Nebraska State Court Form REQUIRED CC 16:2.115 Rev. 04/2020 Neb. Rev. Stat. §§ 30-2633, 30-2619, 30-2639, 30-2627(a), 30-4112, 30-2627(e), Neb. Ct. Rule § 6-1433.02(D)	**ORDER APPOINTING PUBLIC GUARDIAN AS GUARDIAN AND CONSERVATOR**	Choose the county

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

Case No. _____

IN THE MATTER OF

_____

Ward/Protected Person

ORDER APPOINTING PUBLIC GUARDIAN AS GUARDIAN AND CONSERVATOR

The Petition for Appointment of Guardian and Conservator having come before the court, the court finds as follows:

1. Petitioner(s) is/are entitled to file the Petition pursuant to Neb. Rev. Stat. §§ 30-2633 and 30-2619.
2. Notice has been given or waived as required by law.
3. Venue in this county is proper.
4. Upon clear and convincing evidence presented to the court, there is a sufficient basis for the appointment of the guardian for _____

   ☐ an incapacitated person, pursuant to lawful proceedings of record in this court or

   ☐ an incapacitated person, pursuant to the provisions of the Last Will and Testament of _____, parent or spouse of said incapacitated person, which Will was admitted to probate in this court and there are no less restrictive alternatives than the appointment of a guardian for the above-named incapacitated person.
5. Upon clear and convincing evidence presented to the court, there is a sufficient basis for the appointment of the conservator for _____and there are no less restrictive alternatives than the appointment of a conservator for the above-named protected person.
6. Appointment of a guardian and conservator is necessary because: ☑ Lines ☐ Remove Lines

   _____

   _____

   _____

   _____

   _____
7. Proper notice has been given to the Office of Public Guardian.

8. The petitioner has acted in good faith and due diligence to identify a guardian and/or conservator who would serve in the best interest of the ward/protected person.
9. The appointment of the Office of Public Guardian is necessary and does not exceed the caseload limitations as set forth by statute.
10. The Court Visitor or Guardian ad Litem report has provided supporting evidence that no person is available for appointment as guardian and/or conservator, all options available to support the individual in the least restrictive manner possible have been explored, and guardianship and/or conservatorship is a last resort.
11. There is no other alternative than to appoint the Office of Public Guardian.

☐ The court finds clear and convincing evidence that a full guardianship is necessary and is the least restrictive alternative. **The Public Guardian is granted all powers conferred upon guardians by law which are listed below:**

i. Selecting the ward's place of abode within this state or with court permission, outside of this state;
ii. Arranging for medical care for the ward;
iii. Protecting the personal effects of the ward;
iv. Giving necessary consent, approval, or releases on behalf of the ward;
v. Arranging for training, education, or other habilitating services appropriate for the ward;
vi. Applying for private or governmental benefits to which the ward may be entitled;
vii. Instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform such duty, if no conservator has been appointed;
viii. Entering into contractual arrangements on behalf of the ward, if no conservator has been appointed; and
ix. Receiving money and tangible property deliverable to the ward and applying such money and property to the ward's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no conservator has been appointed, or requesting the conservator to expend the ward's estate by payment to third persons to meet such expenses.

☐ This is a limited guardianship. The Public Guardian, as guardian, shall have the following authorities and responsibilities (acting together with the ward or singly):

- ☐ Selecting the ward's place of abode within this state, or with court permission, outside of this state;
- ☐ Arranging for medical care for the ward;
- ☐ Protecting the personal effects of the ward;
- ☐ Giving necessary consent, approval, or releases on behalf of the ward;
- ☐ Arranging for training, education, or other habilitating services appropriate for the ward;
- ☐ Applying for private or governmental benefits to which the ward may be entitled;
- ☐ Instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform such duty, if no conservator has been appointed;
- ☐ Entering into contractual arrangements on behalf of the ward, if no conservator has been appointed;
- ☐ Receiving money and tangible property deliverable to the ward and applying such money and property to the ward's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no conservator has been appointed, or requesting the conservator to expend the ward's estate by payment to third persons to meet such expenses.
- ☐ Other: _____
_____
_____
_____

12. The Public Guardian is entitled to appointment pursuant to Neb. Rev. Stat. §§ 30-2639, 30-2627, and 30-4112 and should be appointed as guardian and conservator. The Public Guardian is authorized and ordered to obtain a Financial Institution Receipt of Orders form completed by each financial institution holding any assets or accounts titled in any manner in the name of the protected person along with a printout of all assets and account numbers in each financial institution, which shall be filed in these proceedings.
13. If any funds are ordered restricted, the Public Guardian is further authorized and ordered to open an account at a financial institution with the restriction that **no withdrawals can be made without a**

court order. To show the court that they complied with this restriction, the Public Guardian shall file with the court a Proof of Restricted Account form within 10 days of this order.

14. Bond is not required per Neb. Rev. Stat. § 30-2627(e).
15. Training: For good cause shown training is waived. The Public Guardian and the Associate Public Guardians have already taken the training.
16. The Public Guardian shall file the Notice of Designation of Deputy Public Guardian and Associate Public Guardians form (CC 16:2.96) with the court indicating who the designated Associate Public Guardian is for this case. If the Associate Public Guardian changes, the Public Guardian shall file an updated Notice of Designation of Deputy Public Guardian and Associate Public Guardians form (CC 16:2.96) with the court indicating who the new designated Associate Public Guardian is for this case.

IT IS THEREFORE ORDERED that the Public Guardian is appointed guardian and conservator of the estate of _____and Letters of Guardianship and Conservatorship shall be issued to the Public Guardian upon the filing of the following documents:

1. Acceptance of Appointment;
2. General Information Form.
3. Address Information Form;
4. Financial Institution Receipt of Orders form with a printout of all assets in each financial institution;
5. Proof of restricted funds form for any assets the court has ordered to be held in a restricted account;
6. Inventory, Affidavit of Due Diligence, and Certificate of Mailing form;
7. Budget that pursuant to Neb. Ct. Rule § 6-1433.02(D) is for informational purposes only;
8. Personal and Financial Information for Guardianships and Conservatorships form.

After Letters are issued, the Public Guardian shall deliver to each financial institution where the ward/protected person has accounts/assets a copy of the Letters of Guardianship and Conservatorship and file with the court a Financial Institution Receipt of Letters form acknowledging that they received the Letters, along with a printout of all assets and account numbers in each financial institution. The Public Guardian shall thereafter be entitled to deal with such assets. This form shall be filed within 30 days. Failure to file this form will result in a suspension of your authority.

As a guardian and conservator the Public Guardian is ordered to comply with the following restrictions:

1. **The Public Guardian shall <u>not</u> pay compensation to themselves from assets or income of the ward/protected person, nor sell real property of the estate without first giving notice to interested persons and obtaining an order of the court. To obtain an Order, the Public Guardian must first file an application, give notice to interested persons, then have a hearing date scheduled. The order may be entered without a hearing if all interested persons have waived notice of hearing or have executed their written consent to such compensation or sale or any other restrictions as determined to be appropriate by the court.**
2. **The Office of Public Guardian is prohibited from making cash withdrawals or receiving cash back.**
3. **If any funds have been restricted by the court, the Public Guardian shall not make any withdrawals from the restricted account without a court order.**
4. **Other:**

   _____
   _____
   _____
   _____

DATED: _____.

BY THE COURT:

_____
County Judge

PREPARED AND SUBMITTED BY: