

GUARDING FROM THE GUARDIANS 2025

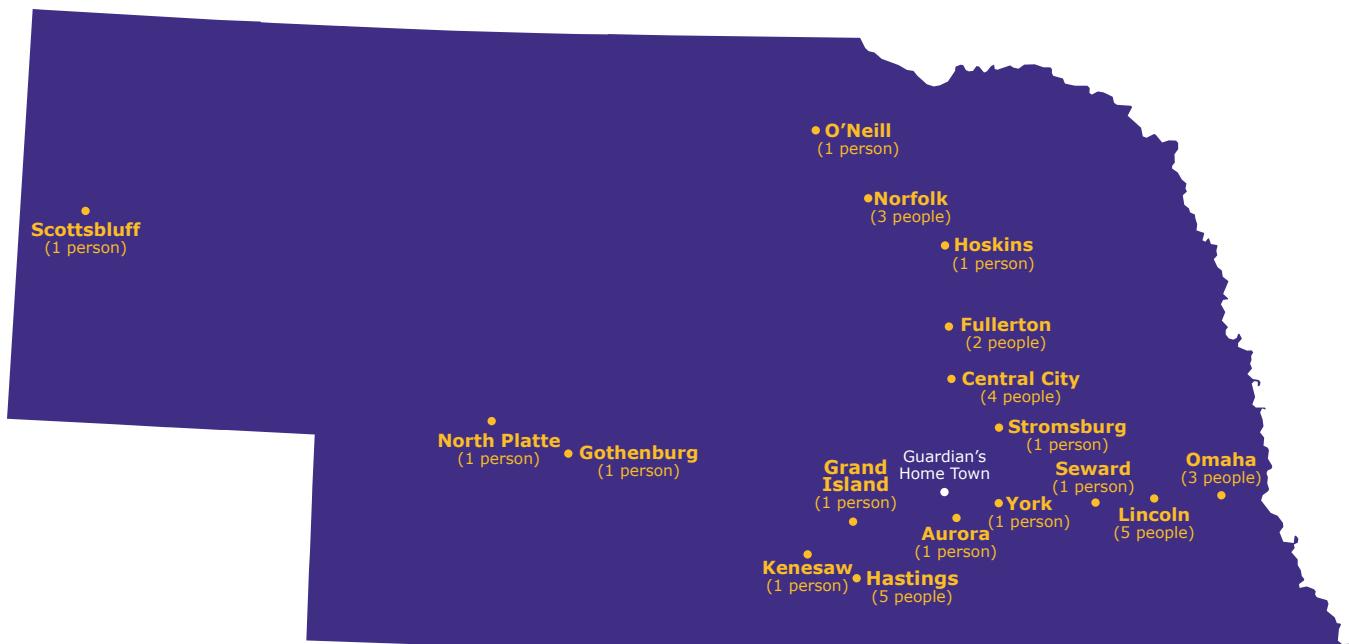


INTRODUCTION: In 2024, Disability Rights Nebraska issued an investigative report titled "Guarding from the Guardians," which examined the state guardianship system for people with disabilities. You can read the full report on our website: [Guarding from the Guardians](#). Once a court puts someone under full guardianship, the appointed person makes virtually every decision for the person with a disability and has nearly unfettered power over their life. In our 2024 report, we identified serious gaps in oversight, outdated practices that have been eliminated in other states, and offered real stories of Nebraskans whose guardians exploited or neglected them. In light of recent events, we are revisiting the issue to call for immediate reform.

NEBRASKA GUARDIAN CHARGED WITH MULTIPLE FELONIES: In November 2025, a Nebraska woman was charged with multiple felonies involving the alleged theft of over \$20,000 from a vulnerable adult. At the time of her arrest, she was serving as court-appointed guardian for more than 30 people spread over 16 counties. Examination of the publicly available court files revealed a number of troubling facts.

Training gap: When she first arrived on the scene as a for-profit new guardianship business in 2022, she was appointed guardian for vulnerable adults in Hall County, Holt County, Merrick County and Saunders County even though she had not yet taken the statutorily-required guardianship training. State law requires a proposed guardian to complete training within three months of appointment.¹ Six months after taking power over these people's lives, she finally attended the training.²

Unreasonably vast geographic range: Within just a couple of years, her business boomed as judges appointed her to serve all across the state. Despite being a one-person company located just outside of York, the courts apparently believed that she could serve as full decision-maker for people living from Scottsbluff to South Sioux City to North Platte to O'Neill to Cedar Bluffs to Norfolk to Hastings to McCook to Lincoln to Omaha.



