

PACKET D—GUARDIANSHIP AND CONSERVATORSHIP
ANNUAL REPORTING FORMS

Who may use these forms: A person who has been appointed both guardian and conservator uses these forms to report and account to the court each year.

What are you reporting to the court: You are reporting how the ward/incapacitated person/protected person is doing. You are also reporting all money received by you on behalf of the ward/incapacitated person/protected person and all expenses paid by you on behalf of the ward/incapacitated person/protected person for the reporting period.

When are the forms to be used: You must complete the entire packet of forms and file them with the court every year from the date Letters of Appointment were issued. Your first year begins on the date Letters of Appointment are issued to you and ends one year later. You are required to file these forms each year, from that point forward.

For example, if Letters of Appointment were issued to you on June 10, 2012, then your first accounting year begins June 10, 2012 and ends May 31, 2013.

These forms are to be used when the guardian/conservator wants to submit his or her annual accounting, without requesting any fees for the guardian/conservator or anyone else. If these forms only are submitted and no fees are requested, then a hearing will not be automatically scheduled. A hearing will only be automatically scheduled if the court has any questions about the accounting or an interested person files an objection to the accounting.

If you need additional copies of this packet, forms are available on the Supreme Court website: <https://supremecourt.nebraska.gov/forms>.

The cost of filing this packet is \$10.

The cost of filing this packet is \$5 if an accounting is not required.

Specific Instructions: This packet includes the following:

- ▶ **Annual Report of Guardian on Condition of Ward** (Pages 1-3): You complete this portion of the packet, which includes information concerning the well-being of the ward. You will file the original with the court and mail copies to the interested persons.
- ▶ **Updated Inventory** (Pages 4-5): You complete this portion of the packet by providing the account balance for each bank account and the account value for each brokerage account as of the last day of the reporting period. All other requested information must be included in the form, if applicable. The original must be filed with the court and a copy mailed to all interested persons.
- ▶ **Accounting** (Pages 6-7): If you spent from or added to the ward's/incapacitated person's/protected person's account(s) during the accounting period, you must also provide an accounting— a list of the amounts received on behalf of the

ward/incapacitated person/protected person, the amounts paid out from each account on behalf of the ward/incapacitated person/protected person, to whom monies were paid and for what purpose the payments were made. You should end the accounting on the same date that the accounting year ends. The original form must be filed with the court along with copies of all bank statements, brokerage statements, etc. covering the accounting period with all but the last four digits of account numbers and social security numbers blacked out. You will mail copies to the interested persons.

▶ Certificate of Proof of Possession (Pages 8-9): You will need one Certificate for each bank or other financial institution. You will begin a portion of the Certificate, but the bank or other financial institution will finish the Certificate. Complete the case information on the Certificate, then take this form to the bank or other financial institution and ask a representative there to write in the account information, the balance in the account, and any interest paid. You should have the account balance confirmed as of the last day of the accounting. The representative from the bank or other financial institution must sign the Certificate in the presence of a notary public because his or her signature must be notarized. The original Certificate(s) must be filed with the court and copies mailed to the interested persons.

▶ Notice of Right to Object (Page 10): You must complete this form, file the original with the court and mail a copy to all interested persons.

▶ Certificate of Mailing (Pages 11-12): By filing this Certificate with the court you are informing the court that you have mailed copies of the forms listed to the “interested persons.” You need to check the box of all of the forms/documents you have mailed to the interested persons. You must also list the names and addresses of the interested persons you sent the forms to on this form. The original must be filed with the court and a copy mailed to all interested persons.

▶ Personal and Financial Information for Guardianships and Conservatorships (Page 13): You need to complete this form by filling in the name of your ward/incapacitated person/protected person, his or her date of birth, social security number and the name and address of all bank or other financial institutions where the ward/incapacitated person/protected person has money. You must include full account numbers on this form. This form is filed with the court only. **Do not send this form to the interested persons.**

**GUARDIANSHIP AND
CONSERVATORSHIP ANNUAL
REPORTING FORMS PACKET D**

REQUIRED

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

Case No. _____

IN THE MATTER OF

Ward/Incapacitated Person/Protected Person

**ANNUAL REPORT OF GUARDIAN ON
CONDITION OF WARD/INCAPACITATED
PERSON/PROTECTED PERSON,
UPDATED INVENTORY, ACCOUNTING,
CERTIFICATE OF PROOF OF
POSSESSION, NOTICE OF RIGHT TO
OBJECT, AND CERTIFICATE
OF MAILING**

I, the undersigned, am the guardian and conservator of the above named ward/incapacitated person and my annual report to the court is as follows:

