

**Joint Review Committee on the Status of Adult  
Guardianships and Conservatorships in the Nebraska  
Court System**

Report of Final Recommendations

October 1, 2010

## **List of Committee Members:**

**Chair:** Senator John Wightman, Lexington

Vice Chair: Senator John Nelson, Omaha

Judge Susan Bazis, Omaha

Judge Curtis Evans, York

Judge Todd Hutton, Papillion

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John McHenry, Lincoln attorney

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Kathy Jones, Clerk Magistrate, Red Willow County, McCook

Janet Labenz, Accountant, Lincoln

Mary Newman, Deputy Chief of Police, Omaha

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## Introduction

The foundation of the current Nebraska guardian and conservator system was established with the adoption of the Uniform Probate Code in 1974. Since that time, challenges have arisen and improvements have been made through the adoption of uniform Nebraska county court rules and education programming for guardians and conservators. However, emerging challenges confront the system, including the availability and expertise of guardians and conservators; the need for increased supervision and accountability; and the rapidly aging baby-boomer generation. These demographic realities threaten to overwhelm already scarce judicial resources by increasing the need for consistent and detailed court data; pressuring systematic changes in due process and exposing the increased necessity for reliably trained and qualified guardians and conservators.

The Judiciary, the Legislature and the practicing Bar are aware of these challenges and have long been considering solutions. Within the past five years, proposed legislation has been presented to the Legislature to establish a statewide Office of Public Guardianship and to adopt uniform jurisdictional provisions. However, these proposed bills were not adopted into law.

In April 2010, Nebraska Supreme Court Chief Justice Michael Heavican formed a 14-member Joint Review Committee on the Status of Adult Guardianships and Conservatorships in the Nebraska Court System comprised of judges, attorneys, legislators, court personnel, law enforcement and accountants responsible for examining Nebraska's guardian and conservator system. Over half of the members of the committee have served and have practical experience as a guardian and/or conservator.

The Committee worked through the summer to study the challenges our current system faces and draft recommendations. Members reviewed Nebraska court data including annual new guardian conservator filings and active (ongoing court monitored) cases (see Appendix C). Members consulted published literature as well as interviewed individuals engaged in multiple aspects of Nebraska's guardian and conservator system including bank and estate management professionals, healthcare professionals, lawyers, adult protective services staff, guardians and conservators, educators, and researchers. Members reviewed systems in other states and recent reform trends across the country, including reports from the National Center for State Courts, AARP, National College of Probate Judges, and the American Bar Association's Commission on Law and Aging.

Specifically, the members of the Committee were charged to:

- Review the status of adult guardianships and conservatorships in Nebraska's courts;
- Review and recommend any needed changes to Nebraska's guardianship and conservatorship statutes;
- Review court rules and best practices in guardianship and conservatorship cases in Nebraska courts;
- Review best practices for judges, lawyers, and guardians and conservators; and,

- Review the need for any additional resources which might be necessary in order to implement any proposed changes.

The Committee focused on identifying ways to protect wards, increase accountability of guardians and conservators, and provide more information to everyone involved in these cases. The goal was to identify changes in legislation and/or rule that would benefit the best interests of wards while staying true to the ethical and legislative constraints currently in place.

This report serves as a beginning rather than an end of continuing efforts to evaluate the unique and complex issues inherent in taking responsibility of caring for vulnerable adults. The recommendations described herein represent considerations for the Judiciary, the Legislature and the practicing Bar.

The Committee's recommendations fall into three categories: 1) changes which can be implemented immediately with little or no fiscal impact, i.e. changes in uniform court forms that are used; 2) changes which can be implemented over time but may require increased funding, i.e. creating a central database for guardians and/or conservators to register and augment the court's computer program to automatically generate notices to guardians and conservators; and 3) systemic restructuring which will necessitate further study and if adopted would substantially alter current procedures and require fiscal support, i.e. establishing a Public Guardian system. The Committee recognizes that no single set of recommendations will solve all the challenges Nebraska's guardianship/conservatorship system is facing.

It is important to note that these recommendations will not with absolute certainty prevent guardians or conservators from acting beyond their statutory authority. However, it is through these recommendations that more standardized checks and balances will be put in place to monitor guardians' and conservators' actions. Adoption of these recommendations promises to give greater flexibility to judges as they preside over litigation where accusations of abuse of guardian and conservator authority is alleged. Furthermore, adoption of these recommendations will further define the role judges, guardians and conservators have in these cases. Within these recognized parameters, when judges are presented evidence in court the best interests of vulnerable adults can be fully and fairly addressed.

Some of the obstacles identified within the existing law and legal procedures have been identified as follows:

1. The fact that under current law, all guardian and conservators are volunteers. Therefore, if no one will volunteer or if the volunteer is inappropriate the Court has no legal remedy to provide a guardian and/or conservator to a person in need. If a guardian or conservator is removed for cause and no appropriate volunteer steps up to fill that role, then the Court has no legal means to provide a person in need a suitable guardian and/or conservator. This situation increases the likelihood of uncertainty in naming an appropriate guardian or conservator for the

vulnerable adult, as minimal service is deemed preferred to no guardian at all. The Committee believes that one remedy to this problem may be the creation of a Public Guardian and Conservator. However, the Committee believes this needs to be explored further by a committee formed by the Legislature.

2. The lack of information the court has at the time the guardian and/or conservator is appointed and the lack of information that is provided to interested parties throughout a case.
3. The lack of adequate judicial data management reports available to judges, particularly subsequent to the formal appointment of guardian or conservator, which are needed to assist the judges in monitoring their cases and the lack of easily accessible and accurate information as to the number and nature of guardianships and/or conservatorships on their docket.
4. The ethical concerns for judges being asked to go beyond their statutory authority in guardianship and conservatorship cases, i.e. to get involved in the investigation of misconduct of guardians and conservators.

Finally, a major concern of the Committee is the unique role of the judiciary as the third branch of government, and how to strongly sustain the role of judicial independence as it concurrently seeks to address the best interests of the vulnerable adult in guardianship and conservatorship matters. *The National Court Probate Standards*, a joint issuance of the National College of Probate Judges and the National Center for State Courts, has as a core principle the need for judicial independence in decision making over guardianships and conservatorships, and recognizes the fundamental principle of separation of powers to protect judicial independence. It is important that any change in legislation or rule must conform with and honor the constitutional separation of powers and be consistent with judges' ethical and statutory restrictions.