Repeated failure to file annual reports: As of the date of her arrest, she had not filed the required annual accounting for over half of those clients, yet the judges continued to allow her to serve. This single annual report is the sole opportunity for the courts to oversee whether the guardian is providing for the physical and financial needs of the person with a disability. While some judges had set a hearing to require the filing of the documentation, she was permitted to continue working on more than half of the cases even though she ignored multiple court orders and filed no documentation.

Credit history red flags: Nebraska requires a potential guardian to submit to a credit history check.³ This is a commonsense requirement since someone unable to handle their own affairs may be unsuitable to manage someone else's money wisely. She had been sued by collection agencies in small amounts (less than \$1,000) in 2019 and twice in 2024, though those small debts may not have been enough to trigger concerns during the credit history check. However, the guardian and her husband were sued in April 2024 for an outstanding debt of over \$10,000. According to the criminal indictment, her first theft of a client's money was over \$15,000 and occurred the day before the lawsuit was filed. Despite this serious blemish on her financial history, she was appointed as guardian for 23 more vulnerable adults after the \$10,000 debt lawsuit. It is unclear who reviews the credit history, whether it is re-checked over the years in a continuing case, and what criteria is used to disqualify an applicant on the basis of their credit rating.

Repeated client complaints: The clients under this woman's sole power tried to tell the court about the problems with her care. In November 2024, a 76-year-old man under guardianship wrote to the Adams County Court, "I...like my bills paid on time and balance of money every month...[name] is not doing a satisfactory job. Never pays me on time or considers what I need." The judge appropriately set a hearing in response to this letter and the lack of annual report, the guardian simply filed her paperwork and the man's plea was never scheduled for hearing and he was never given an opportunity to be heard in court. Ultimately, this man simply moved to Alabama without asking anyone's permission, which ended the guardianship.

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paid on time and Balance of
money every month. I ask the
Court to reinstate my Guardianship
& payee to me.
is not doing a satisfactory job.
Never pays me on time or
considers what I need.

Dear your honor,

I would like to request a hearing to
change my guardian to
My current guardian doesn't check up on me
or talk to me. She also doesn't help me
with anything.

Another client tried to explain the lack of care she was receiving and wrote to the Lincoln County Court in March 2025, “I would like to request a hearing to change my guardian...My current guardian doesn’t check up on me or talk to me. She also doesn’t help me with anything.” Lincoln County Court appointed a local attorney to act as Guardian Ad Litem (GAL) to examine the woman’s assertions, but as of the date of this report, the GAL has submitted no report and the woman remains under the same guardian despite the pending criminal charges.

Previous red flags across multiple courts: Even if one disregards the voices of her own clients, it was crystal clear long before her arrest that there were problems with how she conducted herself as a guardian:

- summoned to court to explain wrongful payment to herself of over \$500 from the funds of a current client,
- summoned to court over an unexplained missing \$1,000 from the estate of a recently deceased client,
- failed to pay rent for an 82 year-old man who was sued for eviction as result and whose whereabouts are now unknown,
- took over seven months to inform the court that an elderly client had passed away and still has never paid the final court fees due on the case,
- failed to respond to emergency requests to approve a tetanus shot for a disabled client unable to consent on his own behalf

Despite all these red flags, she was removed as guardian for failure to act on behalf of her clients in only three cases in the last year prior to her arrest.

Discussion held regarding final accounting report. The court advised the Guardian that the audit completed by the court shows that \$1,039.25 more was withdrawn from Direct Express than was deposited to the Cornerstone Bank account. Guardian acknowledged the deficit and agreed to reimburse the sum of \$1,039.25 to the Guardianship. The Guardian was ordered to pay the sum of \$1,039.25 to the court.

A D D I T I O N A L E N T R I E S O F R E C O R D

Hearing held on Review of Accounting. Guardian/Conservator was Ordered to reimburse the Ward \$473.14 for overpaid fees of \$400.00 and the fuel reimbursement in the amount of \$73.14.