1. Present age of the ward/incapacitated person: _____
2. Current address of the ward/incapacitated person: _____
3. The ward's/incapacitated person's residence is:

| | |
|-------------------------------|------------------------------------|
| _____ own home | _____ guardian's home |
| _____ nursing home | _____ hospital or medical facility |
| _____ foster or boarding home | _____ other: _____ |
| _____ relative's home _____ | |

(Relationship)
4. The ward/incapacitated person has lived in his or her current residence since _____.
If the ward/incapacitated person has moved within past year, state reasons for change: _____

5. During the past year, how many times and on what dates did you see the ward/incapacitated person? _____

6. During the past year, the ward's/incapacitated person's mental health has:

| |
|-------------------------------------|
| _____ remained about the same. |
| _____ improved. Describe: _____ |
| _____ deteriorated. Describe: _____ |

7. During the past year, the ward's/incapacitated person's physical health has:
 _____ remained about the same.
 _____ improved. Describe: _____
 _____ deteriorated. Describe: _____
8. During the past year, the ward/incapacitated person has been treated or evaluated by the following:
 _____ Physician. Name: _____
 _____ Psychiatrist. Name: _____
 _____ Social or other case worker. Name: _____
 _____ Dentist. Name: _____
 _____ Other. Name: _____
9. The ward/incapacitated person ___ is ___ is not under regular physician's care.
 Physician's Name: _____
 (if different than physician in #8 above)
10. Social conditions: During the past year, the ward/incapacitated person has participated in the following activities: Describe.
 _____ Recreational: _____
 _____ Educational: _____
 _____ Social: _____
 _____ Occupational: _____
 _____ None available.
 _____ Refuses or unable to participate. _____
11. As guardian, I rate the ward's/incapacitated person's living arrangements as:
 _____ excellent.
 _____ average.
 _____ below average. If below average, explain: _____

12. As guardian, I believe the ward/incapacitated person is:
 _____ content with living situation.
 _____ unhappy with living situation. Why? _____

13. As guardian, I believe the ward/incapacitated person has the following needs that have not been met: _____
14. The guardianship should be continued for the following reasons:
 _____ The ward/incapacitated person is still a minor.
 _____ The ward's/incapacitated person's condition requires continuation of guardianship.

15. Please mark one of the following (A, B, or C) and complete the additional questions, if any, for the section you marked:

- A) _____ I **do** have possession or control of the ward's/incapacitated person's money, assets, possessions or income (including social security or other benefits) **AND** one of the following applies:
- 1) _____ My accounting, certificate of proof of possession, and bank statements and/or brokerage statements are filed with the court.
 - 2) _____ The accounting has been waived by the court.
 - 3) _____ A budget has been approved by the court and the Annual Budget Report is filed with the court.

B) _____ I do **not** have possession or control of the ward's/incapacitated person's money, assets, possessions or income (including social security or other benefits). The person who has possession or control of the ward's/incapacitated person's money, assets, possessions or income (including social security or other benefits) is: _____

- _____ **AND**
- 1) _____ I **have** talked to the person in charge of the ward's/incapacitated person's money, assets, possessions or income (including social security or other benefits) **AND**
 - a) _____ I **am** satisfied that the funds are being handled properly.
 - b) _____ I am **not** satisfied that the funds are being handled properly because _____

_____.
 - 2) _____ I have **not** talked to the person in charge of the ward's/incapacitated person's money, assets, possessions or income (including social security or other benefits) because _____

_____.

C) _____ The ward/incapacitated person receives no money, assets, possessions or income (including social security or other benefits).

UPDATED INVENTORY

TO THE GUARDIAN AND/OR CONSERVATOR: *To protect personal information, only the last four digits of the account should be provided on this form. Complete account information is provided on the Personal and Financial Information for Guardianships and Conservatorships form.*

The inventory listed below is the inventory as of the ending date of this Annual Report, _____, 20____.

1. PERSONAL PROPERTY:

Checking Accounts

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Savings Accounts

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Certificates of Deposit

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Bank Name _____ \$ _____

Account no. XXX- _____ \$ _____

Stocks and Bonds \$ _____

Vehicles \$ _____

Household goods and furnishings \$ _____

Other: _____ \$ _____

TOTAL: \$ _____

2. JOINTLY HELD PROPERTY:

| | |
|-----------------|----------|
| With whom _____ | \$ _____ |
| What _____ | \$ _____ |
| With whom _____ | \$ _____ |
| What _____ | \$ _____ |