**We respectfully recommend** that the principles of separation of powers, judicial independence, and judicial ethics, including considerations of ex parte communications, a litigant's right to due process and the right to a fair and impartial judge to decide issues in controversy be carefully weighed in all immediate and longer-term solutions to the challenges the guardianship/conservatorship system is facing.

## **Recommendations**

*Committee note: Some of the following recommendations have asterisks\* notated beside them. This is to indicate those areas of law and court procedure in which the committee discussed regarding the ethical constraints a judge has on his/her ability to do certain things in a case. The committee also discussed a litigant's right to due process and the right to a fair and impartial judge to decide issues in controversy. The Nebraska Supreme Court needs to decide how the following situations with asterisks should be handled and implement policy and procedures or suggest legislative changes regarding the following so all judges are handling cases in the same way and abiding by the Judicial Code of Conduct.*

We respectfully request the Judiciary to consider implementing the following recommendations:

### **The Supreme Court should:**

**1. Review and adopt forms to be used in all guardian and/or conservator cases statewide.**

*Commentary - The Committee has amended existing forms and developed new forms that we recommend be used by all courts. (see Appendix B)*

**2. Adopt a court rule or support a statutory change regarding required local and federal background checks including Abuse and Neglect Registries, Adult Protective Services and Child Protective Services findings, and credit checks.**

*Commentary - In the interest of "front end" protection of wards from bad acting guardians and conservators, the Committee discussed the requirement of federal and local criminal background checks and credit checks for guardians and conservators. The Committee would suggest the following:*

- *The checks may be used as criteria for setting bonds and making appointments.*
- *The required checks should be done and filed with the court 10 days prior to the hearing on the permanent appointment of a guardian and/or conservator.*
- *Each guardian and/or conservator be required to alert the court if they were convicted of a crime and this could be a basis for removal from a case by the judge at his/her discretion. If a central database for guardians and/or conservators is established a requirement that criminal convictions should also be reported to the database should be implemented.*
- *For the credit check, if a person has had a judgment within the last three years the court should consider this along with all of the other circumstances of the case to determine if the guardian and/or conservator should be appointed.*

3. **Adopt a court rule requiring that filing requirements for guardians and conservators be included on their Letters.** (see form Letters created by the Committee in Appendix B)
  
4. **Adopt a court rule requiring all courts to hand out the Quick Reference Guide with sample forms attached to guardians and conservators with their Letters.** (see forms and Quick Reference Guide created by the Committee in Appendix B)
  
5. **Adopt a court rule requiring that inventories be sent, by certified mail and regular mail, to all interested parties.**  
*Commentary - Along with the inventory, a form should be included for the parties to send back to the court indicating that they are an “interested party” and want to continue receiving notifications about the case. If the form is not returned, the party will no longer receive notifications about proceedings and/or filings. (see county court rule §6-1442) (see Notice of Interested Party form created by the Committee in Appendix B).*
  
6. **Adopt a court rule requiring courts/clerks to make sure all interested parties are on the Affidavit of Mailing for the inventories, annual accounting, and condition of ward reports that are filed with the court.**  
*Commentary - If all interested parties are not on the affidavit of mailing then the court/clerk should send a corrective action notice to the guardian/conservator and all interested parties.*
  
7. **Adopt a court rule requiring that all accountings be reviewed by auditors.**  
*Commentary - The auditor should look at the condition of the ward report in conjunction with the accounting. \**
  - *The Committee realizes that this is a best practice that may not be realistic for all counties. If all accountings cannot be reviewed by auditors due to a lack of resources, then a percentage such as one third of all accountings filed in a year should be reviewed by auditors.*
  - *If problems or concerns arise with an accounting, the supervisor of the probate division and or the magistrate shall set the case for hearing with notice to all interested parties. \**
  - *Further exploration by the Nebraska Supreme Court is needed to determine who should perform the audits.*
    - *Currently, volunteer auditors handle a limited number of cases in Douglas and Lancaster Counties.*
    - *An auditor position could be created under the State Court Administrator.*
    - *Consideration could also be given to using remote court staff to perform the auditing function in high volume jurisdictions or neighboring jurisdictions.*

- *The Nebraska State Bar Association's Senior Members Section offered the idea of providing volunteers to serve as auditors around the state.*

- 8. Adopt a court rule requiring the Statement of Assets that is filed with the Accounting be reviewed by an auditor or probate supervisor and/or magistrate to determine if the bond previously set is adequate. \***
- 9. Adopt a court rule requiring bank statements and brokerage reports to be submitted with all accountings.**
- 10. Adopt a court rule or support amendments to existing statute to require inventories be filed in guardianship cases.**
- 11. Adopt a court rule or support a statutory change to require inventories to be filed in guardianship and/or conservatorship cases within 30 days of appointment.**
- 12. Adopt a court rule requiring all initial inventories filed with the court be reviewed by the judge to determine if a bond needs to be set and/or the previously set bond is adequate. \***
- 13. Adopt a court rule requiring the guardian and/or conservator to file their Letters with the Register of Deeds in any county where the ward has real property or an interest in real property.**
- 14. Adopt a court rule requiring an updated inventory be filed every year and it should be reviewed by the auditor or the judge to determine if the bond is still sufficient.**  
*Commentary - This could be done as a Statement of Assets if it is revised to contain information required on the inventory.*
- 15. Adopt a court rule requiring that in the absence of any interested parties, the court should appoint a Guardian Ad Litem for the ward.**  
*Commentary - There is potential for this recommendation to impact individual counties because the cost of the Guardian Ad Litem would be paid by the individual counties.*
- 16. Adopt a court rule prohibiting ATM withdrawals or cash back on debit transactions without prior court approval.**  
*Commentary - This should be stated on the guardians' and/or conservators' Letters.*
- 17. Adopt a court rule requiring guardians and conservators to register with the central database each case they are appointed on. (see recommendation below for Supreme Court Administrator to create and maintain a central database).**

