



Becoming a **GUARDIAN** and/or **CONSERVATOR**

Conducted by:
The Nebraska Supreme Court's
Office of Public Guardian

Learning Objectives:

- Understand Guardianship and Conservatorship
- Understand Duties and Responsibilities to the Court
 - Record Keeping Requirements
 - Reporting Requirements
- Understand Duties and Responsibilities to the Ward/Protected Person
 - Implementing good decision-making practices
 - Securing rights, benefits, and services
 - Financial responsibilities
 - Choosing least restrictive options in housing, medical, and psychiatric care
 - Respecting the rights of ward/protected person

Individual legal questions should
be directed to your attorney

Disclaimer:

Forms are regularly updated by the courts and may look slightly different from those contained in this presentation. The most up-to-date forms can be found on the Supreme Court's website.

The ★ symbol on any slide contained in this presentation indicates that the slide was updated to reflect changes to Rules and Forms for Guardianships and Conservatorships that went into effect 4/1/2020

Guardianship/Conservatorship Proceedings:

- Guardianships/Conservatorships are established only through a legal process and are subject to the supervision of the court
- The legal process determines when an individual is legally incapacitated, and as a result of this incapacity, is unable to make decisions to care for themselves and/or their property.
- Every guardianship/conservatorship should be designed and limited to meet the individual's needs

10 Areas The Court May Grant Responsibility to a Guardian

- Selecting place of residence
- Arranging for medical care
- Protecting personal effects
- Giving necessary consents, approvals, or releases
- Arranging for education, and services
- Applying for private or governmental benefits
- Ensuring that anyone required to help support the ward does so
- Entering into contractual agreements
- Receiving money and applying these funds to housing, medical care, personal effects, education, and other services
- Any other area which the court may direct

Types of Guardianships

Limited Guardianships

- A Limited Guardian is appointed to make decisions **only** in areas where the incapacitated person is found to be unable to handle their own affairs (i.e. just medical decisions, or just financial)
- A limited guardian receives only the rights and powers specifically designated by the court when the court finds that the ward remains able to perform some, but not all, of the tasks necessary to care for themselves or their property

Full Guardianships

- A full Guardian is appointed when the Court finds that the incapacitated person is unable to make decisions in all of the areas
- A full guardianship gives the guardian full authority to make all decisions for both the ward and the ward's estate.

Types of Guardians

Temporary Guardian

A Guardian who is appointed on a temporary basis when an individual who is alleged to be incapacitated and has no Guardian, is in an emergency situation.

Testamentary Guardian

A Guardian who is assigned in a person's Last Will and Testament to serve as a Guardian, typically for a minor child.

Standby Guardian

A guardian whose appointment becomes effective immediately upon the death, unwillingness or inability to act, resignation, or removal by the court of the initially appointed guardian. Standby guardians have the same powers and duties as the initially appointed guardian.

Conservatorships

- A conservator is granted authority to make decisions relating to property and finances belonging to the protected person
- These decisions concern debt payments, asset liquidation, investment management, real estate transactions, and other financial matters
- An individual may be found to be only in need of a Conservator for financial affairs
- An individual may have one person appointed as their Conservator and another person appointed as their Guardian for decisions that do not relate to property or finances

Frequently Used Terms

Ward

A person for whom a guardian has been appointed. A minor ward is a minor for whom a guardian has been appointed solely because of minority.

Guardian

Any person appointed by the court to protect a ward.

Protected Person

A minor or other person for whom a conservator has been appointed or other protective order has been made.

Conservator

Any person appointed to protect a protected person.

★ Petitioning the Court for Guardianship

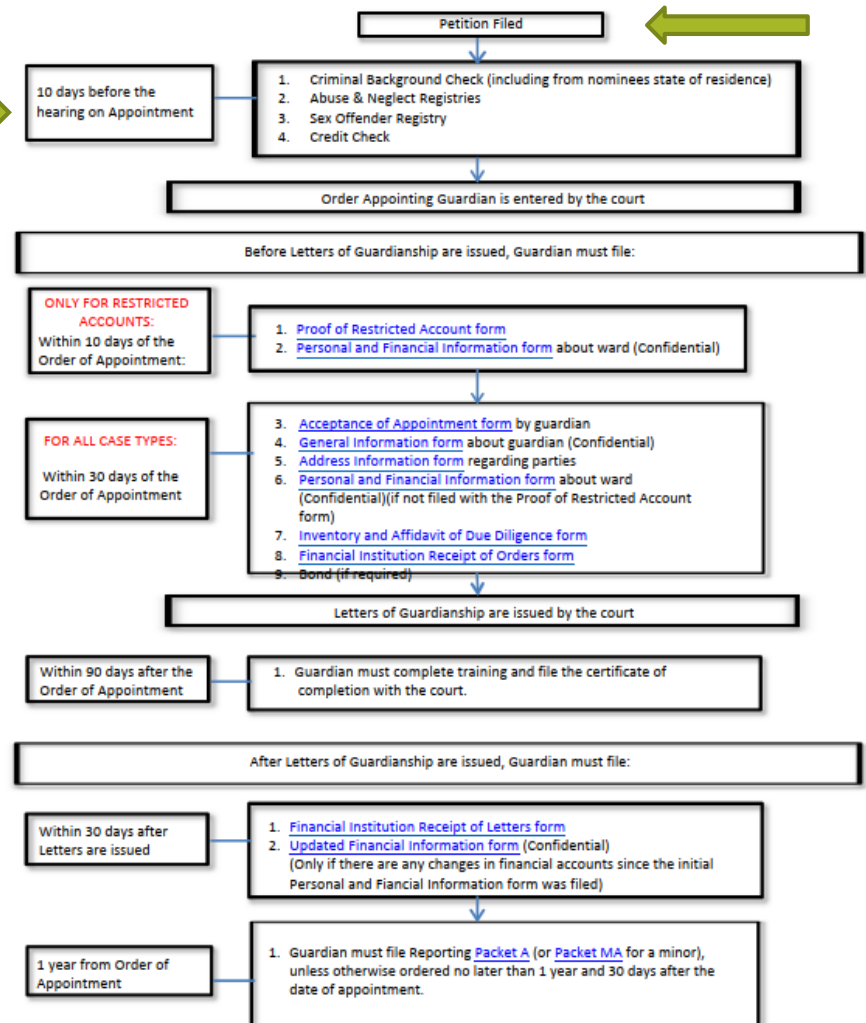
- A *Petition* was filed on behalf of the incapacitated adult or minor for guardianship.

- *Notice* was provided to all Interested Parties and the potentially incapacitated person.

10 days before Initial Hearing, you filed with the court:

- A criminal background check
- A report from the Abuse and Neglect Registry for adults and children
- A report from the Sex Offender Registry
- A credit check through a process approved by the State Court Administrator