TOTAL: \$ _____

3. INCOME (Monthly):

| | |
|--|----------|
| Wages - Employer name: _____ | \$ _____ |
| Social Security _____ | \$ _____ |
| Supplemental Security income _____ | \$ _____ |
| Veterans Administration benefits _____ | \$ _____ |
| Company pension _____ | \$ _____ |
| Interest - From where: _____ | \$ _____ |
| Dividends - From where: _____ | \$ _____ |
| Other: _____ | \$ _____ |

TOTAL: \$ _____

4. CREDIT CARD(S) belonging to ward/incapacitated person/protected person (If applicable)

| | |
|------------------------|----------|
| Card Name _____ | |
| Account no. XXX- _____ | \$ _____ |
| Card Name _____ | |
| Account no. XXX- _____ | \$ _____ |

TOTAL: \$ _____

5. REAL PROPERTY (List location by address and value):

Note: legal property descriptions may be obtained from the Register of Deeds in the county that the property is located. For longer descriptions, reference the location and legal description on a separate page.

| | |
|-------------------------|----------------|
| Location _____ | Value \$ _____ |
| Legal description _____ | |
| Location _____ | Value \$ _____ |
| Legal description _____ | |
| Location _____ | Value \$ _____ |
| Legal description _____ | |
| Location _____ | Value \$ _____ |
| Legal description _____ | |
| TOTAL: \$ _____ | |

NOTICE: You must file your Letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward/incapacitated person/protected person has real property or an interest in real property.

I swear or affirm, **under the penalties of perjury**, that I have examined the Annual Report of Guardian on Condition of Ward/Incapacitated Person/Protected Person, Updated Inventory, and Accounting, and to the best of my knowledge and belief, they are true, correct and complete.

Signature(s) of Guardian(s) and/or Conservator(s)

Date _____

Print or Type Name of Guardian(s) and/or Conservator(s)

Bar Number and Firm Name (attorneys only)

Street Address/P.O. Box of Guardian(s) and/or Conservator(s) mark if new address

City/State/ZIP Code of Guardian(s) and/or Conservator(s)

Phone

E-mail Address

CERTIFICATE OF PROOF OF POSSESSION

TO THE GUARDIAN AND/OR CONSERVATOR: This form must be completed by the financial institution. It must be filed with the court, sent to all interested persons, and will be public information. For protection of financial information, give only the last four digits of accounts and bond information on this form. Complete account and bond information must be provided on the Personal and Financial Information for Guardianships and Conservatorships form (CC 16:2.23).

In the matter of the estate of _____ case number _____
Name of guardian and/or conservator: _____
Name and address of institution _____

CERTIFICATE OF BALANCE ON DEPOSIT

I CERTIFY that on the ____ day of _____, 20____, there was on deposit in this institution to the benefit of the above ward, incapacitated or protected person the following:

Checking Account, No. XXXXXXX-____ Restricted
Balance of \$_____ including interest of \$_____ paid
during period of statement of account.

Savings Account, No. XXXXXXX-____ Restricted
Balance of \$_____ including interest of \$_____ paid
during period of statement of account.

Please Note: To be considered restricted, the account shall be designated with the following notice: "NO WITHDRAWAL WITHOUT COURT ORDER"

(*Extend above format for additional accounts as required)

NOTE TO CERTIFYING OFFICIAL: This certificate may be executed by a bank official, an authorized official or agent of the company which is surety on your bonds.

I CERTIFY that the accounts listed above were exhibited to me by the above-named guardian and/or conservator as being the property of the estate of the ward, protected or incapacitated person said deposits then and there being in the custody and control of the guardian and/or conservator.

Date Address of Certifying Official Signature and Title of Certifying Official
State of _____)
County of _____) ss.
_____)

The foregoing instrument was acknowledged before me by _____, this
Name of Official certifying above

Day Month Year Notary Public (Signature of Person taking acknowledgment)

(Title or Rank) (Serial Number, if any) My commission expires: _____

NOTICE OF RIGHT TO OBJECT

TO THE GUARDIAN AND/OR CONSERVATOR: As guardian and/or conservator, you must complete and mail this form to all interested persons and file it with the court.

You are notified that _____, guardian and/or conservator, has filed the following in the above referenced case on _____, 20____.
Date document(s) filed

Annual Report of Guardian on Condition of Ward;

Updated Inventory;

Annual Accounting;

Certificate of Proof of Possession (with proof of restricted account if any funds are restricted);

Bank statements and/or brokerage statements for accounting period;

Other: _____

If you object to the contents or accuracy of these filings, you may file an objection and request a hearing before the court. You have 10 days from the date these documents were filed with the court to complete and file the Objection form which can be obtained on the Nebraska Supreme Court website, <https://supremecourt.nebraska.gov/forms> .