Guardian ad Litem for the above-referenced Ward, [REDACTED] respectfully moves this court to grant her authority to consent to medical treatment for [REDACTED] as his Guardian ad Litem for the following reasons: On November 11, 2025, the undersigned was contacted by [REDACTED] of Central Assisted Living (Representative Payee and Placement). [REDACTED] notified the undersigned that [REDACTED] requires a tetanus shot and they are not able to arrange for [REDACTED] to receive the shot without consent from his guardian, [REDACTED] and another staff member at Central Assisted Living attempted to contact [REDACTED] to obtain her consent without success. The undersigned attempted to contact [REDACTED] by phone on the date of this motion and was unable to leave a message due the voice mail being full. The undersigned texted [REDACTED] to ask her about consent on this date as well. As of the time of filing this motion, the undersigned has not yet heard back from [REDACTED]. The undersigned contacted Central Assisted Living on today's date and they still have not heard from [REDACTED].

Removed from some cases but allowed to continue in other cases without investigation: Disturbingly, judges who took action to remove her in Lancaster and York County for failing to act still have other guardianship files in front of them where she has been allowed to continue to have authority over the finances and wellbeing of other people with disabilities. Since the arrest became public, some judges have begun to suspend her authority on their own initiative and set the wheels in motion to place a new guardian in place.

As of the date of this report, the majority of her cases remain with her still in charge of client funds as she awaits her criminal court case resolution. We recognize that this woman remains innocent until proven guilty, but leaving her with access to many clients' funds and responsibility for their care during the pendency of her criminal case is very concerning.

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Despite her arrest, this guardian has still been left in charge of the majority of her clients today.

REFORMS NEEDED NOW: This latest scandal reveals the same flaws in Nebraska's guardianship system that we outlined in our July 2024 report "Guarding from the Guardians." County courts are simply not equipped to closely examine the financial reporting by guardians to identify fraud or error. Guardians who accept too many clients spread far across the state—even when they are handling finances appropriately—are unlikely to be providing genuine care and oversight for the people under guardianship. Nebraskans who are elderly, have a mental illness, or a developmental disability are being handed off to guardians who are often neglectful or even predatory. We must do better for the 10,000-plus people currently under guardianship in our state.

The recommendations made in our 2024 report remain appropriate. In the short term of this legislative session, we particularly lift up four solutions:

CASELOAD LIMITS: Currently, a private person has no limit on the number of clients she can serve. However, the professional state employees who act as guardians in the Office of Public Guardian (OPG) have caseload limits of 20 clients.

Without caseload limits, guardians will keep accepting more clients to make more money, despite being stretched too thin.

The OPG has a robust support staff of lawyers, administrative assistants, and fiscal/financial staff that work alongside the guardians working in the field. It is unreasonable to believe that one layperson can accept more clients than a professional OPG, and we propose a caseload limit of 10--that is less than the OPG's caseload of 20, since the OPG has extensive expertise and support staff while private for-profit guardians are often one-person businesses operated by individuals with no particular expertise.

This recent scandal reveals the reality: without caseload limits, for-profit businesses will keep accepting more and more appointments to make more money, even if it is stretching them too far. Without caseload limits, judges will keep appointing a single individual to care for people whose geographic distance from her makes it unlikely that real oversight will occur. We should amend Neb. Rev. Stat. 30-2627 (1) to require that the petition shall include the current number of clients the individual is serving, (2) to require that court personnel check JUSTICE to verify that this number is accurate, and (3) that no individual may serve for more than 10 guardianship clients.⁴

REQUIRE PHYSICAL VISITS BY GUARDIANS TO CHECK ON THEIR CLIENT: Currently, a private guardian is not required by state law to ever lay eyes on her client. As outlined in our 2024 report, guardians who do not physically visit their clients are unable to ensure the facilities are caring for them appropriately. We shared multiple stories of clients whose guardian simply phoned the nursing home or assisted living facility to ask staff about the client's wellbeing. If a nursing facility is abusing or neglecting someone, the employee cannot as easily hide that evidence during an actual visit by the guardian.

