

§ 6-1443.01 Standby Guardian.

(A) If a nominated Standby Guardian is listed in a petition, the Standby Guardian shall complete all background checks as required by Neb. Rev. Stat. § 30-2602.02 and Neb. Ct. R. § 6-1449 prior to being appointed unless waived by the court for good cause shown.

(B) When the Standby Guardian seeks to act as guardian for the ward or incapacitated person due to the death, unwillingness or inability to act, or resignation or removal of the guardian, before Letters will be issued, the Standby Guardian must do the following:

(1) Complete a Standby Guardian Assumption of Guardianship Authority notification form and Acceptance and file it with the court within 10 days of any of the event(s) occurring in subsection (2). The Standby Guardian shall file a certificate of mailing with the court showing that copies of the Standby Guardian notification form, Acceptance, and a Notice of Right to Object form were sent to all interested persons, including the bonding company, if any, by first-class mail postage prepaid.

(2) Complete all background checks as required by Neb. Rev. Stat. § 30-2602.02 and Neb. Ct. R. § 6-1449 and file them with the court, unless waived by the court for good cause shown.

(3) File within 30 days of the filing of the Standby Guardian Assumption of Guardianship Authority notification form and Acceptance:

(i) general information form

(ii) address information form

(iii) personal and financial information form

(4) File an Inventory, Affidavit of Due Diligence, and Certificate of Mailing with the court showing that copies of the Inventory and a Notice of Right to Object form were sent to all interested persons, including the bonding company, if any, by first-class mail postage prepaid within 30 days of the filing of the Standby Guardian Assumption of Guardianship Authority.

(5) File a Financial Institution Receipt of Letters Form. This form shall be filed with the court within 30 days of the Letters being issued.

(C) The court shall review the inventory and background checks filed by the Standby Guardian. The court shall determine if a bond is necessary and shall so indicate in an Order, and Letters shall issue after the bond is posted, if required. The court may in its discretion set the matter for hearing with notice to all interested parties.

(D) The Standby Guardian shall complete training within 90 days of receiving his or her Letters.

§ 6-1443.01 adopted September 10, 2015; § 6-14430.01(B) amended November 13, 2019, effective April 1, 2020.