- 18. Further study the need to enhance and implement regular judicial education for both judges and court staff on the full range of complexity of guardianship and conservatorship cases.**
- 19. Establish a standing commission to focus on guardian and conservator issues, including further study emerging best practices for court case management to address the relevant interests of protecting vulnerable adults' wellbeing and estate and property; judicial specialization and rotation; docket timeliness and management; court monitoring and auditing; and economic, geographical, and case volume conditions.**

*Commentary - Differing interests have driven case management approaches, including some of the following: (1) focusing on continuity of the ward by assigning one judge to manage one specific ward's case over time; (2) focusing on diversity of case type expertise by rotating judges to manage a variety of wards' cases from time to time; (3) focusing on managing high volumes of initial and annual guardian reviews by scheduling monthly probate calendars for each judge. Emphasizing one interest to accomplish case management may cause a deficiency in achieving competing interests. This dilemma is not confined to Nebraska courts only; but is a growing dilemma nationally, particularly in light of the acknowledged aging baby-boomer population and the likelihood of increasing pressure on the court system to manage the complexities of the persistent oversight of protected persons through the years and possible decades of diminished capacity.*

**In addition to the changes suggested above, the State Court Administrator should:**

- 1. The State Court Administrator should create and maintain a central database for guardians and conservators that would be accessible by the public.**

*Commentary - Court rule should be adopted requiring guardians and conservator to register each case they are appointed on. This database would show the status of the guardianship and/or conservatorship, i.e., appointment, Letters issued; how many individuals a person is guardian and/or conservator for; information regarding the suspension or removal of a guardian and/or conservator. The database should be accessible to courts, attorneys, guardians, conservators, interested parties, banks, and the general public.*

- 2. The State Court Administrator should instruct each Clerk Magistrate's or court administrator's office to send out reminders to guardians and conservators indicating filing deadlines 45 days prior to when the annual filings are due.**

*Commentary - These could be automatically generated by the Court's administrative software and sent via email to the guardian and/or conservator.*

- 3. The State Court Administrator should post examples of completed reports on the Supreme Court website.**

*Commentary - As an additional resource for guardians and conservators, examples of completed forms (e.g., Condition of Ward, Annual Accounting, etc.) could accompany the blank forms provided on the website.*

- 4. The State Court Administrator should post all forms and as much information as possible on the Supreme Court website as a resource for guardians and conservators.**

*Commentary - The forms should be able to be filled out online.*

- 5. The State Court Administrator should make available on the Supreme Court website training videos that guardians and/or conservators can watch when needed to refresh themselves on their duties and responsibilities as guardian and/or conservator.**

*Commentary - This would be used as a supplement to the live training already required to be taken by any new guardian and/or conservator that is appointed.*

- 6. The State Court Administrator should add Retired Railroad Board to list of resources in written and online materials available to guardians and conservators.**

*Commentary - The railroad retirement system is different from Social Security and as such, can be difficult for a guardian or conservator to navigate.*

- 7. The State Court Administrator should make the following changes to JUSTICE, the Nebraska Judicial Branch's court data management system:**

- a.** When a ward dies or reaches the age of majority, JUSTICE needs to indicate that the case is "terminated" versus "closed" so the courts can readily identify which cases are ongoing and require annual filings.
- b.** JUSTICE needs to separate guardianships from conservatorships and adult cases from cases involving minors to assist courts in compiling more accurate caseload data.
- c.** JUSTICE needs to automatically send out reminders to guardians and conservators indicating that their annual reports are due in 45 days.
- d.** JUSTICE needs to automatically send out show causes for overdue filings, including: accounting, condition on ward reports, bonds, restricted accounts, inventories, certificate of training, etc.

**In addition to the changes suggested above, The Judiciary should establish as best practices:**

- 1. All probate correspondence should be opened by a clerk, and any message regarding a problem with a guardianship and/or conservatorship case should be given to the supervisor of the probate division or magistrate, who should review the letter and either have the judge appoint a Guardian Ad Litem or**

**set the case for hearing with notice to all interested parties or have copies of the correspondence sent to all interested parties and if there are no interested parties a Guardian Ad Litem be appointed for the ward and notice given to the Guardian Ad Litem.\***

*Commentary - The Committee considered the issue of information being sent directly to a judge regarding problems with the safety, health, welfare and financial situation of a ward. The Committee discussed options of how this situation should be handled keeping in mind that due to the Judicial Code of Conduct a judge cannot initiate, permit or consider an ex parte communication. Some courts will send the information back to the person who sent it explaining the court cannot have any ex parte communications, and therefore cannot read the letter or take any action. The Committee does not feel this information can be ignored. Therefore, the above two options were discussed. The Supreme Court needs to establish policies and procedures on how to handle information that is received by courts regarding the health, safety, welfare and financial situation of a ward in a guardianship and/or conservatorship case. \**

- 2. The court should send out show cause notices for documents not filed on time. If the guardian and/or conservator does not appear, the court needs to exercise its contempt power.**

*Commentary - Some members of the Committee agree there needs to be a stepped up enforcement, meaning a warning, then a fine, then jail, for guardians and/or conservators who do not comply. Other members feel this could already be done through the court's contempt powers. There is concern about whether the court can hold someone in contempt for violating a court rule vs. a statute. This issue may need to be explored further.*

- 3. Judges should review Condition of Ward reports when they are filed if the auditors do not look at them. \***
- 4. At the court hearing to appoint the guardian and/or conservator, the judge should verbally inform a guardian and/or conservator what forms they will have to file on a yearly basis.**
- 5. The court should inform the guardian and/or conservator at the time of appointment that they must notify the court of the death of the ward within three days of the occurrence.**
- 6. The court should inform the guardian and/or conservator at the time of appointment that they must get permission from the court before they move the ward out of the State of Nebraska.**
- 7. The court should notify the guardian and/or conservator at the time of appointment that they must immediately inform the court of any significant changes in the ward's condition and any assets discovered or awards, settlements, or inheritances not mentioned in the initial inventory.**