The recent scandal revealed that the guardian was doing barely anything for her clients—not visiting them, not speaking to them on the phone, not filing required financial documentation with the courts, not paying their bills, not responding to medical emergencies. We should amend the guardianship statutes to include the same duties we require of the OPG: "Monitor the ward or protected person and his or her care on a continuing basis. Monitoring shall, at a minimum, consist of monthly personal contact with the ward or protected person. The Guardian shall maintain a written record of each visit with a ward or protected person. The Guardian shall maintain periodic contact with all individuals and agencies, public or private, providing care or related services to the ward or protected person."⁵

REQUIRE AUDITORS TO REVIEW FINANCIAL ACCOUNTING: As outlined in our 2024 report, sister states that incurred the budgetary expense of hiring auditors more than recouped their salary in recovered assets. Some states have created a program to recruit volunteer accountants due to budget limitations. Even in tight financial times that make it prohibitive to examine every financial accounting in every guardianship file, random selections made periodically to scrutinize guardians' documentation may discourage wrongdoing and will certainly bring to light errors or misconduct.

It is also important to clarify how credit history checks are implemented and evaluated by judges. The large debt collection lawsuit in this recent scandal should have been a red flag. We should ensure that the credit check is actually reviewed and that there are clear criteria that would be disqualifying. The credit history checks should be renewed periodically as well, since guardianships can last a decade or more and the guardian's financial situation could change drastically.

These are public dollars at risk: federal benefits such as Social Security Disability (SSD) funds, state benefits such as Aid to the Aged, Blind, or Disabled (AABD), and county funds used to pay guardians their fees. The taxpayers of Nebraska and the Nebraskans with disabilities forced into guardianship deserve strict oversight of this money.

COMMIT TO RECRUITING NEW GUARDIANS: In the 2013 scandal involving guardian Judith Widener, she had taken on 250 clients. One county court judge later testified before the Unicameral he had some suspicions about her but had no other potential guardian available. "I didn't like that, but I didn't have a choice," he explained.⁶ The recent scandal showed the same pattern: the minute this woman opened her business, judges all across the state began appointing her to multiple cases despite geographic distance. The appointments snowballed even as the courts were issuing orders demanding late financial reports, and continued even as those same judges were removing her from a few cases for failure to act.

The solution is not to force more clients into the care of the OPG—as discussed above, caseload limits ensure quality care for vulnerable people. The Nebraska guardianship system has simply waited for for-profit businesses to come forward with an endless willingness to take more and more clients, turning a blind eye to the fact this is a recipe for predators. At the same time, Nebraska judges continue to approve applications for full guardianship despite the statutory requirement that a more limited guardianship is required. In other words, the system has created the demand while failing to take any steps to address the new unmet needs.

The court system must accept responsibility to create a robust and trustworthy cadre of new guardians. That may be through an education campaign similar to the recruitment of Court Appointed Special Advocates (CASA). It may be through collaboration with the state bar association to appoint attorneys to serve. It may mean raising reimbursement rates to attract more businesses. There are models from the American Bar Association and from sister states that can be weighed and adopted. We urge the Nebraska Judicial Branch to prioritize this effort in cooperation with the Nebraska Legislature.

CONCLUSION: Despite the grave concerns raised by the actions of this single guardian, the problems with Nebraska's guardianship system go beyond one individual. We have a systemic failure to ensure that Nebraskans under guardianship are cared for, and the focus must be on solutions moving forward, regardless of the outcome of the charges pending against one person. Any one of us could need the help of a guardian due to age, illness or accident, and all of us deserve to have laws in place to protect us from error or malfeasance.

These are public dollars at risk: state, federal and county funds pay guardian fees and taxpayers deserve strict oversight of the money.

ABOUT DISABILITY RIGHTS NEBRASKA:

Disability Rights Nebraska is the designated protection and advocacy system for the state of Nebraska. As part of our federal mandate, Disability Rights Nebraska monitors institutional facilities, investigates allegations of abuse and neglect, pursues administrative, legal and other appropriate remedies, and provides information, referrals and training. We use a combination of strategies to promote, protect and advocate for the legal and human rights of all people with disabilities. We support people to gain full inclusion in home, community, education, and employment, beginning with those who learn, live or work in isolated, segregated or congregated settings.

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1 Neb. Rev. Stat. 30-2627(d)

2 Training was completed October 7, 2022

3 Nebraska Supreme Court Rule 6-1449 (A)(1)

4 A similar change should be made to the conservatorship law found at Neb. Rev. Stat. 30-2639.

5 Neb. Rev. Stat. 30-4116(2)(d)

6 "Guardianship reform advances after judges, victims share concerns," Nebraska Public Media (2-13-2014)

<https://nebraskapublicmedia.org/en/news/news-articles/guardianship-reform-advances-after-judges-victims-share-concerns/>