NEBRASKA GUARDIANSHIP FLOWCHART

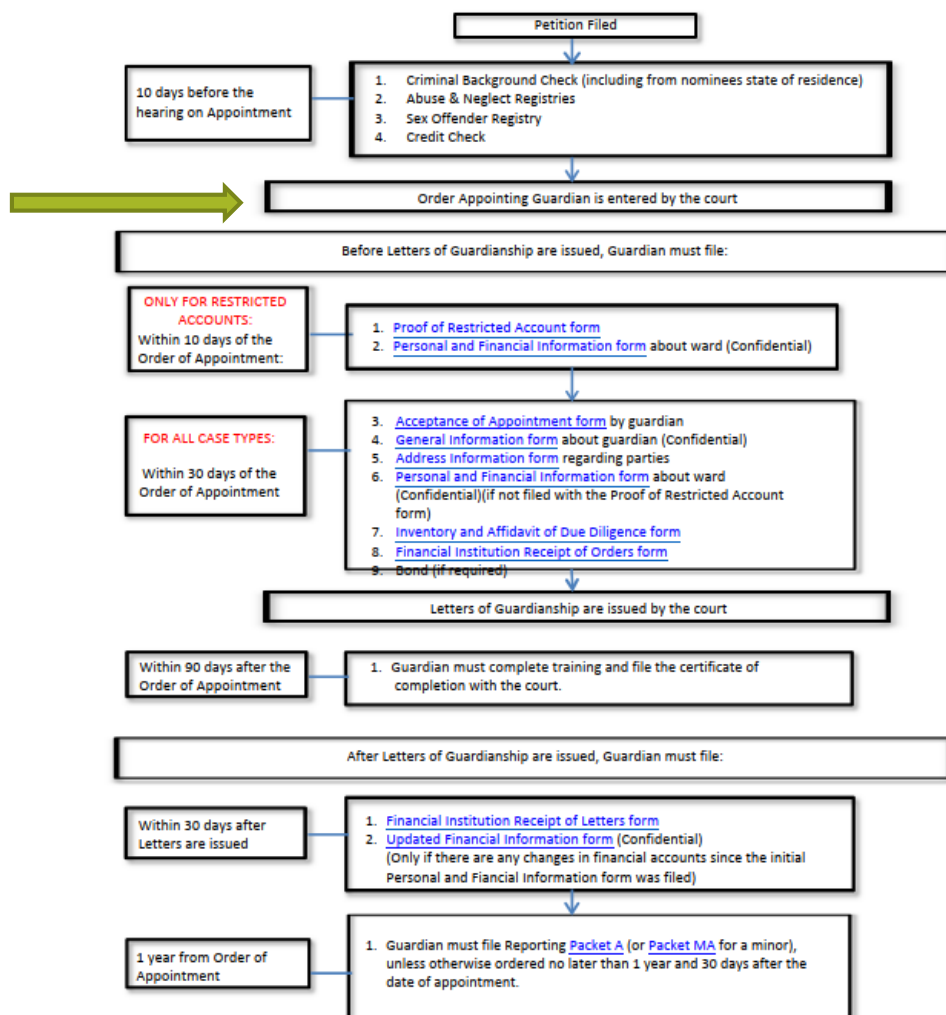




Petitioning the Court for Guardianship

- A *Hearing* was conducted within 90 days of filing to appoint the conservator/guardian through *Court Order*.
- The Order Appointing you to your position of guardian and/or conservator was generated at this hearing.
- From the date of the hearing where you received the Order Appointing you as Guardian and/or Conservator, you've had a number of processes and forms to complete.
- You have received (or will receive) an Acceptance of Appointment from your attorney to complete and return to the court.

NEBRASKA GUARDIANSHIP FLOWCHART



★ Acceptance of Appointment Form

Instructions for use of the Global Acceptance Form

1. Clear the form to ensure no previous entries remain by clicking the button below.

Clear Form

2. Pick the type of guardianship and/or conservatorship this is for from the choices below:

This is a Guardianship and/or Conservatorship for ☐ an adult ☐ a minor

- ☐ Guardianship - Minor
- ☐ Guardianship - Minor - No Authority Over The Estate
- ☐ Conservatorship - Minor
- ☐ Conservatorship - Minor - All Funds Restricted
- ☐ Guardianship and Conservatorship - Minor

This is a Temporary Guardianship and/or Conservatorship for ☐ an adult ☐ a minor

- ☐ Guardianship - Minor
- ☐ Conservatorship - Minor
- ☐ Guardianship and Conservatorship - Minor

Name of Ward/Minor Ward/Protected Person:

Name of Guardian and/or Conservator:

Is this a Co-Guardianship and or Co-Conservatorship? ☐ Yes ☐ No

Name of Co-Guardian and/or Co-Conservator:

County:

Case Number:

- The court will require you to use the “Instructions for use of the Global Acceptance Form” to generate your Acceptance of Appointment Form
- To ensure that the correct acceptance form is auto generated carefully follow the “Instructions for use of the Global Acceptance Form”
- As you check the appropriate boxes and fill out the name, county, and case number fields. The acceptance form auto-generates on the remaining pages

★ Acceptance of Appointment Form

Nebraska State Court Form
REQUIRED
CC 16:2.2.9 Rev 01/20
Neb. Rev. Stat. § 30-2621,
Neb. Ct. R. § 6-1443

ACCEPTANCE OF APPOINTMENT OF GUARDIAN FOR A MINOR – NO AUTHORITY OVER THE ESTATE

IN THE COUNTY COURT OF BUFFALO COUNTY, NEBRASKA

IN IN THE MATTER OF

Joe Smith

Minor Ward

Case No. 000-00000

I, Jane Doe accept appointment as guardian of Joe Smith
Guardian/Conservator Minor Ward

a minor, and swear that I will perform, according to law, all duties as guardian.

I acknowledge my responsibilities by initialing all of the following:

After Entry of Order of Appointment:

I will file with the court:

- _____ Guardian/Conservator General Information Form (Form CC 16:2.4).
- _____ Address Information Form (Form CC 16:2.5).
- _____ Financial Institution Receipt of Order Form within 30 days (Form CC 16:2.6).
Showing I presented the Order of Appointment to all financial institutions where the ward/minor ward/protected person has accounts and a printout showing the account balance.
- _____ Inventory and Affidavit of Due Diligence Form within 30 days (Form CC 16:2.9).
- _____ Personal and Financial Information Form (Appendix Ch. 6, Art. 14, App. 11).
With full account numbers.
- _____ * Proof of Bond (Form from bonding company).
If a bond was required by the court.
- _____ * Proof of Restricted Account Form (Form CC 16:2.11).
Within 10 days for any accounts restricted by the court.

After Letters of Guardianship and/or Conservatorship are issued:

I will file with the court:

- _____ Financial Institution Receipt of Letters Form within 30 days (Form CC 16:2.6.1).
Showing I presented the Letters of Guardianship and/or Conservatorship to all financial institutions where the ward/minor ward/protected person has accounts and a printout showing the account balance.
- _____ Updated Financial Information Form (Form CC 16:2.40).
With full account numbers if there were changes to the accounts.

I will file with the Register of Deeds:

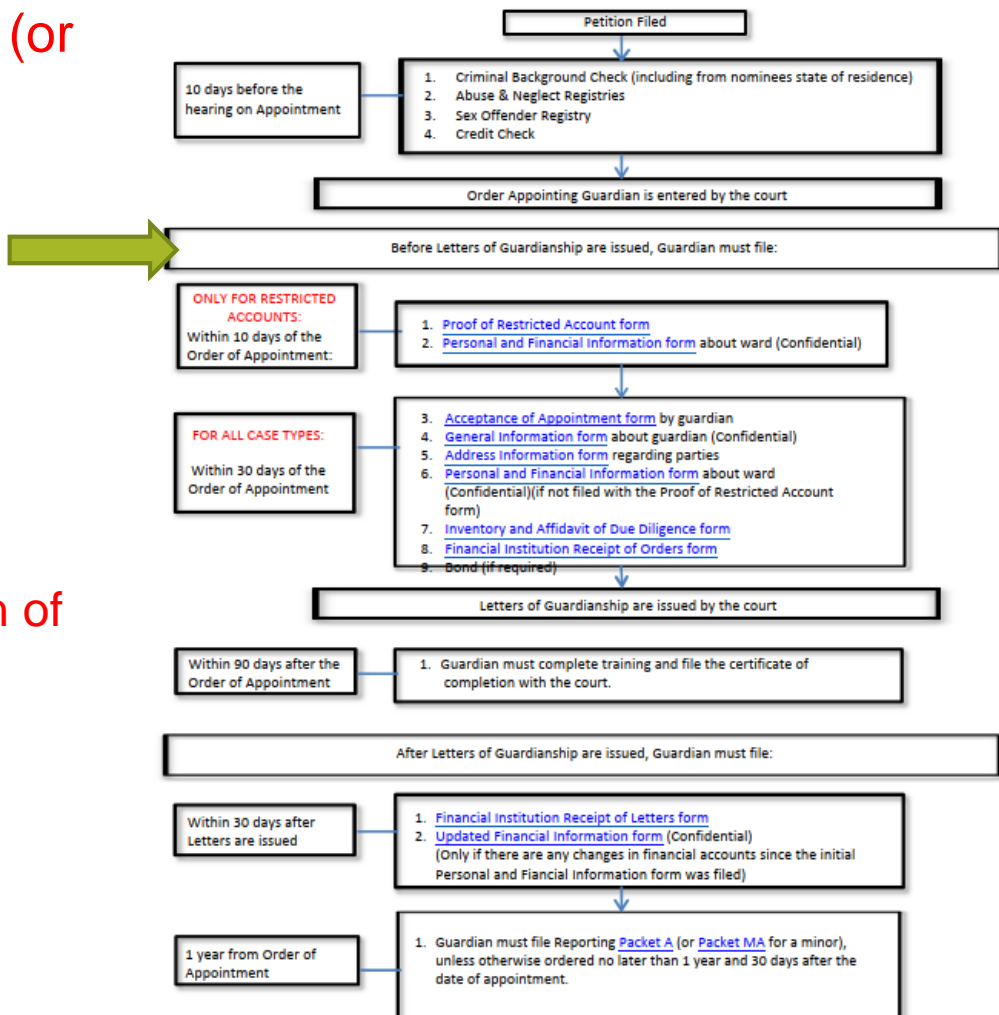
- _____ * The Letters of Guardianship and/or Conservatorship in any county where the ward has real property or an interest in real property, wherever located, within a reasonable time.
(Unless certificate has been previously filed with the court)

- The auto-generated form, will look similar to the picture on the left.
- It describes the responsibilities you will need to complete before “Letters” are issued that establish your authority to serve as guardian.
- Be sure to initial ALL ITEMS on this form.

Within 30 days of your Appointment and prior to Letters being issued, you will need to (or did) complete the following:

- General Information form
- Address Information form
- Personal/Financial Information
- Inventory and Affidavit of Due Diligence (with legal description of property)
- Acknowledgment of Financial Institution
- Proof of Restricted Account (if applicable)
- Bond (if applicable)

NEBRASKA GUARDIANSHIP FLOWCHART



Personal and Financial Information

Form (CC 16:2.23)

Filled out by all guardians and/or conservators whether money is handled or not.

Use the personal information of the Ward, not the Guardian or Conservator.

This is a CONFIDENTIAL document in COUNTY COURT.

This page goes only to the County Court, not to interested parties – because it contains the ward's full Social Security number and bank account information

Nebraska State Court Form REQUIRED	PERSONAL AND FINANCIAL INFORMATION FOR GUARDIANSHIPS AND CONSERVATORSHIPS	CC 16:2.23 Rev. 03/16 Neb. Ct. R. Appendix 11 (Chapter 6, Article 14)
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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 # _____

IN THE MATTER OF

CONFIDENTIAL

Ward/Incapacitated Person/Protected Person

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

<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)	<u>Full</u> account number(s)
_____	_____
_____	_____
_____	_____

Signature(s) _____
Print or Type Name(s) _____
Bar Number and Firm Name (attorneys only) _____

Date _____
Street Address/P.O. Box _____
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.



Page 1 – 3 (Inventory)

List all:

- Checking Accounts
- Savings Accounts
- Certificates of Deposit
- Stocks and Bonds
- Jointly held property
- Real property owned by the ward/protected person
- Income sources
- Credit cards/Other Debt

Page 4 (Affidavit of Due Diligence)

Describe how you determined what the ward/protected person owns

Page 5 (Certificate of Mailing)

Swear to the court that you have mailed **to all Interested Parties:**

- Inventory & Affidavit of Due Diligence
- Waiver of Notice
- Notice of Right to Object form
- Certificate of Mailing

Nebraska State Court Form REQUIRED CC 16:2.9 Rev. 01/20 Neb. Ct. R. § 6-1443	INVENTORY, AFFIDAVIT OF DUE DILIGENCE, AND CERTIFICATE OF MAILING	
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NOTICE: To protect personal information, only the last four digits of the account number should be provided on this form.

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____ Case No. _____

Ward/Minor Ward/Protected Person

FILE THIS FORM WITH THE COURT AND SEND A
COPY TO INTERESTED PERSONS.
THIS BOX DOES NOT PRINT ON THE FORM

1. PERSONAL PROPERTY:

Financial Institution Name	Title on Account	Type of Account (please check one)	Debit Card?	New Account?	Last 4 digits of account number	Balance
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	____	\$ _____

TOTAL: \$ _____

Page 1 of 5
Inventory, Affidavit of Due Diligence and Certificate of Mailing
CC 16:2.9 Rev. 01/20



Interested Persons are defined as:

- Children and spouses
- Future heirs if the ward/protected person would die without a valid will
- A trustee of any trust executed by the ward/pp
- Any person or organization named as “devisee” in ward/pp’s most recent will
- Any governmental agency paying benefits on behalf of the ward/pp

If there are no individuals from any of the above groups:

- Any person designated by order of the court to be an interested person
- The court may appoint a guardian ad litem if they believe the interests of ward are inadequately represented



WAIVER OF NOTICE

<div>Nebraska State Court Form REQUIRED</div> <div>CC 16:2.10 Rev. 01/20 Neb. Ct. R. § 6-1433(D)(1); Neb. Rev. Stat. §§ 30-2647, 30-2628, 30-2221</div>		WAIVER OF NOTICE	
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IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____ Case No. _____

Ward/Minor Ward/Protected Person

WAIVER OF NOTICE

You are an interested person in this case. You will receive copies of all filings. If you do not want to continue to receive copies of the filings listed below, complete this [form and return it to the court](#) and mail a copy to the guardian/conservator and his or her attorney.

Annual Report
Application for approval of annual report
Application for approval of fees
Orders and notices of hearing on any of the above filings.

If you change your mind and want to start receiving these filings, you will need to file and comply with a Request for Notice.

☐ I do **not** want to continue to receive copies of the filings listed on this Waiver of Notice for **this** case.

Signature (Interested Person)	Date
Print or Type Name (Interested Person)	Street Address/P.O. Box (Interested Person)
Bar Number and Firm Name (attorneys only)	City/State/ZIP Code (Interested Person)
	Phone E-mail Address

Mail this form to:

The Choose the county _____ County Court

(Addresses for Nebraska County Courts can be found at <https://supremecourt.nebraska.gov/directories/county-court-contacts>)

Address _____

City, State and ZIP Code _____

E-mail Address _____

This form (CC 16:2.10) is sent to anyone identified as an interested party in a case (listed in Petition) to determine whether the person wants to continue receiving information about this case.

If the contacted person does not return this form within 30 days of receipt, they will continue to be considered an interested person.



Notice of Right to Object

Interested Persons have the opportunity to review information filed with the court and object to the contents or accuracy of the forms filed.

Nebraska State Court Form REQUIRED CC 16.2.16 Rev. 01/20 Neb. Ct. R. § 6-1433(D)(3)	NOTICE OF RIGHT TO OBJECT	
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IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____ CASE No. _____

Ward/Minor Ward/Protected Person

NOTICE OF RIGHT TO OBJECT

You are notified that _____
List documents filed

_____ have been filed in the above referenced case on _____
Date document(s) filed.

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/sites/default/files/CC-16-2-17.pdf>.

Signature of Guardian and/or Conservator

Date

Print or Type Name of Guardian and/or Conservator

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

Bar Number and Firm Name (attorneys only)

City/State/ZIP Code of Guardian and/or Conservator

Phone

E-mail Address

Is there more than one guardian and/or conservator? [yes](#) ☐ no ☐

Page 1 of 1
Notice of Right to Object
CC 16.2.16 Rev. 01/20



Financial Institution Receipt of Order

- Take the form to all financial institutions where the ward/protected person has accounts/assets
- The financial institution will fill out this form
- The balance should be reported as of the date of the court's order, NOT the date the guardian goes to the bank
- Obtain bank statements for the balance as of the date of order and 90 days prior
- Attach a printout of each account listed.
- Be sure that the notary is not the same person as the person who signs the form
- File the completed form with the court

Nebraska State Court Form REQUIRED CC 16:2.6 Rev. 01/20 Neb. Ct. R. §6-1443(A)(2)	FINANCIAL INSTITUTION RECEIPT OF ORDER	
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IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____ CASE No. _____

Ward/Minor Ward/Protected Person **FINANCIAL INSTITUTION
RECEIPT OF ORDER**

I, _____ of _____,
(Name) (Financial Institution)
 solemnly swear that on _____, we received a copy of the Order Appointing Guardian
 and/or Conservator. (Date)

I acknowledge all assets of the above ward/minor ward/protected person held at this financial institution, are listed below.

Attach a printout of each account listed.

Title on Account	Type of Account (please check one)	POD/TOD?	Debit Card?	New Account?	Last 4 digits of account number	Balance
	<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$
	<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$
	<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$

(Signature and Title of Certifying Official) _____

State of _____)
 County of _____) ss.

The foregoing instrument was acknowledged before me by _____, this
(Name)
 _____ day of _____, _____.
(Day) (Month) (Year)

Notary Public (Signature of Person Taking Acknowledgment – CANNOT be the same as the Certifying Official signing above)

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

Page 1 of 1
Financial Institution Receipt of Orders
 CC 16:2.6 Rev. 01/20

Summary

- Once these forms and processes have been completed (within 30 days of Appointment), the court will issue Letters of Guardianship and/or Conservatorship
- **REMEMBER:** Put court case numbers on ALL Forms
- If your case has two co-guardians, then BOTH guardians must sign ALL forms

Letters of Guardianship and/or Conservatorship

The “Letters” form title will be specific to your case (i.e. Guardian, Guardian/Conservator, Guardian of a Minor, etc.).

This form is completed by and available through the court.

Nebraska State Court Form REQUIRED	LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP	
CC 16.2.3.5 Rev. 10/18 Neb. Ct. R. § 6-1443 (C) - (F)		

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

IN THE MATTER OF

Case No. _____

Ward/Protected Person

**LETTERS OF GUARDIANSHIP AND
CONSERVATORSHIP**

TO: _____
Name of guardian/conservator

The court finds you are qualified and you are appointed as the guardian and conservator of the estate of _____.

You are authorized and empowered to care for and manage the estate subject to the following limitation of powers until you shall be discharged according to law.

