



STATE OF  
**NEBRASKA**  
JUDICIAL BRANCH

Office of Public  
Guardian

**OLDER  
AMERICANS  
MONTH**



CONNECT, CREATE, CONTRIBUTE MAY 2019

## Happy Older Americans Month!

In recognition of National *Older Americans Month*, the Office of Public Guardian (OPG) will be providing a few stories of older Nebraskans for whom the OPG has served. The **Nebraska Office of Public Guardian** functions as the means of last resort for Nebraskans in need of guardianship and conservatorship when no one in their personal network is able to assist. The OPG has been privileged to act – as representatives for all Nebraskans – for their care, their dignity, and to support them through difficult times. This week we want to celebrate their lives. We are pleased to share their stories and give voice to how these Nebraskans “*Contributed, Created and Connected*” through their lives as valuable additions to our communities.

**Michelle J. Chaffee, Nebraska Public Guardian**

### Luther's Story

Luther “Pato” was born on May 3, 1935 in Harde-  
man County, Tennessee. When he was a young  
boy, Luther’s family moved to East St. Louis, Illi-  
nois, where he attended school. He joined the  
workforce at an early age at the Swift & Company  
Packing House. During the early 1960’s, the pack-  
ing house had a deep cut in their work force so  
Luther decided to seek employment in Omaha,  
Nebraska. Luther married twice and had six chil-  
dren. He worked in packinghouses in Omaha and  
was employed at Omaha Technical School until  
his retirement. Luther was an extremely hard  
worker and often held down several jobs simulta-  
neously. He was a self-starter with a truck-hauling  
job and a garage business alongside his full time  
jobs. He enjoyed cooking, gardening, hunting,  
fishing, and was a phenomenal storyteller. His  
home, his pride and joy, was a place where  
friends and family would often gather to listen to  
stories and celebrate special occasions.

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## Luther's Story (Continued)

Late in 2017, the Office of Public Guardian (OPG) was appointed as emergency guardian/conservator for Luther. At that time, there was an open Adult Protective Services (APS) case regarding neglect and possible exploitation of Luther by a family member. The investigation revealed Luther had been diagnosed with late stage prostate cancer that had spread to his lungs and lymph nodes. However, he had not been taken back to the doctor since the initial diagnosis. By the time the OPG became involved, Luther was very ill and needed to move to a nursing home facility to rehabilitate. Unfortunately, Luther was never able to return to the home he cared for so lovingly.

Following the appointment, the OPG secured Luther's financial assets to prevent any possibility of continued exploitation. The OPG legal counsel worked with the City of Omaha to ticket squatters in Luther's home. The OPG boarded up the house, and changed the locks to prevent continued destruction of the property. However, the damage was so substantial that the home was considered a complete loss.

The Associate Public Guardian (APG) assigned to Luther's case worked tirelessly to make sure Luther received benefits including Social Security, Medicare, and Medicaid. The APG ensured he received necessary medical care to help treat his prostate cancer, diabetes, dementia, hypertension, and hyperlipidemia.

In March, Luther was hospitalized for complications from his cancer. His APG met with palliative care staff at the hospital to discuss Luther's options. Luther's oncologist confirmed his cancer had spread. Medical staff noted Luther was likely in a great deal of pain, but due to early dementia, was unable to communicate what he was experiencing. After much deliberation and consultation Luther was placed in hospice care.

Luther often thanked the APG for the care he received. He understood some individuals may not have handled his money the way they should have before, and he was grateful for the OPG's careful management of his funds.

Luther passed away in early April, 2019 at the age of 83. His wish was to be buried, not cremated. He had been able to pay for a plot and a headstone but did not have enough funds to care for his body and a funeral. His family stepped forward and paid for Luther's funeral. The funeral was very lively and included family stories and songs played by his musician friends. Luther, himself, had been quite a musician in his life. He also loved his family and would have done anything for them. Luther's APG was very moved by the service. After the funeral, many family members expressed gratitude to the OPG for our care and attention in Luther's last years of life.



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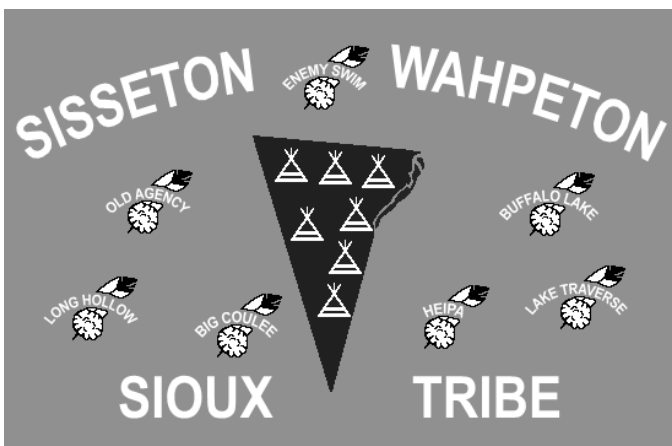
**Michelle J. Chaffee, Nebraska Public Guardian**

### Rodney’s Story

In September of 2017, the Nebraska Office of Public Guardian (OPG) was appointed as temporary guardian for Rodney. After being admitted to the hospital a few weeks prior for swallowing issues the hospital staff and attending physicians had difficulties communicating with Rodney and questioned his ability to make informed decisions regarding his medical care.

Sadly, Rodney’s swallowing issues turned out to be Stage 4 laryngeal cancer. He needed a feeding tube and a tracheostomy tube to eat and breathe. The Associate Public Guardian (APG) assigned to Rodney’s case met with him at the hospital. Rodney was gentle and kind to his APG, but was unable to speak because of his tracheostomy tube.

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## Rodney's Story (continued)

Thankfully he could communicate in writing. After noting that no family or friends were to be notified of his condition, he confided that he longed to leave the hospital and to taste "real" food again. The APG empathized but told Rodney that his cancer prevented those things. Information available through court records and hospital social workers indicated that Rodney was a long time member of Lincoln's homeless community. No family or friends could be located or contacted by hospital staff at the time of the OPG's appointment. Rodney's APG tried to connect with the family through the Bureau of Indian Affairs and the Sisseton-Wahpeton Sioux Tribe but unfortunately turned up no leads.

Eventually Rodney's cancer advanced to the point that treatment through chemotherapy and radiation was not a compassionate option. On the advice of Rodney's treatment team, the APG assigned to his case authorized a treatment goal of moving Rodney to palliative care and worked with his entire care team to get Rodney stable enough to transition to a skilled nursing facility with hospice services. He eventually passed away there on October 2, 2017 at age 60. His APG continued to work to obtain county assistance to pay for the cremation of Rodney's remains. A few weeks after his death, a cousin of Rodney's, having not heard from him for many months, contacted the Lincoln Police Department (LPD) for help locating Rodney. An LPD officer contacted the OPG, and they connected with Rodney's cousin and other family members, living in South Dakota. Rodney and his family are enrolled members of Sisseton-Wahpeton Sioux Tribe. Eventually, Rodney's family traveled to Lincoln and were provided with Rodney's cremains for burial with his family back home in South Dakota



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### **Eva’s Story**

Eva was born and raised in western Nebraska, but spent most of her adult life receiving developmental disability services from various providers across the state. She resided in several group homes for individuals with developmental disabilities, and lived with her husband in the community for a time. Eventually, Eva moved into a nursing home after she was diagnosed with dementia and required a higher level of care. Sadly, Eva had difficulty communicating and needed a wheelchair. Despite the circumstances though, she lived the best life possible thanks to the supportive and loving staff at her nursing home. She was a figurehead among the residents and staff often remarked, “We’re not supposed to have favorites, but Eva is a favorite.”

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## Eva's Story Continued

Eva's need for the Office of Public Guardian began prior to its creation. Her guardian was suspended and removed by the court after a State Auditor's investigation uncovered flagrant financial exploitation. A staff member at her nursing facility was appointed as temporary guardian. This was Eva's only option due to the lack of available guardians. The temporary guardian went to great lengths to alleviate the obvious conflict of interest, but unless Eva moved, or the guardian left employment, there was no way to completely eradicate the risk. The Office of Public Guardian (OPG) was nominated in November 2015, and an Associate Public Guardian (APG) was designated to Eva's case in January 2016. The APG spent time with Eva learning about her preferences for Dr. Pepper, chocolate, and stuffed animals.