Signature(s) of Guardian(s) and/or Conservator(s)

Date _____

Print or Type Name of Guardian(s) and/or Conservator(s)

Bar Number and Firm Name (attorneys only)

Street Address/P.O. Box of Guardian(s) and/or Conservator(s)

City/State/ZIP Code of Guardian(s) and/or Conservator(s)

Phone

E-mail Address

Ward/Incapacitated Person/Protected Person

Case No. _____

CERTIFICATE OF MAILING

TO THE GUARDIAN AND/OR CONSERVATOR OR THEIR ATTORNEY: You need to complete and file this form with the court showing that you mailed the required documents marked below to all the interested persons you list below.

I, _____, swear or affirm, **under the penalties of perjury**, that on the _____ day of _____, 20____ I mailed copies of the forms marked below to all interested persons* and bonding company, if any, at the addresses set forth below:

- Annual Report of Guardian on Condition of Ward;
- Updated Inventory;
- Annual Accounting;
- Certificate of Proof of Possession (with proof of restricted account if any funds are restricted);
- Bank statements and/or brokerage statements for accounting period with personal information (social security number, date of birth, etc.) blacked out;
- Notice of Right to Object form; and
- Certificate of Mailing

| <u>NAME</u> | <u>ADDRESS</u> |
|--------------------|-----------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

See attached (more names and addresses than above)

Signature(s) of Guardian(s) and/or Conservator(s) or Their Attorney

Date

Print or Type Name of Guardian(s) and/or Conservator(s) or Their Attorney

Bar Number and Firm Name (attorneys only)

Street Address/P.O. Box of Guardian(s) and/or Conservator(s) or Their Attorney

City/State/ZIP Code of Guardian(s) and/or Conservator(s) or Their Attorney

Phone

E-mail Address

*Interested persons are defined as:

- children and spouses;
- future heirs if the ward/incapacitated person/protected person would die without leaving a valid will (brothers and sisters who are adults, grandparents, etc.);
- a trustee of any trust executed by the ward/incapacitated person/protected person;
- if there are no individuals defined as “interested persons” above, include any person or organization named as a “devisee” in the ward’s/incapacitated person’s/protected person’s most recent will;
- after death of the ward/incapacitated person/protected person, interested person also includes the personal representative of a deceased ward’s/incapacitated person’s/protected person’s estate, the deceased ward’s/incapacitated person’s/protected person’s heirs in an intestate estate, and the deceased ward’s/incapacitated person’s/protected person’s devisees in a testate estate;
- any governmental agency paying benefits on behalf of the ward/incapacitated person/protected person; and
- any person designated by order of the court to be an interested person.

If there are no interested persons identified for a ward/incapacitated person/protected person, the court shall appoint a guardian ad litem (Nebraska Supreme Court Rule § 6-1449(B)). The cost of the guardian ad litem may be taken from the assets of the ward/incapacitated person/protected person.

TO THE GUARDIAN AND/OR CONSERVATOR: This form is to be filed only with the court. Do not send this form to the interested persons. Fill out one form for each ward, incapacitated person or protected person.

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

THIS DOCUMENT IS CONFIDENTIAL AND SHALL NOT BE MADE PART OF THE COURT FILE OR PROVIDED TO THE PUBLIC PURSUANT TO NEB. CT.R. § 6-1464.

Case No. _____

IN THE MATTER OF

CONFIDENTIAL

**PERSONAL AND FINANCIAL
INFORMATION FOR GUARDIANSHIPS
AND CONSERVATORSHIPS**

Ward/Incapacitated Person/Protected Person

| | | |
|--|---|--|
| <u>Full</u> name of the ward, protected or incapacitated person: | <u>Full</u> date of birth of the ward, protected or incapacitated person: | <u>Full</u> social security number of the ward, protected or incapacitated person: |
| | | |

FINANCIAL INFORMATION OF THE WARD, PROTECTED OR INCAPACITATED PERSON

Name(s) and address(es) of financial institution(s)

Full account number(s)

Signature(s)

Date

Print or Type Name(s)

Street Address/P.O. Box

Bar Number and Firm Name (attorneys only)

City/State/ZIP Code

Phone

E-mail Address

Instructions: When parties are required to report personal and financial information to the court, the complete information shall be provided on Appendix 11 (CC 16:2.23). On pleadings or documents to be filed with the court, financial account numbers, dates of birth, and social security numbers, where required, should reference Appendix 11 (CC 16:2.23): (i.e., "See Appendix 11/CC16:2.23"). Financial account numbers should be listed by the last four digits of the financial account when the account is reported on a pleading or document filed with the court.