The court finds clear and convincing evidence that:

☐ A full guardianship is necessary and is the least restrictive alternative. **The guardian is granted all powers conferred upon guardians by law.**

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



Within 30 days after receiving your “Letters”

- Give a copy of the “Letters” to all financial institutions where the ward/protected person has an account/assets
- Have all financial institutions where the ward/protected person has accounts/assets, complete the Financial Institution Receipt of Letters form, and return the form to the court
- Complete the Personal and Financial Information form for Guardianships and Conservatorships **with full account numbers** and return form to the court




A Financial Institution Receipt of Letters form needs to be completed after receiving Letters because accounts/assets will have transferred into accounts controlled by the guardian/conservator. If the ward’s financial information has changed you will need to include an Updated Financial Information form as well. This second set of documents assures the court that all assets have reached their new destination accounts.



Other Responsibilities after Receiving your “Letters”...

- In any county where the ward/protected person has real property or an interest in real property:
 - File a copy of the Letters of Guardianship and/or Conservatorship with the Register of Deeds, once this is done the Court will issue a Certificate of County Court Proceedings Involving Real Estate (CC.16.2.31)
- An Updated Financial Information form is required to report any changes to accounts (i.e. new account, account number change, financial institution change, closing of an account, change of title).
- Within 30 days of becoming aware of additional assets, gifts, awards, settlements, or inheritances over \$500 not disclosed in the current inventory, file with the court and all interested persons:
 - Notice of Newly Discovered Asset Form (CC.16.2.18)
 - Certificate of Mailing (CC.16.2.49) showing that you mailed the Notice of Newly Discovered Asset to all interested persons
 - Notice of Right to Object form (CC.16.2.16)

In this next year, you will
address the needs of your
ward/protected person in a
variety of life situations

There are a number of issues
to consider as you enter your
new role   

GUARDIAN CONSERVATOR CONDUCT

Guardian Conduct

- Protect the ward/pp's personal and financial interests
- Foster the ward/pp's growth, independence, and self-reliance to the maximum degree
- Strive to treat all professionals and service providers with courtesy and respect. Strive to enhance cooperation on behalf of the ward

Confidentiality

- Information about the ward should be kept confidential, except when it is necessary and relevant to disclose
- Disclosures should respect the person's privacy and dignity
- Guardians may disclose, or assist in disclosing, information to the ward's family, as long as the information will not substantially harm the ward.
- The guardian may refuse to disclose information when it would be detrimental to the ward's wellbeing, or the ward's estate would be subjected to undue risk.

Working Through Difficult Situations

- Maintain self-control, avoid an escalation, revisit the situation when everyone has calmed down
- Interject empathy without using empathetic statements as excuses for unacceptable behavior
- Pick your battles
- Separate the person from the issue
- Put the spotlight on the other person: Ask, “What do you think needs to happen next?”
- Keep the focus on “how to solve the problem” instead of “what’s wrong”

Working Through Difficult Situations

- Use appropriate humor
- Keep interactions positive and avoid sarcasm
- Address communication breakdown immediately (For example, “That’s not what I said,” “Could you let me finish,” “I think we are actually saying the same thing”)
- Use “I” statements rather than “you” statements - instead of “You never sent me an email” say “I never received an email”
- Have supporting information or evidence in writing
- Don’t take it personally

DECISION MAKING

A Guardian/Conservator is a Surrogate Decision Maker

- The fundamental responsibility of the guardian/conservator is to make decisions about the ward's personal and financial affairs
- The guardian/conservator should exercise care and diligence, always with the idea of protecting the self-reliance, autonomy, independence and rights of the ward/protected person
- The currently expressed wishes or spoken choices of the ward/protected person should be given careful consideration

Decision-Making: Best Interest

BEST INTEREST:

- Legal Standard in Nebraska
- Decisions based on what would be in the ward's objective best interest, regardless of his or her preferences, goals, or values.
- Best method when the individual cannot communicate his or her wishes, and no other source can provide information about what he or she would choose.

Decision Making: Substituted Judgement

SUBSTITUTED JUDGEMENT:

- When an individual cannot effectively communicate his or her wishes, the guardian must make all reasonable efforts to learn what he or she would have chosen if he or she were not incapacitated
- **Look to all available sources:**
 - Statements the individual made before becoming incapacitated
 - Speak with individuals who know the person well, and would have reason to know this information
 - Consider cultural, religious, and personal preferences
 - Take all reasonable steps to learn the goals, preferences, and values of the individual

Decision Making: Supported Decision Making

SUPPORTED DECISION MAKING

- Best practice - include the individual in the decision-making process to the greatest extent possible
- Ensure that the individual has the resources and tools to learn about alternatives and consequences to the decision-making process
- Based on the belief that, with appropriate support and accommodations, all people can make choices

Decision Making: Informed Consent

- Guardians have a duty to learn all relevant details to making a decision
- Seek second opinions as necessary
- Understand risks, consequences, and potential benefits of the decision
- Duty to include the ward to the extent of his or her ability
 - Explain process and procedure at the appropriate level
 - Provide ample resources and opportunity to ask questions

Informed Consent

- www.kindethics.com is an excellent resource for ensuring informed consent for a variety of types of decisions you may be called upon to make as a Guardian/Conservator
- A Great Resource for addressing Informed Consent Issues: Questions to Ask from the Care Giver's Path (see handout)

Medical Treatment Decisions

- The guardian must promote, monitor, and maintain the health and wellbeing of the ward
- The guardian must ensure that all medical care is appropriately provided, and that the ward is treated with dignity
- The guardian must act in accordance with the ward's prior general statements, actions, values, and preferences to the extent actually known or ascertainable by the guardian/conservator
- A guardian should not wait until a medical crisis exists to gather information that might be needed to perform duties
- In event of an emergency, the guardian must grant or deny authorization of emergency medical treatment, based on a reasonable assessment of the criteria of informed consent and decision-making, as well as the time allotted by the emergency
- The informed consent doctrine applies to all health care decisions, including end-of-life care

Medical Treatment Decision-Making

The guardian, in making health care decisions and/or seeking court approval for a decision, must:

- 1) Acquire a clear understanding of medical facts
- 2) Acquire a clear understanding of health care options, along with the risks and benefits of each option
- 3) Maximize the participation of the ward
- 4) Implement the substituted judgment standard with respect to health care decisions
- 5) If prior wishes cannot be determined, then medical determinations should be made using the best interest standard

Least Restrictive Alternatives

When acting as a surrogate decision-maker for the person:

- Become familiar with available community options for residential placement, medical services, vocational and educational services
- Know the person's preferences, if possible
- Consider the need of the person as determined by professionals
- **Choose the option that places the fewest restrictions on the person rights, freedom and ability to connect with their environment**

Residential Options and Least Restrictive Alternatives

- The person should reside as closely as they can to people and activities that are important to them
- When the guardian considers an involuntary move to a long-term placement in an institutional setting, the decision should be based on the need to minimize the risk of harm to the person, to obtain the most appropriate placement possible, and to secure the best treatment for the person
- If a change is made in the ward's living situation, a change of address for the ward needs to be given to the court (CC 16-2-46)
- The guardian must get court permission prior to changing the permanent place of residence of the ward to a location outside the state of Nebraska (CC 16-2-61)



Nebraska State Court Form REQUIRED	PETITION FOR INSTRUCTIONS AND/OR DIRECTIONS	
CC 16:3.24 Rev.01/20		

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____ Case No. _____

GUARDIANSHIP/CONSERVATORSHIP OF:

Ward/Minor Ward/Protected Person

**PETITION FOR INSTRUCTIONS AND/OR
DIRECTIONS**

COMES NOW _____ as the petitioner and hereby requests
instructions and directions from the court regarding the issues set forth below:

1. The petitioner is the duly appointed guardian and/or conservator for _____.
2. Petitioner seeks instruction from the court regarding the following question of administration:

I acknowledge that I will receive a notice of hearing when I file this Petition. After I receive the notice of hearing from the county court, it is my responsibility to send a copy of this Petition, and the notice of hearing to all interested persons.

I further acknowledge that I must file a Certificate of Mailing (CC 16:2.49).
found at: <https://supremecourt.nebraska.gov/sites/default/files/CC-16-2-49.pdf>

I swear or affirm, under the penalties of perjury, that I have examined the above documents, and to the best of my knowledge and belief, they are true, correct and complete.