Eva's APG learned more about Eva with the help of her former providers, case managers, and through genealogy resources online. The APG was able to locate Eva's family cemetery plot near her hometown. Despite Eva's having extremely minimal assets, the APG assigned to her case scrimped and saved every extra penny for Eva, with the intention of getting Eva and her brother, Joseph, "home" when the time came (Eva had been given her brother's urn when he passed away). That time would come sooner than anticipated.

In late November 2016, Eva's medical insurance refused to pay for one of her crucial dementia medications. Additional consultations and appeals followed, but Eva went without her dementia medication for nearly a month before the insurance company approved the doctor's orders. Eva's "sun downing" symptoms increased dramatically during that period and her physical decline became more apparent. Her blood sugars were much higher and her body was cold and clammy most of the time. Eva declined rapidly and, in the midst of an ice storm in January 2017, passed away at the age of 67. She died peacefully and without pain, surrounded by staff who loved her. The APG negotiated with a funeral home to make cremation arrangements with Eva's available funds. Eva's APG transported Eva and Joseph's urns from Omaha to western Nebraska. There was a simple funeral with the APG and a representative from the cemetery in attendance. Eva was laid to rest, with her brother and parents, on a rolling hillside on the Nebraska prairie, finally returning home, and reunited as a family.



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### Hattie’s Story

Roberta , “Hattie,” was born on December 1, 1935. When Hattie was a young child, she was responsible for helping her mother with her siblings and the housework. Hattie had eight siblings. She joined the workforce at an early age, working in the nursing home helping people and waiting tables in a local restaurant. She attended college for a short period, and then started working as a certified nursing assistant where she remained until her retirement. Hattie was married four times and had eight children, two from each marriage. She worked hard as a certified nursing assistant and made just enough money to meet the financial needs of her children. Unfortunately, over the years, Hattie’s relationships with her children became strained to the point that there was no longer any contact.

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## Roberta “Hattie” Lies’ Story continued

In March 2018, the Office of Public Guardian (OPG) was appointed as emergency guardian/conservator for Hattie. At that time, there was an open Adult Protective Services (APS) case regarding neglect. The investigation by Adult Protective Services detailed that Hattie had cognitive limitations and had left a nursing facility, where she was staying for rehabilitation, against medical advice. The APS investigation also reported there had been several reports of Hattie falling in her apartment, misuse of her pain medications, and smoking in her apartment. Hattie lacked the ability to provide care for herself. When her assigned Associate Public Guardian (APG) visited, they noted concerns about the condition of Hattie’s living environment, her hygiene, and her overall appearance. She had holes burned in her clothing, chair, and carpet. There were many pills sitting out and Hattie was unaware of what to take and when to take it. She also had a large open wound on her coccyx. As a result, the APG worked to get Hattie admitted to the hospital right away. Later Hattie went to live in a nursing home facility. Due to the extent of her cognitive limitations, inability to care for herself, and her medical needs, Hattie was never able to move out of the nursing home facility and return to the community.

In November of 2018, the OPG was appointed Permanent Guardianship. Hattie’s APG and two other APGs worked to clean out Hattie’s apartment and try to salvage some of her belongings, despite the extreme filth.

In early January 2019, Hattie declined rapidly and was hospitalized when it was determined she had an infection and suffered a stroke. After long discussions with Hattie, she and her APG decided she would be admitted to a hospice service. On hospice, Hattie received amazing care and compassion from the caregivers and volunteers in the facility. During this time, Hattie was nominated for the “Dream Weavers Program.” Her “dream” was to have a “Glamour Day.” Hattie always enjoyed looking nice and loved wearing hats. However, while raising her eight children on a certified nursing assistant’s wage, Hattie was never able to buy fancy clothes for herself. So, the Dream Weaver’s Foundation arranged for her to receive a beautiful outfit, hat, makeup, jewelry, and shoes. They also arranged a makeup artist and a photographer so that Hattie could shine in the spotlight on her special day. On January 26, 2019, Hattie got her day and she was definitely shining! The APG painted her nails, and the APG’s children, who had become close to Hattie, witnessed her transformation.