8. **The court should notify the guardian and/or conservator at the time of appointment that there can be no ATM withdrawals or cash back on debit transactions without a prior court order.**
9. **The court should utilize mediation in troublesome or difficult guardianship and/or conservatorship cases, such as controversy over appointment, intra-family conflict, or challenges over decisions for the ward's care.**<sup>1</sup> (see Appendix A for proposed amendments to Nebraska Revised Statutes § 25-2911 and § 25-2943)
10. **The court should require a bank to notify the court of suspicious activity and this requirement should be put in the Letters.** \*  
*Commentary - The bank would notify the probate supervisor and/or magistrate of the suspicious activity, and the supervisor and/or magistrate would set the matter for hearing.*

The Committee suggests the following best practices for attorneys and we respectfully request the Nebraska State Bar Association to consider implementing the following recommendations:

1. **Lawyers should explain roles of guardian and/or conservator to client.**  
*Commentary – This should take place prior to the initial court hearing and should include a review of required forms, filing deadlines and duties of a guardian and/or conservator.*
2. **Lawyers should go over the acceptance and other forms with their client and make sure their clients have all the forms they will need to file.** (see forms created by the Committee in Appendix B)
3. **Lawyers should stay on a case and provide assistance beyond the appointment of the guardian or conservator.**  
*Commentary – This issue needs to be looked at further, perhaps by the Probate Section, to see if lawyers could stay on a case and provide assistance until after the first year reports have been completed and filed.*
4. **Lawyers should include in their Orders of Appointment all of the initial reporting requirements necessary to get their Letters.** (see forms created by the Committee in Appendix B)

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<sup>1</sup> For more information on this topic please refer to *Mediating Nebraska Conservatorships and Guardianships* by A.J. Steele (September 2010). This paper can be accessed by contacting the Nebraska Office of Dispute Resolution.

5. **Lawyers should discuss the appropriate use of mediation or other forms of dispute resolution with their clients or guardians and conservators.**
6. **The Probate Section of the Bar should consider sponsoring a multidisciplinary education seminar on the topic of Guardianship and Conservatorship, inviting members of the collateral professions such as financial and wealth management; healthcare; assisted living; surrogate decision making; adult protective services; elder family systems; Area Agencies on Aging; as well as probate judges and staff.**

We respectfully request the Nebraska Legislature to consider implementing the following recommendations:

1. **Amend Nebraska Revised Statutes § 30-2640 to require bonds on all assets greater than \$10,000; requirement can be suspended at Judge’s discretion. (Should also look at court rule §6-1437 to make consistent) (see appendix A for proposed language)**  
*Commentary -*
  - *The Committee discussed the requirement of bonding in order to prevent bad acting guardians and conservators from stealing from their wards.*
  - *The low threshold of \$10,000 is meant to protect the most vulnerable wards whose assets are minimal (e.g. \$15,000- \$30,000) and thus all the more critical for the wards to maintain.*
  - *Current statute allows judges the option to set a bond on a ward’s assets. The proposed language below requires a bond by default on assets over \$10,000 and allows the judge to waive the bond by showing good cause.*
2. **Mandate the creation – by the State Court Administrator - of a central database for guardians and conservators that would be accessible by the public.**  
*Commentary - Guardians and/or conservators should register with the database for every case they are appointed on.*
3. **Amend Nebraska Revised Statutes § 30-2647 to require that inventories be filed within 30 days of appointment in a conservatorship case and be sent, by certified mail and regular mail, to all interested parties.**  
*Commentary - Along with the inventory, a form should be included for the parties to send back to the court indicating that they are an “interested party” and want to continue receiving notifications about the case. If the form is not returned, the party will no longer receive notifications about proceedings and/or filings. (see Notice of Interested Party form created by the Committee in Appendix B)*
4. **Adopt a statute requiring inventories to be filed in guardianship cases.**

5. **Adopt a statute requiring inventories to be filed within 30 days of appointment in guardianship cases.**
6. **Adopt a statute requiring inventories filed in guardianship cases be sent, by certified mail and regular mail, to all interested parties.**
7. **Adopt a statute requiring an updated inventory to be filed every year.**
8. **Adopt a statute requiring the guardian and/or conservator to file their Letters with the Register of Deeds in any county where the ward has real property or an interest in real property.**
9. **Adopt a statute requiring the guardian and/or conservator to get permission from the court before they move the ward out of the state of Nebraska.**
10. **Amend Nebraska Revised Statutes § 25-2911 and § 25-2943 to expressly authorize the court to refer a contested guardianship or conservatorship case to mediation or another form of alternative dispute resolution.** (see Appendix A for proposed language)
11. **Adopt a statute that would allow the Supreme Court to regulate the reporting and actions of a guardian and conservator by court rules that would have the force of law.**
12. **Adopt a statute or a resolution providing for a committee to be convened to study the cost of and implementation of the Office of Public Guardian and report back to the Legislature with their findings by the 2012 legislative session.**  
*Commentary - Nebraska is the lone jurisdiction in the United States that does not have an Office of Public Guardianship. Nebraska has the opportunity to learn from current research and practice within the 49 other states as to how to design an Office that could best leverage public/private resources to meet this increasing need for this significant vulnerable population. The purpose of the Office of Public Guardianship varies among the models, but primarily, it is to provide surrogate decision making in the role of guardian or conservator for those individuals who would not otherwise have one. At least two bills to establish an Office of Public Guardianship have been introduced into the Nebraska Legislature over the past five year; most recently was LB 257, to Adopt the Public Guardianship Act, introduced by Senator Lathrop in 2007.*
13. **We respectfully recommend that the Legislature study the issue of diminished capacity in both statutory language as well as legal determination procedures as linked to limited or full guardianship and conservatorship.**

## Appendix A Proposed statutory amendments

### **1. Amend Nebraska Revised Statutes § 30-2640 to require bonds on all assets greater than \$10,000; requirement can be suspended at Judge's discretion.**

Draft language for statutory change:

For assets over \$10,000 the bond for a conservator shall be in the amount of the aggregate capital value of the personal property of the estate in his or her control plus one year's estimated income from all sources minus the value of securities deposited under arrangements requiring an order of the court for their removal. The bond of the conservator shall be conditioned upon the faithful discharge of all duties of the trust according to law, with sureties as the Court shall specify. The Court, in lieu of sureties on a bond, may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land owned by the Conservator. For good cause shown, the Court may eliminate the requirement of a bond or decrease or increase the required amount of any such bond previously furnished. The Court may consider as one of the factors of good cause when determining whether a bond shall be required and the amount thereof, the desires of the protected person as expressed in any written power of attorney.

- *Current language: 30-2640 The court may require a conservator to furnish a bond conditioned upon faithful discharge of all duties of the trust according to law, with sureties as it shall specify and may eliminate the requirement or decrease or increase the required amount of any such bond previously furnished. The amount of the bond may be fixed at the discretion of the court, but if not otherwise fixed by the court, the amount of the bond shall be in the amount of the aggregate capital value of the personal property of the estate in his or her control plus one year's estimated income from all sources minus the value of securities deposited under arrangements requiring an order of the court for their removal. The court, in lieu of sureties on a bond, may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land. The court may consider the desires of the protected person as expressed in any written power of attorney in determining whether a bond shall be required and the amount thereof.*

**2. Amend Nebraska Revised Statutes §25-2911 to include mediation of guardianship and conservatorship cases.**

**§25-2911 Dispute resolution; types of cases; referral of cases.**

(1) The following types of cases may be accepted for dispute resolution at an approved center:

(a) Civil claims and disputes, including, but not limited to, consumer and commercial complaints, disputes between neighbors, disputes between business associates, disputes between landlords and tenants, and disputes within communities;

(b) Disputes concerning child custody, parenting time, visitation, or other access and other areas of domestic relations; ~~and~~

(c) Juvenile offenses and disputes involving juveniles; and

(d) Guardianship and conservatorship cases.

(2) An approved center may accept cases referred by a court, an attorney, a law enforcement officer, a social service agency, a school, or any other interested person or agency or upon the request of the parties involved. A case may be referred prior to the commencement of formal judicial proceedings or may be referred as a pending court case. In order for a referral to be effective, all parties involved must consent to such referral. If a court refers a case to an approved center, the center shall provide information to the court as to whether an agreement was reached. If the court requests a copy of the agreement, the center shall provide it.

**3. Amend Nebraska Revised Statutes §25-2943 to authorize courts to refer guardianship and conservatorship cases to mediation or other form of alternative dispute resolution.**

**25-2943. Referral of civil cases to mediation or alternative dispute resolution; rules of practice.**

A court may refer a civil case or guardianship and conservatorship cases to mediation or another form of alternative dispute resolution and, unless otherwise ordered following a hearing upon a motion to object to such referral, may state a date for the case to return to court. Such date shall be no longer than ninety days after the date the order was signed unless the court grants an extension upon request of the parties. Any agreement or resolution made in mediation or another form of alternative dispute resolution shall be voluntarily entered into by the parties. An individual trial court, an appellate court, or the Supreme Court on its own initiative may adopt rules of practice governing the procedures for referral of cases to mediation and other forms of dispute resolution. Such services may be provided by approved centers on a sliding scale of fees under the Dispute Resolution Act.

## Appendix B

### Proposed court forms

The proposed draft forms attached to this report were updated from current official court forms and new forms were created. The purpose of these forms is to increase the guardian and conservator's accountability to the protected person and to provide additional relevant information to the courts to improve their ability to monitor guardian and conservator filings. For example, the revised forms will (a) provide more information to the judges in the front end of a case; (b) will clarify and confirm who the interested parties are; and (c) will increase the likelihood that information about the protected person's assets, expenditures, and well-being are disseminated to the interested parties throughout the case. The Committee recognizes that some if not all of the recommended forms will require statutory or court rule amendments prior to adoption and implementation of the use of the forms. The body of this report contains said recommendations. It is the recommendation of the Committee that the Nebraska Supreme Court enact court rules to adopt these forms and require them to be the sole authorized forms to be used by all courts in guardian and conservator cases.

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IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF	)	CASE NO. _____
	)	
_____	)	Acceptance of Appointment of
_____	)	Conservator for a Minor
_____	)	

COMES NOW \_\_\_\_\_ and accepts appointment as  
Name of Conservator  
 Conservator of the assets of \_\_\_\_\_, a minor, and  
Name of Ward  
 does solemnly swear that I will perform, according to law, all duties as such Conservator. I further acknowledge the following by initialing all of the following:

**\_\_\_ I acknowledge that I have filed with the court an Acknowledgment of Registering with the Central Guardianship/Conservatorship Database.**

**\_\_\_ I further acknowledge that I have filed with the court the Guardian/Conservator General Information sheet.**

**\_\_\_ I further acknowledge that if I am dealing with restricted funds then within 10 days of my appointment I will file with the Court a Proof of Restrict Account From Depository or Financial Institution form.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file with the Court an Acknowledgement of Financial Institution form along with an updated Personal and Financial Information of Parties form with full account numbers.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file an Inventory and Affidavit of Due Diligence of the Wards Assets with the Court.**

**\_\_\_ I further acknowledge that within 90 days of my appointment I will have to complete a guardianship/conservatorship training class and file proof of completion with the court.**

**\_\_\_ I further acknowledge that I must file my letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that one year after my appointment and every year thereafter, I shall file with the Court an Annual Report of Guardian on Condition of Ward**

**Report, Annual Accounting, Itemized Statement of Assets, Certificate of Proof of Possession and Balance. All of the documents shall be sent to all interested parties along with a Notice of Right to Object Form. I acknowledge that I have to file with the Court an Affidavit of Mailing showing I mailed all of the documents to all interested parties by certified mail, return receipt requested and by first class mail, postage pre-paid.**

**\_\_\_ I further acknowledge that if the ward moves I must notify the court of the wards new address within 3 days of the ward moving.**

**\_\_\_ I further acknowledge that I must get court approval prior to moving a ward out of the State of Nebraska.**

**\_\_\_ I further acknowledge that I must notify the court immediately if there is any significant change in the ward's condition or the ward dies.**

**\_\_\_ I further acknowledge that I must notify the court immediately of any assets, awards, settlement or inheritance the ward receives which was not included on the initial inventory.**