Signature of Guardian and/or Conservator _____	Date _____
Print or Type Name of Guardian and/or Conservator _____	Street Address/P.O. Box of Guardian and/or Conservator _____
Bar Number and Firm Name (attorneys only) _____	City/State/ZIP Code of Guardian and/or Conservator _____
	Phone _____ E-mail Address _____

Is there more than one guardian and/or conservator? ☒ yes ☐ no

Guardians and Conservators will request instructions from the court in a variety of situations:

- Decisions to withhold food or medical treatment
- Decisions that would benefit the guardian (i.e. reimbursements, sales of property)
- Even when the court is not required to be involved, the guardian may seek third party advice or an opinion from the court

COMMUNITY RESOURCES

Resources, Supports, and Services

Nebraska Resource and Referral System: nrrs.ne.gov/usersearch provides assistance in locating services in these areas:

Adult Day Care

Assisted Living

Assistive Technology

Attendant Care

Child Care

Chronic Disease Prevention

Clothing/Sundries

Counseling, Support, Maternal MH

Education

Employment

Family Resources and Support

Financial

Food

Government Agencies

Health Professionals

Home Furnishings

Housekeeping/Home maintenance

Housing

Interpreters

Legal

Mediation

Medical/health care

Military

Out of Home Placement for Children]

Respite Services

Rhinology

Safety

Social Development

Training

Training and Consult for Professionals

Transportation

Search for Providers or Types of Service

LOCATION OF SERVICES:		SEARCH BY :	
STATE:	Nebraska ▼	KEYWORDS:	<input type="text"/>
COUNTY:	-- Not selected -- ▼	NAME of PROVIDER	<input type="text"/>
CITY:	<input type="text"/>		
ZIP CODE	<input type="text"/>	SPECIFY AGE GROUP:	-- Include all age groups -- ▼
<input type="button" value="SEARCH"/>		<input type="button" value="SEARCH"/>	

SELECT TYPE OF SERVICE

Click on the **[+]** next to each category below to view an expanded menu.

✓ NOTE: Leaving all selections UNCHECKED will SEARCH ALL categories

- | | | |
|--|---|---|
| [+] <input type="checkbox"/> Adult Day Care | [+] <input type="checkbox"/> Food | [+] <input type="checkbox"/> Military |
| [+] <input type="checkbox"/> Assisted Living | [+] <input type="checkbox"/> Government Agencies | [+] <input type="checkbox"/> Out of Home Placement for Children |
| [+] <input type="checkbox"/> Assistive Technology | [+] <input type="checkbox"/> Health Professionals | [+] <input type="checkbox"/> Respite Services |
| [+] <input type="checkbox"/> Attendant Care | [+] <input type="checkbox"/> Home Furnishings | [+] <input type="checkbox"/> Rhinology |
| [+] <input type="checkbox"/> Child Care | [+] <input type="checkbox"/> Housekeeping/Home Maintenance | [+] <input type="checkbox"/> Safety |
| [+] <input type="checkbox"/> Chronic Disease Prevention | [+] <input type="checkbox"/> Housing | [+] <input type="checkbox"/> Social Development |
| [+] <input type="checkbox"/> Clothing / Sundries | [+] <input type="checkbox"/> Interpreters | [+] <input type="checkbox"/> Training |
| [+] <input type="checkbox"/> Counseling, Support, Maternal MH | [+] <input type="checkbox"/> Legal | [+] <input type="checkbox"/> Training & Consult for Professional |
| [+] <input type="checkbox"/> Education | [+] <input type="checkbox"/> Mediation Centers | [+] <input type="checkbox"/> Transportation |
| [+] <input type="checkbox"/> Employment | [+] <input type="checkbox"/> Medical / Health | |
| [+] <input type="checkbox"/> Family Resource and Support | | |
| [+] <input type="checkbox"/> Financial | | |

RESOURCE INDEX - A complete alphabetical listing of all resources.

As a registered user, you can create an account to keep track of your resources. With this new feature you can create, update, print and email your saved resource lists! This service is free and easy to use - [sign up here](#).

Center on Children Families and the Law - University of Nebraska-Lincoln 206 S. 13th St. Suite 1000
Lincoln, NE 68588-0227 - Phone: 800-746-8420 - Tollfree: 402-472-0844 in Lincoln

Answers  Families


 Good Life. Great Mission.
 STATE OF NEBRASKA HUMAN SERVICES




**CENTER ON CHILDREN,
FAMILIES, AND THE LAW**

Resources, Supports, and Services

Resources for Private Guardians and Conservators

This database has been developed by the Office of the Public Guardian to provide a central place where guardians and conservators can find information for post-appointment aid. Please use the links below to navigate public and private organizations and resources that can help with your duties as a guardian and/or conservator.

Resources By Category

Aging and Adult

Child and Family

Developmental Disabilities

Financial Resources

Mental Health

Frequently Asked Questions for Guardians and Conservators

Contact Someone in Your Area

<https://bit.ly/2xEuO3G>

FINANCIAL RESPONSIBILITIES

Financial Responsibilities

- Manage assets only for the benefit of the ward
- Keep accurate records and accounting for all transactions
- Keep ward's money separate from the guardian/conservator's money
- Make claims against others on behalf of the ward as deemed in the best interest of the ward and defend against actions that would result in a loss of the ward's assets
- Use "reasonable person" rule when investing and managing estate
- Determine if a will exists and obtain a copy to determine how to manage the estate, assets, and property

Financial Responsibilities

- **Address all issues of the estate that require immediate attention:**
 - Secure property
 - Insure property
 - Take steps to protect property from damage, destruction, or loss.
- Prepare a financial plan and budget that corresponds with the care plan of the ward
- Post and maintain a bond, if ordered by the court to do so
- Obtain all public and insurance benefits that the ward is eligible for
- Oversee the disposing of assets to qualify the ward for public benefit programs
- Monitor the personal allowance of a ward who lives in a 24-hour supported setting
- Allow the ward the opportunity to manage funds to his or her ability

Financial Responsibilities:

Avoiding Problems

- Avoid even the appearance of a conflict of interest or impropriety when dealing with the need of the ward
 - **Impropriety or conflict of interest** arises where the guardian and/or conservator has some personal or agency interest that **MIGHT** be perceived as self-serving or advert to the best interest of the ward
- Do not use the ward's income and assets to support or benefit other individuals unless specific prior approval is obtained from the courts
 - When using ward resources to support others, you must show that, that support is not detrimental to the best interests of the ward
 - Do not sell the ward's possessions to a family member or friend for less than appraised value without court approval

Financial Responsibilities:

Avoiding Problems

- Do not lend funds, or objects of worth **to the ward** unless you have prior approval from or are directed by the court
- Do not loan or give money, or objects of worth **to others from the ward's estate** unless specific prior approval is obtained from the court
- Do not make cash withdrawals from ward's accounts using an ATM, or request cash back on a debit transaction
- **NEVER** co-mingle personal or program funds with the ward's funds



Financial Responsibilities: Reimbursements for Ward Expenses

- Attorney Fees:

Guardians and Conservators are allowed to pay up to \$1,000 annually toward attorney fees without having to obtain advance approval from the court. If the guardian or conservator is an attorney, no fees may be paid without prior court order. The fees remain subject to court approval after they have been paid.

- Individual Claims:

Individual claims by the guardian/conservator against the estate of the ward/protected person are permitted in an amount up to \$500.00 per year without prior court approval. (Example: Guardian pays \$150.00 for a coat on the guardian's own account. The guardian is reimbursed for that \$150.00, and there were no other reimbursements for the year.) The court still retains authority to limit such claims.

Financial Responsibilities: Property Management

When considering what is in the best interest of the ward, ask yourself:

- Will disposing the property benefit or improve the life of the ward?
- Are there any previously expressed or current desires of the ward with regard to the property?
- Are there provisions in the ward's estate plan that relate to the property?
- What are the tax consequences of the transaction?
- What is the impact of the transaction on the ward's entitlement to public benefits?
- What is the ward's ability to maintain the estate?
- Are there available and appropriate alternatives to selling off the property?
- What is the likelihood that the property may deteriorate or be subject to waste?
- What are the benefits versus the liability and cost to maintain the property?

Consider an independent appraisal when planning to sell real and personal property belonging to the ward or protected person

WARD OR PROTECTED PERSON'S RIGHTS

Rights Retained by a Ward Under Guardianship

- 1) The right to be treated with dignity and respect.
- 2) The right to privacy, which includes the right to privacy of the body, and the right to private, and uncensored communication with others by mail, telephone, or personal visits.
- 3) The right to exercise control over all aspects of life that the court has not delegated to the guardian or conservator.
- 4) The right to appropriate services suited to the ward's needs and conditions, including mental health services.
- 5) The right to have the guardian consider the ward's personal desires, preferences, and opinions.
- 6) The right to safe, sanitary, and humane living conditions within the least restrictive environment that meets the ward's needs.
- 7) The right to procreate. (this may be modified by the court based on best interest of the ward)

Rights Retained by a Ward Under Guardianship

- 8) The right to marry. (Marriage is a contract, and would need guardian approval)
- 9) The right to equal treatment under the law, regardless of race, religion, creed, sex, age, marital status, sexual orientation, or political affiliations.
- 10) The right to have explanations of any medical procedures or treatment.
- 11) The right to have personal information kept confidential.
- 12) The right to review personal records, including medical, financial, and treatment records.
- 13) The right to speak and meet privately with an attorney, ombudsman, or other advocate **The guardian/conservator cannot obstruct any such attempt by the ward** (The guardian would need to be involved if the ward wished to pursue litigation other than terminating the guardianship).
- 14) The right to vote.

