Nebraska Public Guardian WAITING LIST Process

Individual files petition with court • Notice of Nomination of Public Guardian provided to Office of Public Guardian (OPG), court, interested parties (Neb. Ct. R. § 6-1433.01(A)). **Petitioner** • Files Acknowledgment of Notice of Nomination - Verification of No Caseload Capacity • Within 14 judicial days of receiving Notice of Nomination Office of Public Guardian NO OPG CASELOAD CAPACITY Good cause to deny OPG appointment Appearance of OPG will not be required • Court files Order Denying the Appointment of the Public Guardian Court Court appoints a guardian or conservator (not OPG) REQUEST WAITING LIST Court may request case be placed on OPG waiting list; "Order: Office of Public Guardian Waiting List Referral" Court Visitor or Guardian Ad Litem appointed by court within 10 days of request to be on OPG Waiting List; Court

Nebraska Public Guardian WAITING LIST Process



- Appointed by court within 10 days of receiving request to be on OPG Waiting List;
- Interview potential incapacitated person (PIP), petitioner, providers, interested parties and complete screening tool for gathering independent information
- Submits confidential "Court Visitor or Guardian Ad Litem Report", on form developed by AOC, to court and OPG within 60 days of Petition and Request for Waiting List Assignment
- Provide a "Notice of Availability of the Court Visitor or Guardian Ad Litem Report" to the petitioner, GAL (if appointed for potential incapacitated person (PIP) in case), PIP attorney and PIP.

Office of Public Guardian

- OPG REVIEW REPORT; ACCEPT OR DENY CASE PLACEMENT ON WAITING LIST:
- Review Visitor/Limited Guardian Ad Litem Report report for criteria for Waiting List, within 10 judicial days of receipt of Visitor or Limited Guardian Ad Litem Report.
- OPG file "Office of Public Guardian 90 Day Waiting List Determination" specifying denial or acceptance on waiting list.



- OPG DENY REQUEST FOR CASE ON WAITING LIST:
 - No further action
 - OPG is dismissed as an interested party
- OPG ACCEPT CASE ON WAITING LIST:
- Court make findings, in accordance with Neb. Ct. R. §1433.01(J)
- Proper notice was given to the OPG;
- •The peitioner has acted in good faith and due diligience to identify a guardian or conservator who would serve in the best interes of the alleged incapacitated person;
- The appointment of the OPG would be necessary, but that no current caseload capacity exists to serve the indvidual by the OPG as set forth by statute; and
- •The Visitor or Guardian ad Litem report has been completed and supports the appointment of the OPG but for the lack of capacity by the OPG, all options available to support the individual in the least restrictive manner possible has been explored and the guardianship is a last resort.
- COURT ORDERS CASE PLACED ON WAITING LIST FOR 90 DAYS

Page **2** of **3** CC 16:2.410 NEW 03/2018

Nebraska Public Guardian WAITING LIST Process



- OPG DOES NOT HAVE CAPACITY, OR CASE IS NOT CHOSEN, WITHIN 90 DAYS OF PLACEMENT ON WAITING LIST
 - OPG notifies the court of "Office of Public Guardian Notice of Removal from Waiting List"
 - OPG HAS CAPACITY IN SERVICE AREA, AND CASE IS CHOSEN BY OPG, WITHIN 90 DAYS OF PLACEMENT ON WAITING LIST
 - OPG provides court with "Office of Public Guardian Acceptance of Nomination from Waiting List"

Court

- COURT ON OWN MOTION AFTER NOTICE OF ACCEPTANCE FOR NOMINATION FROM WAITING LIST
- Court determines whether the OPG should be appointed as guardian and/or conservator in case
- Court on own motion appoints OPG as guardian/conservator.