During this time on Hospice, Hattie was able to mend some of the relationships with her children. Four of her eight children came to visit her, one of them she had not seen in over 20 years. She was able to reach three of the other children on the phone to say goodbye. Hattie expressed to her APG, before she passed away, that she was thankful for all the OPG had done for her and the love and care that she had been shown by her APG. Hattie noted she had never had someone care so much about her and make sure she had everything that she needed. She passed away on February 7, 2019. Hattie definitely brought joy and spark to the OPG. Her story told of her amazing strength and it was an honor to get to be part of her ending. She is missed dearly.



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### Pastor Richard’s Story

It is said we are all one event, decision, diagnosis, or tragedy from a completely different life. Richard made a decision many of us would make for ourselves, he trusted a family member to handle his finances. Richard was a retired minister, who had served multiple congregations in small towns in Nebraska. He had been married 64 years. Richard had done everything “right” to prepare for his retirement; he had investments, a pension, Social Security, annuities, long term care insurance, health insurance, and a pre-paid burial plan. As an aging widower, he went to live with his only grandchild who was supposed to be his caregiver. Over time, he was slowly convinced to turn over all his finances to her. However, Richard’s granddaughter had a drug problem and began using his money to fund her addiction instead of providing her grandfather with care. She liquidated his assets, stopped paying his bills, had his checks deposited into her accounts, and took out multiple lines of credit in his name. His long-term care insurance lapsed, his doctors would no longer see him due to his unpaid bills, and his credit was destroyed. He was tens of thousands of dollars in debt. They were often evicted and it was not uncommon for Richard to return home to find the locks changed with their belongings inside. Over time, all of his personal possessions were lost. He had no family photos, important documents, or family heirlooms.

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### **Richard's Story (continued)**

Richard was identified as a vulnerable adult by APS. The OPG received his case as an emergency nomination in June 2016. Despite being a victim of financial exploitation, it took almost a year to get Richard qualified for Medicaid, due to Medicaid's five-year look back at applicant's finances. The APG was not able to obtain documents to account for where his funds had been spent. The APG worked tirelessly to show that Richard's funds were spent through no fault of his own and were not "gifted" to his granddaughter. The OPG Legal Counsel provided Medicaid with information and argued an imposition of a period of ineligibility due to Richard's alleged "transfer" of assets would be an overwhelming financial burden and seriously endanger his life due to the potential involuntarily discharge from the nursing home. Despite this it took many months to appeal the denial, request a Medicaid hardship waiver and show Richard was not responsible for the deprivation of his resources. Over time, the OPG was able to get him enrolled with Medicaid, pay off old debts to medical providers so they would see him again, and ensure his wishes for burial were financed. The OPG was able to locate a local vendor who would visit him in his nursing home so he could be fitted for a suit to alleviate his concern that he would not be dressed appropriately for his own funeral after officiating funerals for so many others as a minister.

Richard was an avid reader and wanted his funds used to keep subscriptions up to date for multiple magazines, local newspapers, and newsletters. He loved to discuss religion and politics. Despite jokingly calling himself a "tight wad," he always had a shopping list of very specific items he wanted purchased, such as a certain brand of after-shave, formal hats, Blue Diamond Almonds, a typewriter, and specific clothing. Richard was an active member of his local Lions Club chapter. He looked forward to attending their annual potlucks, but was concerned that he would not be able to contribute anything since he lived in a nursing home. Richard's Associate Public Guardian (APG) organized for Valentino's to deliver pizza to the potluck and Richard was thrilled to see that his pizza contribution was all gone by the time he went through the food line because everyone wanted it. Richard regularly said to his APG, "I'm so grateful for your services" and "I feel so fortunate to have you." He was kind, gracious, and thankful for the OPG's work in his life.

Despite his advanced age, Richard wanted to be an organ donor. He wished to be remembered as kind, generous, and caring more about others than himself. Through careful planning and many difficult conversations, Richard's APG clarified and documented all of Richard's wishes for medical treatment in the late stages of his life, his memorial service, and his burial. The APG ensured Richard's wishes were carried out and he was buried next to his wife.



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