Rights Retained by a Ward Under Guardianship

- 15) The right to petition the court to modify or terminate the guardianship. This includes the right to meet privately with and hire an attorney or other advocate to assist with this legal procedure.
- 16) The right to bring a grievance against the guardian, request the court to review the guardian's actions, request removal and replacement of the guardian, or request that the court restore rights if it can be shown that the ward has regained capacity to make some or all decisions. Again, **the guardian cannot obstruct any such attempt by the ward**. The guardian also has a responsibility to request that the ward's rights be restored when there is evidence that the ward has regained capacity.

★ Application and Affidavit for Intervention on Behalf of the Welfare of the Ward

There may be times when your actions or decisions on behalf of the ward/protected person are questioned by people in the public. They can use this form to communicate their concerns to the court.

Nebraska State Court Form REQUIRED	APPLICATION AND AFFIDAVIT FOR INTERVENTION ON BEHALF OF THE WELFARE OF THE WARD/ MINOR WARD/ PROTECTED PERSON	
---------------------------------------	--	--

CC 16-2.21 Rev. 01/20
Neb. Rev. Stat. § 30-2802.01

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____
Ward/Minor Ward/Protected Person

Case No. _____

**APPLICATION AND AFFIDAVIT FOR
INTERVENTION ON BEHALF OF THE
WELFARE OF THE WARD/MINOR WARD/
PROTECTED PERSON**

I swear or affirm, under the penalties of perjury:

1. I am a person interested in the well-being of the ward/minor ward/protected person.
2. The ward's/minor ward's/protected person's safety, health, or financial welfare is at issue, and these issues are not being adequately addressed by the guardian/conservator, based upon the following facts:

(Attach additional pages for information or evidence)

3. I ask the court to consider the welfare of the ward/minor ward/protected person and issue an ex parte order in his/her best interest. An ex parte order issued under [Neb. Rev. Stat. § 30-2802.01](#) shall remain in full force and effect for no more than 10 days, or until a hearing can be held on this matter, whichever is earlier.

I understand that any interested person that submits an affidavit under this section in bad faith, or submits an affidavit that the court determines lacks a factual basis, shall be ordered to pay the opposing party reasonable attorney's fees and costs.

Signature _____	Date _____
Name _____	Street Address/P.O. Box _____
Bar Number and Firm Name (attorneys only) _____	City/State/ZIP Code _____
	Phone _____ E-mail Address _____

State of _____ }
County of _____ } ss.

The foregoing instrument was acknowledged before me by _____, this
_____ day of _____, _____.
(Day) (Month) (Year)

Notary Public (Signature of Person Taking Acknowledgment) _____ My commission expires: _____
(Title or Rank) (Serial Number, if any)

ANNUAL ACCOUNTING RESPONSIBILITIES

You are responsible for telling the court what kind of a job you've done for your ward or protected person on an annual basis.

One year from Letters of Guardianship

One year and 30 days from date of Order, you must file the appropriate annual packet with the County Court. You may receive them from the County Court by mail or by picking them up in their office, or you can obtain them online at:

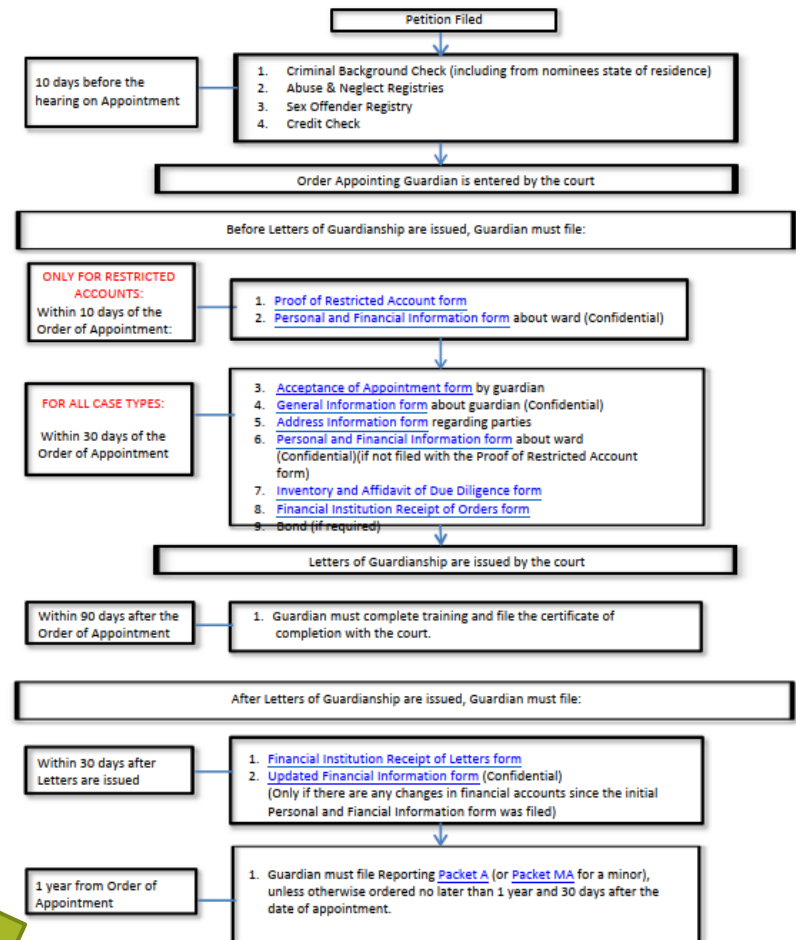
<http://supremecourt.nebraska.gov/forms>

45 days prior to the due date, the court will mail a notice of reports due (so make sure that the court ALWAYS has your current address on file)

The time to begin collecting information for these documents and responsibilities is **NOW!**



NEBRASKA GUARDIANSHIP FLOWCHART





Annual Reporting Responsibilities

Annually, beginning one year and 30 days from your receipt of “Order,” you must file all information contained in the packet applicable to your appointment with the court.

Packets for Adults		Packets for Minors	
A	Packet for Guardian of an Adult	MA	Packet for Guardian of a Minor
B	Packet for Guardian of an Adult with Approved Budget	MB	Packet for Guardian of a Minor with Approved Budget
C	Packet for Conservator (Adult or Minor)	C	Packet for Conservator (Adult or Minor)
D	Packet for Guardian and Conservator of an Adult	MD	Packet for Guardian and Conservator of a Minor
E	Packet for Guardian of an Adult -- No Authority Over the Estate	ME	Packet for Guardian of a Minor – No Authority Over the Estate



Annual Reporting Responsibilities

- Annual Report on Condition of Ward
- Updated Inventory (with legal description of property)
- Accounting
- Notice of Right to Object
- Certificate of Mailing (goes to all interested parties and any governmental agencies paying benefit on behalf of the ward)
- Copies of all financial statements (checking, savings, investment accounts, etc.)
 - All personal information should be blacked out along with all but the last four digits of account numbers
 - Do not mail to interested persons

Annual Responsibilities

- All forms contained in the annual packet are sent to the court AND to all interested parties
- Do not send the Personal and Financial Information form to interested parties
- The instruction sheet will identify the filing fee for that specific packet (\$5 to \$10)
- When co-guardians have been named by the court, both MUST sign ALL Forms where signatures are required
- Make sure the court case number is on all forms and supporting documents



Annual Report on Condition of Ward

Annually the guardian must report to the court on several elements of the ward's current condition:

1. Whether or not you think the guardianship should continue
2. Age (if the ward is a minor)
3. Address
4. Type of Residential setting
5. Length of residency in current address
6. Frequency/Dates when guardian visited the ward
7. Whether you or someone else is the care provider



Annual Report on Condition of Ward

8. Ward's mental status
9. Ward's physical health
10. List of ALL health care providers used in the last year
11. Identify whether the ward participates in decision making
12. Rating of ward's living arrangement
13. Assessment of ward's unmet needs
14. Report on the guardian's control of ward's money, assets, possessions, or income



Annual Report on Condition of Ward

Items which will require that the guardian **keep ongoing records throughout the year**, so that an accurate accounting can be provided to the court:

- Dates when guardian visited ward during the year
 - If the ward lives with you, or if you see them on a monthly/weekly basis, then note that, otherwise, keep track of the specific times you visited
- List of health care providers utilized during the last year

KEEP GOOD RECORDS **ALL YEAR!!!**



Option for Guardianship with a Budget

- The easiest way to manage annual accounting requirements of your guardianship is to have a monthly budget approved by the court. If this happens, the court can waive many tedious aspects of your annual accounting responsibilities. However, you should still **save receipts and financial information** in case you ever need to respond to an audit.
- Ask the court to approve a monthly budget **BEFORE** you file your annual accounting paperwork, either at the time of the initial hearing to appoint a guardian, or on a motion to the court for a budget (CC 16:2.41)
- If the court approves your request for a monthly budget at the time of the initial hearing to appoint a guardian they will instruct you to use **Packet B for Adults or Packet MB for minors**

Option for Guardianship with a Budget

- **This is a good option if:**

- Your ward's income and expenses follow a predictable monthly pattern
- You want to simplify the annual accounting responsibilities of your guardianship (i.e. you won't have to fill out an Accounting form or equivalent document)
- You want to pay yourself for your ward's living expenses out of your ward's account beyond the amount of \$500 annually
- You need to make regular cash withdrawals from a ward's account for some reason

- **This is NOT an option if:**

- You are conservator only

Option for Guardianship with a Budget

REMEMBER!