**\_\_\_ I further acknowledge that I must file a copy of my Letters with the register of deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that I cannot make any ATM withdrawals and/or get cash back from a debit transaction without a court order.**

**\_\_\_ I further acknowledge that I have gone over the above with my attorney (if you have one) and I have received all forms necessary to comply with the above and I have no further questions of my attorney. (If you do not have an attorney please indicate not applicable and go to next acknowledgement.)**

**\_\_\_ I further acknowledge that I have received the forms needed to comply with the above requirements.**

Dated \_\_\_\_\_

\_\_\_\_\_  
Conservator

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF	)	CASE NO. _____
	)	
_____	)	Acceptance of Appointment of
_____	)	Conservator
_____	)	

COMES NOW \_\_\_\_\_ and accepts appointment as  
Name of Conservator  
 Conservator of the assets of \_\_\_\_\_, a protected person,  
Name of Ward  
 and does solemnly swear that I will perform, according to law, all duties as such Conservator. I further acknowledge the following by initialing all of the following:

**\_\_\_ I acknowledge that I have filed with the court an Acknowledgment of Registering with the Central Guardianship/Conservatorship Database.**

**\_\_\_ I further acknowledge that I have filed with the court the Guardian/Conservator General Information sheet.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file with the Court an Acknowledgement of Financial Institution form along with an updated Personal and Financial Information of Parties form with full account numbers.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file an Inventory of the Wards Assets and Affidavit of Due Diligence with the Court.**

**\_\_\_ I further acknowledge that within 90 days of my appointment I will have to complete a guardianship/conservatorship training class and file proof of completion with the court.**

**\_\_\_ I further acknowledge that I must file my letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that one year after my appointment and every year thereafter, I shall file with the Court an Annual Accounting, Itemized Statement of Assets, Certificate of Proof of Possession and Balance. All of the documents shall be sent to all interested parties along with a Notice of Right to Object Form. I acknowledge that I have to file with the Court an Affidavit of Mailing showing I mailed all of the documents to all**

interested parties by certified mail, return receipt requested and by first class mail, postage pre-paid.

\_\_\_ I further acknowledge that if the ward moves I must notify the court of the wards new address within 3 days of the ward moving.

\_\_\_ I further acknowledge that I must get court approval prior to moving a ward out of the State of Nebraska.

\_\_\_ I further acknowledge that I must notify the court immediately if there is any significant change in the ward's condition or the ward dies.

\_\_\_ I further acknowledge that I must notify the court immediately of any assets, awards, settlement or inheritance the ward receives which was not included on the initial inventory.

\_\_\_ I further acknowledge that I must file a copy of my Letters with the register of deeds in any county where the ward has real property or an interest in real property.

\_\_\_ I further acknowledge that I cannot make any ATM withdrawals and/or get cash back from a debit transaction without a court order.

\_\_\_ I further acknowledge that I have gone over the above with my attorney (if you have one) and I have received all forms necessary to comply with the above and I have no further questions of my attorney. (If you do not have an attorney please indicate not applicable and go to next acknowledgement.)

\_\_\_ I further acknowledge that I have received the forms needed to comply with the above requirements.

Dated \_\_\_\_\_

\_\_\_\_\_  
Conservator

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF	)	CASE NO. _____
	)	
_____	)	Acceptance of Appointment of
_____	)	Guardian and Conservator
_____	)	

COMES NOW \_\_\_\_\_ and accepts appointment as  
Name of Guardian and Conservator  
Guardian and Conservator of the assets of \_\_\_\_\_, an  
Name of Ward  
incapacitated and protected person, and does solemnly swear that I will perform, according to law, all duties as such Guardian and Conservator. I further acknowledge the following by initialing all of the following:

**\_\_\_ I acknowledge that I have filed with the court an Acknowledgment of Registering with the Central Guardianship/Conservatorship Database.**

**\_\_\_ I further acknowledge that I have filed with the court the Guardian/Conservator General Information sheet.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file with the Court an Acknowledgement of Financial Institution form along with an updated Personal and Financial Information of Parties form with full account numbers.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file an Inventory of the Wards Assets and Affidavit of Due Diligence with the Court.**

**\_\_\_ I further acknowledge that within 90 days of my appointment I will have to complete a guardianship/conservatorship training class and file proof of completion with the court.**

**\_\_\_ I further acknowledge that I must file my letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that one year after my appointment and every year thereafter, I shall file with the Court an Annual Report of Guardian on Condition of Ward Report, Annual Accounting, Itemized Statement of Assets, Certificate of Proof of Possession and Balance. All of the documents shall be sent to all interested parties along with a Notice of**

**Right to Object Form.** . I acknowledge that I have to file with the Court an Affidavit of Mailing showing I mailed all of the documents to all interested parties by certified mail, return receipt requested and by first class mail, postage pre-paid.

\_\_\_ I further acknowledge that if the ward moves I must notify the court of the wards new address within 3 days of the ward moving.

\_\_\_ I further acknowledge that I must get court approval prior to moving a ward out of the State of Nebraska.

\_\_\_ I further acknowledge that I must notify the court immediately if there is any significant change in the ward's condition or the ward dies.

\_\_\_ I further acknowledge that I must notify the court immediately of any assets, awards, settlement or inheritance the ward receives which was not included on the initial inventory.

\_\_\_ I further acknowledge that I must file a copy of my Letters with the register of deeds in any county where the ward has real property or an interest in real property.

\_\_\_ I further acknowledge that I cannot make any ATM withdrawals and/or get cash back from a debit transaction without a court order.

\_\_\_ I further acknowledge that I have gone over the above with my attorney (if you have one) and I have received all forms necessary to comply with the above and I have no further questions of my attorney. (If you do not have an attorney please indicate not applicable and go to next acknowledgement.)

\_\_\_ I further acknowledge that I have received the forms needed to comply with the above requirements.

