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Wife: Court-appointed guardianship program is 'huge injustice'

Filed on May 31, 2014 by [Nick Glunt](#)

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Marie Nauth, of Medina, holds a picture of her and her husband, Larry, on their wedding day 28 years ago. Her husband has been battling dementia and Alzheimer's Disease for years. A court appointed a guardian for Larry in 2011, and she said it has been a disaster. (ANDREW DAVIS / GAZETTE)

MEDINA — A Medina woman says her life has been nothing but stress ever since a judge appointed an attorney to oversee her husband's medical affairs.

Former Medina County Probate Judge John Lohn in 2011 declared now-78-year-old Larry Nauth

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incompetent to handle his own medical and financial decisions because he has Alzheimer's disease.

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Lohn appointed an attorney as medical guardian because Marie Nauth and her husband's children from a previous marriage couldn't get along and couldn't agree on which family member should oversee his affairs. Nauth became financial guardian.

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The appointed attorney later resigned and in January 2012 a new one stepped in.

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That's when Nauth said her troubles began.

"She has full power over my poor husband and I'm just kind of stuck with that," Nauth said. "It's not what I thought it would be like at all."

She's had trouble getting in contact with the guardian via email and telephone, Nauth said, which could seriously damage her husband's health.

"As soon as the hospitals find out there's a guardian, they don't know who they can talk to — even though I'm his wife," she said. "Huge mistakes can be made if they can't get ahold of her."

She said her husband once was admitted to a hospital while the guardian was on vacation, and they were forced to wait for confirmation from the attorney before medical decisions could be made.

Another time, Nauth said hospital nurses tried to set up a catheter for her husband to test for a urinary tract infection. She walked into his hospital room, she said, and found the nurses were failing to apply it correctly.

"I said I could take him into the bathroom and get the sample without all this trouble and I asked why they didn't come ask me," Nauth said. "They told me they couldn't tell me because I wasn't the guardian."

She said the guardianship just isn't working out for her husband.

"I think the Medina County Probate Court did my husband and myself a huge injustice by interfering with our privacy, our marriage of 28 years and his right to appoint me to be his legal guardian," she said. "Alzheimer's is a terrible disease and that's bad enough, but having a guardian for him is a joke."

Shorain McGhee, the court-appointed guardian, said she's always tried to do what's best for Larry Nauth.

"Normally, a wife would have a lot of power, but I have that power, and I understand that can be frustrating," said McGhee, who runs a law practice in Medina.

She said she passes along information to the family as needed and tries her hardest to address issues her ward's wife has with the situation.

"She even sent me an email while I was on vacation," she said. "I was in the middle of getting a pedicure with my daughter when I got the email and I took care of that situation as fast as possible — even on my vacation."

"Other times, she'll send me an email and I won't have anything to say in response, so I don't respond, and that bothers her."

McGhee was on a list of about 10 qualified attorneys to take on wards as guardians in Medina County. She was selected after the previous guardian stepped down in late 2011.

According to court documents, McGhee has been paid about \$4,000 from the Nauth estate to serve as guardian for 19½ hours of work since January 2012. Included in bills are eight visits to Larry Nauth, as well as meetings, email correspondence and telephone calls with the family.

Under McGhee's guardianship, Larry Nauth has been put in Pine Valley Care Center in Richfield.

"I'll go out and see him every now and again, but Marie is there every day or every other day, so it just seems ridiculous to charge the estate to go and see him when someone's already there," McGhee said. "It doesn't make sense for a guardian to go and spend the money to do the exact same thing."

Under Ohio law, guardians are not required to visit their wards or ever meet them.

McGhee said Larry Nauth's best interest has been served with her as guardian.

"If it is over-burdensome on (the wife), why not file with the court and have the guardianship done away with?" McGhee said, adding the family could ask for a new guardian instead. "But I think it's in the family's best interest to have a guardian."

Medina County Probate Judge Kevin Dunn said the Nauth case is an unusual guardianship case.

"This isn't a pleasant situation," he said. "This is an extreme case."

He declined to comment more because the case is still pending, but said most disputes in probate court are resolved quickly and cleanly.

"Most aren't like this," he said.

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