- Even if you are a payee and Social Security approves a room and board budget, you must ALSO get the court's written approval for a monthly budget
- Any deviations from the approved budget must be noted in your annual report and reimbursements for those deviations may require written authorization from the court

The following Annual Accounting information applies to Conservatorship cases, and Guardianship cases where the court has NOT approved a monthly budget.

Accounting

ACCOUNTING

TO THE GUARDIAN: Complete only if funds have been spent from or added to the ward's/protected person's account(s) since the last inventory was submitted. Debit transactions, if any, must be included. Provide the information below or attach the information on separate pages similar to this form and format.

Bank Name: _____
 Last four digits of account number: _____
 Beginning date of accounting: _____
 Ending date of accounting: _____

Beginning Balance:

[illegible]

(If more space is needed, copy this form, number additional pages as page 1 of 1, and attach)

Page 6 of 9

Annual Packet A
CC 16:2.33 Rev. 07/19

ANNUAL REPORTING PACKET "A"

Additional Page

Additional Account

This form is a complete accounting of the person's financial assets

The Accounting form must be provided to the court along with all bank statements and/or brokerage statements

- Another type of file (ex. Excel, QuickBooks, etc.) may be submitted instead of the Annual Accounting form provided it includes ALL of the same information.
- Submit bank statements for the ENTIRE year
 - White out/black out the Social Sec # on the statement including Social Security deposits, DOB, and all but last 4 digits of bank account #s

Accounting

ACCOUNTING

TO THE GUARDIAN: Complete only if funds have been spent from or added to the ward's/protected person's account(s) since the last inventory was submitted. Debit transactions, if any, must be included. Provide the information below or attach the information on separate pages similar to this form and format.

Bank Name: _____
 Last four digits of account number: _____
 Beginning date of accounting: _____
 Ending date of accounting: _____

Beginning Balance:

[illegible]

(If more space is needed, copy this form, number additional pages as page 1 of 1, and attach)

Page 6 of 9
Annual Packet A
CC 16:2.33 Rev. 07/19

Additional Page

Additional Account

ANNUAL REPORTING PACKET "A"

- All money transactions must be recorded on the Accounting form (or equivalent document)
- ALL columns on the form must be completed for EACH transaction
- A running balance **MUST** be kept on the form after EACH transaction
- It is recommended that the form be updated after each transaction and checked against the bank statement monthly for accuracy (consider this your checkbook register)
- This form is available as a fillable document that auto-calculates - it can be found on the Supreme Court's forms website, within the Annual Accounting packets

The Court WILL review the figures submitted on your Accounting form!

- The Court will review the Accounting form to ensure that:
 - Entries on the Accounting form match entries on bank statements
 - The ending balance from the old report matches the beginning balance on the new report
 - Court calculations of figures submitted on the form and the ending balance on the accounting form balance out
- There are no ATM or debit entries on the annual accounting as those transactions are prohibited per Letters!



Updated Inventory

UPDATED INVENTORY

TO THE GUARDIAN: To protect personal information, only the last four digits of the account number should be provided on this form.

The Inventory listed below is as of the ending date of this Annual Report, _____.

Are there any changes to any of the accounts identified on your last filed Personal and Financial Information Form? (Check the appropriate box) ☐ Yes ☐ No. If the answer is "Yes", you must complete an Updated Financial Information form (CC 16:2.40) and file it with this form.

DO NOT SEND THE UPDATED FINANCIAL INFORMATION FORM TO THE INTERESTED PARTIES.

1. PERSONAL PROPERTY:

Financial Institution Name	Title on Account	Type of Account (please check one)	Debit Card?	New Account?	Last 4 digits of account number	Balance as of Reporting Ending Date (listed above)
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____
		<input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> certificate of deposit	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	_____	\$ _____

TOTAL : \$ _____

- 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
- The original must be filed with the court and a copy mailed to all interested parties
- Fillable forms are available on the Supreme Court Website within each set of packets



Certificate of Mailing

By filing out the Certificate of Mailing, you inform the court that you have mailed copies of the documents listed to interested persons in your case

Check the boxes of all the forms/documents that were mailed to interested persons

List names and addresses of all interested persons to whom you sent the documents checked on this certificate

The original of this form must be filed with the court AND a copy mailed to all interested persons

Ward _____
Choose the county County Court
Case No. _____

CERTIFICATE OF MAILING

I, _____, swear or affirm, **under the penalties of perjury**, that copies of the forms listed below were mailed to all interested persons (including government agencies providing benefits) and bonding company, if any, at the addresses set forth below on :

Annual Report;

Other(if any):

NAME

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

☐ See attached (more names and addresses than above)

Signature of Guardian or their attorney

Date

Print or Type Name of Guardian or their attorney

Street Address/P.O. Box of Guardian or their attorney

Bar Number and Firm Name (attorneys only)

City/State/ZIP Code of Guardian or their attorney

Phone

E-mail Address

Is there more than one guardian and/or conservator? yes ☐ no ☒



Updated Financial Information

This form is only filled out if account information for the ward/pp changes.

It informs the court of the person's complete bank account numbers, etc., which cannot be included on forms which can be accessed by the public

Use the personal information of the Ward/protected person, not the Guardian or Conservator

This is a CONFIDENTIAL document:
It contains Bank Account numbers.
It is sent only to the Court.
Do not send to interested parties

Nebraska State Court Form REQUIRED	UPDATED FINANCIAL INFORMATION FOR GUARDIANSHIPS AND CONSERVATORSHIPS	
CC 16:2.40 NEW 01/20 Neb. Ct. R. § 1464(H)		

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.

TO THE GUARDIAN AND/OR CONSERVATOR: Only file this form with the court. Do not send this form to anyone else.

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____ Case No. _____

CONFIDENTIAL

Ward/Minor Ward/Protected Person _____

1. You indicated the ward/minor ward/protected person has a new financial account.
2. Identify ***all current*** financial accounts of ward/minor ward/protected person.

FINANCIAL INFORMATION OF THE WARD OR PROTECTED PERSON

<u>Name(s) and address(es) of financial institution(s)</u>	<u>Full account number(s)</u>
_____	_____
_____	_____
_____	_____
_____	_____

Signature of Guardian and/or Conservator _____	Date _____
Print or Type Name of Guardian and/or Conservator _____	Street Address/P.O. Box of Guardian and/or Conservator _____
Bar Number and Firm Name (attorneys only) _____	City/State/ZIP Code of Guardian and/or Conservator _____
	Phone _____ E-mail Address _____

Is there more than one guardian and/or conservator? **yes** ☐ **no** ☒



Objection

Nebraska State Court Form REQUIRED CC 16:2.17 Rev. 01/20	OBJECTION	
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IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA
Choose the county

IN THE MATTER OF _____

Case No. _____

OBJECTION

Ward/Minor Ward/Protected Person

I object to _____
(to documents objecting to)

filed in the above case. My reason for objecting is:

Please initial one of the following:

_____ A hearing is scheduled for _____ at _____, m. I
acknowledge that if I do not appear at the hearing, the Objection will be overruled. I further acknowledge
that I must file this Objection with the court, that it is my responsibility to mail a copy of this
Objection to all interested persons, and that I must file the Certificate of Mailing with the court.

OR

_____ I request that a hearing be set in this matter. I acknowledge that if I do not appear at the
hearing, the Objection will be overruled. When I file this Objection with the court, I will receive a notice
of hearing. It is my responsibility to mail a copy of this Objection and the notice of hearing to all
interested persons, and that I must file the Certificate of Mailing with the court.

