life. The guardian becomes empowered to decide:

- Where the client lives
- Medical treatment
- Whether the client is allowed to get a job or go back to school
- All money matters<sup>1</sup>

A guardian who is stretched too thin due to his or her caseload cannot possibly address all of these needs, yet the financial incentive to keep taking on more clients is keen. This is why we need to bring the same expectations for private guardians as we already have for our Office of Public Guardian.

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LB 985 will set reasonable limits on the number of wards one person can have, which in turn will ensure that these for-profit guardians are actually providing active, quality services for the vulnerable Nebraskans in their care.

In 2024, we released a report that examined some of these one-person companies' caseloads. You'll see on the attached map a snapshot of one guardian's wards at that moment in time: she had 58 current clients as well as nearly that same number who had recently died or moved out of state. In other words, her caseload at any particular day would have been even more than 58 people, which is already three times larger than the caseload we permit for trained, certified, professional state employees at the Office of Public Guardian.

As you'll see on the map, those 58 clients are spread from border to border, hundreds of miles apart from each other and from the guardian's home. It is simply not feasible for one guardian to have thorough, robust oversight for all of these protected people and keep up on their individual needs.

After release of the report with that case study, news broke just this fall that a different guardian—one with over 30 clients across the state—had been arrested for stealing over \$20,000 from a vulnerable adult. See the geographic spread of her clients in the second attached map. While her prosecution progresses, the alleged theft is not the only concern. Long before the alleged theft, the guardian had simply stopped performing basic services for her clients, resulting in real harm. For example:

- As of the date of her arrest, she had not filed the required annual reports for over half of her clients, so their financial and physical wellbeing has not been documented.
- Over a year before her arrest, clients were complaining that she wasn't paying their bills on time and that she "doesn't check up on me or talk to me. She also doesn't help me with anything."
- When one elderly client passed away, the guardian didn't provide notice to the court for over seven months and still never has paid the final court fees due on the case.

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- One client needed an emergency tetanus shot and the assisted living facility staff tried to reach the guardian by phone, text and email without any response. The staff had to get an emergency court order consenting to medical treatment since the guardian was simply missing in action.
- Failure to pay rent for an 82 year-old man in Lincoln, Nebraska, resulted in his eviction. The court received notice of the eviction and promptly set a hearing but the guardian didn't appear and no one knows the current whereabouts of the elderly man.

This sort of failure to act on behalf of her many clients may have many potential causes, but one explanation is clear: she was overwhelmed and unable or unwilling to provide the most basic care for her clients long before the theft allegations emerged.

Documented bad actor for-profit guardians in Nebraska have followed the same pattern of impossibly large caseloads, client complaints of no contact, and ultimately theft from the vulnerable people. This happened in 2013 with Judith Widener (200+ clients), who was exposed by the Nebraska State Auditor and found guilty of theft.<sup>2</sup> It happened in 2020 with Carolyn Trujillo (50+ clients), a guardian who had even volunteered and served on the Nebraska Supreme Court Commission on Guardianships. Her theft was caught by a court appointed Guardian Ad Litem who thoroughly went through her accountings, and she was convicted of theft.<sup>3</sup> It happened in 2025 with the guardian in York (30+ clients) who is currently facing felony charges for abuse of a vulnerable adult, unauthorized use of an ATM card, and theft by unlawful taking.<sup>4</sup>

The pattern will continue until we pass commonsense reforms such as LB 985 to make sure that private businesspeople are held to the same standards as we hold our state public guardians.

We request the committee advance LB 985 and sincerely thank Senators DeBoer, Bosn, Hughes and Rountree for bringing this important bill forward.

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<sup>1</sup> Neb. Rev. Stat. 30-2620 (a) (1-9)

<sup>2</sup> Nebraska State Auditor report:

[https://auditors.nebraska.gov/APA\\_Reports/2013/SA25469-11252013-January\\_1\\_2012\\_Through\\_December\\_31\\_2012\\_Attestation\\_Report\\_Press\\_Release.pdf](https://auditors.nebraska.gov/APA_Reports/2013/SA25469-11252013-January_1_2012_Through_December_31_2012_Attestation_Report_Press_Release.pdf)

<sup>3</sup> *State v. Trujillo*, D15 CR20-216

<sup>4</sup> *State v. Stamp*, D17 CR22-187