Dated \_\_\_\_\_

\_\_\_\_\_  
Guardian and Conservator

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF	)	CASE NO. _____
	)	
_____	)	Acceptance of Appointment of
_____	)	Guardian
_____	)	

COMES NOW \_\_\_\_\_ and accepts appointment as  
Name of Guardian

Guardian of \_\_\_\_\_, an incapacitated and protected  
Name of Ward

person, and does solemnly swear that I will perform, according to law, all duties as such Guardian. I further acknowledge the following by initialing all of the following:

**\_\_\_ I acknowledge that I have filed with the court an Acknowledgment of Registering with the Central Guardianship/Conservatorship Database.**

**\_\_\_ I further acknowledge that I have filed with the court the Guardian/Conservator General Information sheet.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will file an Inventory of the Wards Assets and Affidavit of Due Diligence with the Court.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file with the Court an Acknowledgement of Financial Institution form along with an updated Personal and Financial Information of Parties form with full account numbers if I am dealing with any money of the ward.**

**\_\_\_ I further acknowledge that within 90 days of my appointment I will have to complete a guardianship/conservatorship training class and file proof of completion with the court.**

**\_\_\_ I further acknowledge that I must file my letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that one year after my appointment, and every year thereafter, I shall file with the Court an Annual Report of Guardian on Condition of Ward Report, Annual Accounting (if you have possession or control of the wards estate), Itemized Statement of Assets, Certificate of Proof of Possession and Balance. All of the documents shall**

be sent to all interested parties along with a Notice of Right to Object Form. I acknowledge that I have to file with the Court an Affidavit of Mailing showing I mailed all of the documents to all interested parties by certified mail, return receipt requested and by first class mail, postage pre-paid.

\_\_\_ I further acknowledge that if the ward moves I must notify the court of the wards new address within 3 days of the ward moving.

\_\_\_ I further acknowledge that I must get court approval prior to moving a ward out of the State of Nebraska.

\_\_\_ I further acknowledge that I must notify the court immediately if there is any significant change in the ward's condition or the ward dies.

\_\_\_ I further acknowledge that I must notify the court immediately of any assets, awards, settlement or inheritance the ward receives which was not included on the initial inventory.

\_\_\_ I further acknowledge that I must file a copy of my Letters with the register of deeds in any county where the ward has real property or an interest in real property.

\_\_\_ I further acknowledge that I cannot make any ATM withdrawals and/or get cash back from a debit transaction without a court order.

\_\_\_ I further acknowledge that I have gone over the above with my attorney (if you have one) and I have received all forms necessary to comply with the above and I have no further questions of my attorney. (If you do not have an attorney please indicate not applicable and go to next acknowledgement.)

\_\_\_ I further acknowledge that I have received the forms needed to comply with the above requirements.

Dated \_\_\_\_\_

\_\_\_\_\_  
Guardian

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF _____	)	CASE NO. _____
_____	)	
_____	)	Acceptance of Appointment of
_____	)	Conservator- <b>Restricted</b>
_____	)	

COMES NOW \_\_\_\_\_ and accepts appointment as  
Name of Conservator  
 Conservator of the assets of \_\_\_\_\_, a protected person,  
Name of Ward  
 and does solemnly swear that I will perform, according to law, all duties as such Conservator. I further acknowledge the following by initialing all of the following:

**\_\_\_ I acknowledge that I have filed with the court an Acknowledgment of Registering with the Central Guardianship/Conservatorship Database.**

**\_\_\_ I further acknowledge that I have filed with the court the Guardian/Conservator General Information sheet.**

**\_\_\_ I further acknowledge that within 10 days of my appointment I will file with the Court a Proof of Restrict Account From Depository or Financial Institution form.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file with the Court an Acknowledgement of Financial Institution form along with an updated Personal and Financial Information of Parties form with full account numbers.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file an Inventory of the Wards Assets and Affidavit of Due Diligence with the Court.**

**\_\_\_ I further acknowledge that within 90 days of my appointment I will have to complete a guardianship/conservatorship training class and file proof of completion with the court.**

**\_\_\_ I further acknowledge that I must file my letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that one year after my appointment and every year thereafter, I shall file with the Court an Annual Accounting, Itemized Statement of Assets, Certificate of Proof of Possession and Balance. All of the documents shall be sent to all**

interested parties along with a Notice of Right to Object Form. I acknowledge that I have to file with the Court an Affidavit of Mailing showing I mailed all of the documents to all interested parties by certified mail, return receipt requested and by first class mail, postage pre-paid.

\_\_\_ I further acknowledge that if the ward moves I must notify the court of the wards new address within 3 days of the ward moving.

\_\_\_ I further acknowledge that I must get court approval prior to moving a ward out of the State of Nebraska.

\_\_\_ I further acknowledge that I must notify the court immediately if there is any significant change in the ward's condition or the ward dies.

\_\_\_ I further acknowledge that I must notify the court immediately of any assets, awards, settlement or inheritance the ward receives which was not included on the initial inventory.

\_\_\_ I further acknowledge that I must file a copy of my Letters with the register of deeds in any county where the ward has real property or an interest in real property.

\_\_\_ I further acknowledge that I cannot make any ATM withdrawals and/or get cash back from a debit transaction without a court order.

\_\_\_ I further acknowledge that I have gone over the above with my attorney (if you have one) and I have received all forms necessary to comply with the above and I have no further questions of my attorney. (If you do not have an attorney please indicate not applicable and go to next acknowledgement.)

\_\_\_ I further acknowledge that I have received the forms needed to comply with the above requirements.