The Certificate of Mailing form (CC 16:2.26) is found at <https://supremecourt.nebraska.gov/sites/default/files/CC-16-2-26.pdf>.

If an interested party in your ward's or protected person's case disagrees with any of the reports sent or does not believe the guardian/conservator is acting in the best interest of the ward, they may file an objection with the court.



Certificate of Mailing Objection and Notice of Hearing

Nebraska State Court Form REQUIRED CC 16:2.26 Rev. 01/20 Neb. Rev. Stat. § 30-2601(10) Neb. Ct. R. § 6-1433	CERTIFICATE OF MAILING OBJECTION AND NOTICE OF HEARING	Choose the county
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IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

IN THE MATTER OF _____

Case No. _____

Ward/Minor Ward/Protected Person

CERTIFICATE OF MAILING OBJECTION AND NOTICE OF HEARING

I swear or affirm, **under the penalties of perjury**, that I have filed the original Objection with the court. If I **have** received the Notice of Hearing after I filed my Objection, I have attached it, and on _____, I mailed copies of the forms listed below to the guardian/conservator, attorney, all interested persons, and bonding company, if any at the addresses set forth below:

Objection (CC 16:2.17)

notice of hearing (received from the court after filing the Objection)

NAME(S) OF PERSON(S) SERVED

ADDRESS(ES)

_____	_____
_____	_____
_____	_____

☐ See attached (more names and addresses than above)

Signature of Objector

Date _____

Print or Type Name of Objector

Street Address/P.O. Box of Objector

Bar Number and Firm Name (attorneys only)

City/State/ZIP Code of Objector

Phone _____

E-mail Address _____

In the event that an interested party in your ward's or protected person's case files an Objection with the court, they are responsible for completing this form and mailing it to all other interested parties, the court, and to you as guardian/conservator in the case once they have received a Notice of Hearing from the court.

This form alerts all interested parties of the date of the hearing where the court will address the issue raised in the objection

Notice of Need for Corrective Action(s)

Nebraska State Court Form	NOTICE OF NEED FOR CORRECTIVE ACTION(S)	CC 16:2.20 Rev. 03/16
REQUIRED		Neb. Ct. R. §6-1433

IN THE _____ COURT OF _____ COUNTY, NEBRASKA

IN THE MATTER OF THE
GUARDIANSHIP/CONSERVATORSHIP OF

CASE NUMBER: _____

**NOTICE OF NEED FOR
CORRECTIVE ACTION(S)**

☐ **Regularly Scheduled**

Ward/Protected Person/Incapacitated Person

TO: _____
Guardian/Conservator

Address

City, State, Zip Code

RE: _____
Document filed

NOTICE: Your filings appear to have missing or incorrect documents or information. Please take the appropriate action immediately to correct the problem(s) noted below. If a hearing has been set regarding the above listed document, it has been cancelled. You are required to obtain a new hearing date from the clerk and give adequate notice of the new hearing date as provided in Neb. Rev. Stat. § 30-2220 to all interested persons and you must file an Affidavit of Mailing with the court showing that you sent a Notice of Hearing with the new hearing date to all interested persons.

1. No proof of mailing to interested party(s): _____

2. INCOMPLETE INFORMATION. The pleading you filed does not have the correct:

☐ Case Name ☐ Case Number ☐ Address ☐ Other _____
☐ Filing Fee ☐ Not signed under notary ☐ No Signature _____

3. MOTION HEARING.

☐ You did not file a Notice of Hearing which is required for all motions. If you need to set a matter for hearing, please contact the clerk's office for the date, time and location of the hearing.

You will receive this form if additional actions or corrections need to be submitted regarding forms you have completed

Contents of the court file will be reviewed by the clerks of the court to determine if all of the information and forms are completed as required

When follow-up is needed...

- Follow-up is ESSENTIAL when corrective action is requested by the court
- Lack of action or incomplete responses can lead to suspension of the guardian/conservator's rights to act on behalf of the ward or protected person
- Seek assistance from the court or your local Associate Public Guardian to solve identified problems in a timely manner
- Filing forms accurately and within court identified timelines is important to you and your ward/protected person



Quick Reference for Guardians and Conservators

Quick Reference Guides for Guardians/Conservators

are available on the Supreme Court's website

<https://bit.ly/39o21he>

ADDITIONAL RESPONSIBILITIES

Additional Responsibilities to the Court

Additional responsibilities include:

- Ask the court to pay for guardian/conservator expenses using the Application for Approval of Accounting and/or Fees form (CC 16-2-29), along with the Certificate of Mailing of the Application for Approval (CC 16-2-28)
- Ask the court's permission to withdraw money from restricted accounts using the Application for Withdrawal of Funds form (CC 16-2-19), along with a Certificate of Mailing Application for Withdrawal of Funds form (CC 16-2-24)
- If a change is made in the ward's living situation, a change of address for the ward needs to be given to the court (CC 16-2-46)
- The guardian must get court permission prior to changing the permanent place of residence of the ward to a location outside the state of Nebraska (CC 16-2-61)

TERMINATION OF GUARDIANSHIP OR CONSERVATORSHIP

Termination of Guardianship

1) Guardianship Terms of Expiration:

- a) **Minor Guardianship:** When a minor reaches age 19, is married, is adopted, is returned to biological parents, or dies.
- b) **Temporary Guardianship:** When a temporary guardianship reaches its 90th day without extension, the guardianship will legally end.

2) Removal: A guardian may be removed at any time during a temporary guardianship. A permanent guardian may be removed for good cause.

3) Resignation: A guardian's resignation must be accepted by the court before it is valid. The former guardian should prepare to suggest a successor guardian to transfer authority.

4) Death: If a guardian is deceased, a standby guardian may be appointed if one is listed in the original petition. Otherwise, the court may appoint a successor guardian. Death of the ward or minor will also immediately terminate the guardianship.

5) Termination Proceeding: The ward or some interested person may seek a show cause hearing to terminate the guardianship. Upon notice to all interested persons, and a hearing, the court may terminate the guardianship if good cause is shown.

RESULT: Guardian is stopped from acting on behalf of the ward, and a Final Accounting Packet is filed (CC 16-2-54)



Final Accounting Packet

- When a guardianship/conservatorship has been terminated, the guardian/conservator will be responsible for completing the Final Accounting Packet.
- The Final Accounting Packet includes:
 - A Final Accounting of all money received and all expenses paid on behalf of the ward/protected person for the period of time between the last annual accounting and the date of the final accounting is reported to the court.
 - Final Updated Inventory
 - Notice of Right to Object
 - Certificate of Mailing

Court Forms

All guardianship and conservatorship forms can be found on the Supreme Court's website at:

<https://supremecourt.nebraska.gov/forms>

Note:

- Forms are listed alphabetically by *title* of form, but you can also use the “Search” box to find a specific form
- Each form contains an identifying number in the top right corner, which also appears on the Supreme Court's forms list
- The County Court may mail you a packet, but you may be responsible for picking up or printing off your own forms

OFFICE OF PUBLIC GUARDIAN

The Office of Public Guardian (OPG) has 4 main components:

- Court Appointed Guardians and Conservators
- Successor Guardians and Conservators
- Court Visitors
- Education, Support and Information



STATE OF
NEBRASKA
JUDICIAL BRANCH

Office of Public
Guardian

Court Appointed Guardians and Conservators

- Provide direct guardianship/conservatorship for individuals when no one else is available to serve
- Associate Public Guardians (APGs) located across Nebraska
- Serve vulnerable adults (an average of 20 per APG)
- Model best practices

Successor Guardians and Conservators

- The OPG locates individual community members with a variety of backgrounds who are willing to serve as volunteer guardians and conservators
- We train successor guardians and conservators
- We have a statutory requirement to move wards in the care of court appointed guardians and conservators to the care of successor guardians and conservators whenever possible
- The OPG deeply values and appreciates the work of successor guardians and conservators as they allow our office to serve more vulnerable adults than would otherwise be possible
- Please contact our office if you are interested in volunteering as a successor guardian and/or conservator (402) 471-2862

Court Visitors

- We recruit and train volunteers to serve as Court Visitors
- Court Visitors provide independent reports of relevant information for court when the OPG is nominated to serve on a case
- Court Visitors help ensure that the least restrictive options are in place for vulnerable adults, and that guardianship is established only when it is absolutely necessary
- Please contact our office if you are interested in volunteering as a Court Visitor (402) 471-2862

Education, Support and Information

- The OPG educates both court appointed and private guardians/conservators
- We develop and participate in coalitions to support guardians and conservators throughout Nebraska
- We support private guardians and conservators with resource and skill development information

Guardian/Conservator Training Certificate

File your Guardianship/Conservator Training Certificate in the county court where you were appointed within 90 days of appointment

Any final questions?

Thank you for your participation!