

§ 6-1441. Bonds in guardianship/conservatorship cases.

In all guardianship/conservatorship cases, the court shall order that an approved corporate surety bond be filed in estates with a net value of more than \$10,000. The bond shall be in an amount of the aggregate capital value of the personal property of the estate in the guardian/conservator's control plus 1 year's estimated income from all sources minus the value of securities and other assets deposited under arrangements requiring an order of the court for their removal. The court, in lieu of sureties on a bond, may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land owned by the conservator/guardian. This bond shall be reviewed by the court periodically and adjusted to reflect any increase as set out in § 6-1439.

The court may eliminate the requirement of bond or decrease or increase the required amount of any such bond previously furnished for good cause shown.

The court shall not require a bond if the protected person executed a written, valid power of attorney that specifically nominates a guardian or conservator and specifically does not require a bond.

The court shall consider as one of the factors of good cause, when determining whether a bond should be required and the amount thereof, the protected person's choice of any attorney in fact or alternative attorney in fact.

No bond shall be required of the Office of Public Guardian or any financial institution, as that term is defined in Neb. Rev. Stat. § 8-101(12), or any officer, director, employee, or agent of the financial institution serving as a conservator, or any trust company serving as a conservator.

Rule 41 amended May 1990. Renumbered and codified as § 6-1441, effective July 18, 2008; § 6-1441 amended August 31, 2011, effective January 1, 2012; § 6-1441 amended September 10, 2015.