Dated \_\_\_\_\_

\_\_\_\_\_  
Conservator

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF _____	)	CASE NO. _____
_____	)	
_____	)	Acceptance of Appointment of
_____	)	Guardian and Conservator
_____	)	<b>Restricted</b>

COMES NOW \_\_\_\_\_ and accepts appointment as  
Name of Guardian and Conservator  
Guardian and Conservator of the assets of \_\_\_\_\_, an  
Name of Ward  
incapacitated and protected person, and does solemnly swear that I will perform, according to law, all duties as such Guardian and Conservator. I further acknowledge the following by initialing all of the following:

**\_\_\_ I acknowledge that I have filed with the court an Acknowledgment of Registering with the Central Guardianship/Conservatorship Database.**

**\_\_\_ I further acknowledge that I have filed with the court the Guardian/Conservator General Information sheet.**

**\_\_\_ I further acknowledge that within 10 days of my appointment I will file with the Court a Proof of Restrict Account From Depository or Financial Institution form.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file with the Court an Acknowledgement of Financial Institution form along with an updated Personal and Financial Information of Parties form with full account numbers.**

**\_\_\_ I further acknowledge that within 30 days of my appointment I will have to file an Inventory of the Wards Assets and Affidavit of Due Diligence with the Court.**

**\_\_\_ I further acknowledge that within 90 days of my appointment I will have to complete a guardianship/conservatorship training class and file proof of completion with the court.**

**\_\_\_ I further acknowledge that I must file my letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that one year after my appointment and every year thereafter, I shall file with the Court an Annual Report of Guardian on Condition of Ward**

**Report, Annual Accounting, Itemized Statement of Assets, Certificate of Proof of Possession and Balance. All of the documents shall be sent to all interested parties along with a Notice of Right to Object Form. I acknowledge that I have to file with the Court an Affidavit of Mailing showing I mailed all of the documents to all interested parties by certified mail, return receipt requested and by first class mail, postage pre-paid.**

**\_\_\_ I further acknowledge that if the ward moves I must notify the court of the wards new address within 3 days of the ward moving.**

**\_\_\_ I further acknowledge that I must get court approval prior to moving a ward out of the State of Nebraska.**

**\_\_\_ I further acknowledge that I must notify the court immediately if there is any significant change in the ward's condition.**

**\_\_\_ I further acknowledge that I must notify the court immediately of any assets, awards, settlement or inheritance the ward receives which was not included on the initial inventory.**

**\_\_\_ I further acknowledge that I must file a copy of my Letters with the register of deeds in any county where the ward has real property or an interest in real property.**

**\_\_\_ I further acknowledge that I cannot make any ATM withdrawals and/or get cash back from a debit transaction without a court order.**

**\_\_\_ I further acknowledge that I have gone over the above with my attorney (if you have one) and I have received all forms necessary to comply with the above and I have no further questions of my attorney. (If you do not have an attorney please indicate not applicable and go to next acknowledgement.)**

**\_\_\_ I further acknowledge that I have received the forms needed to comply with the above requirements.**

Dated \_\_\_\_\_

\_\_\_\_\_  
Guardian and Conservator

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF	)	CASE NO. _____
	)	
_____	)	Acknowledgment of Financial
_____	)	Institution
_____	)	

I, \_\_\_\_\_ of \_\_\_\_\_,

Name

Financial Institution

solemnly swear and state that on \_\_\_\_\_, we received copies of:

Date

\_\_\_ Order Appointing Conservator and/or Guardian.

\_\_\_ Letters of Conservatorship and/or Guardianship

(Please check which of the above you have received)

in the above referenced case and any restrictions thereon. Attached to this document is a printout of all assets of the above ward held at this financial institution.

\_\_\_\_\_  
(Signature and Title of Certifying Official)

The above certifying official, \_\_\_\_\_, appeared personally before me and signed this document.

Subscribed and sworn before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_

\_\_\_\_\_ )  
\_\_\_\_\_ ) Acknowledgment of Registering  
\_\_\_\_\_ ) with Central Guardianship/  
\_\_\_\_\_ ) Conservatorship Database

I, \_\_\_\_\_ hereby acknowledge that on \_\_\_ day of \_\_\_\_\_,  
20\_\_ I registered with the Central Guardianship/Conservator Database. My confirmation number is  
\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Guardian/Conservator)

\_\_\_\_\_  
(Signature of Guardian/Conservator)

STATE OF NEBRASKA FORM NO. CC 16:8 3/91 rev.	<b>ADDRESS INFORMATION SHEET</b>	CASE NUMBER
--	----------------------------------	-------------

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

**IN THE MATTER OF THE  
GUARDIANSHIP/CONSERVATORSHIP OF**

\_\_\_\_\_  
(Ward)

In the space provided on the back of this page, list the names and complete mailing addresses of the ward and all living spouse, parents, children and the two closest known relatives to the ward. Failure to list such relatives and notify them of any and all hearings may result in postponement of said hearing. The court must be notified immediately of a change of residence by any person listed on the back of this page. **If the ward has a change of address the Guardian/Conservator shall notify the Court within 3 days. The Guardian/Conservator must receive court permission prior to moving the ward out of the State of Nebraska.**

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

**RE: GUARDIANSHIP/CONSERVATORSHIP OF**

**(Ward)**

WARD: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

PARENTS: Mother \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Father \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

SPOUSE: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

CHILDREN: Name \_\_\_\_\_ Age \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Name \_\_\_\_\_ Age \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

RELATIVES: List the names and addresses of ward's closest known relatives other than the above persons.

Name \_\_\_\_\_ Relation \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Name \_\_\_\_\_ Relation \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

GUARDIAN OR CONSERVATOR: List the names and addresses of any person having power to act in a fiduciary capacity regarding any ward's financial resources:

Name \_\_\_\_\_ Relation \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Nature of Power \_\_\_\_\_

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_  
\_\_\_\_\_ )  
\_\_\_\_\_ ) Affidavit of Mailing  
\_\_\_\_\_ )  
\_\_\_\_\_ )

I, \_\_\_\_\_ of \_\_\_\_\_,  
Name City and State  
being sworn, state that on \_\_\_\_\_, I mailed, properly enclosed by first class  
Date  
mail, postage pre-paid and by certified mail, return receipt requested which must be filed  
with the court when the receipt is returned to the guardian and/or conservator, a copy of  
the **Notice to Object and** (list mailed documents):

- the original of which is on file
- a copy of which is attached

Addressed to each of the following named persons, at the address listed:

**NAME** **ADDRESS**

- See attached (more names and addresses than above)

Subscribed and sworn to before me

on \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Court Official

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State and Zip Code

Name of Attorney
Address
Telephone Number

STATE OF NEBRASKA FORM NO. CC 16:4 7/2010 rev.	<b>ANNUAL ACCOUNTING/STATEMENT OF ASSETS</b> Beginning _____ Ending _____	CASE NUMBER _____
--	--	-------------------

**IN THE MATTER OF THE  
GUARDIANSHIP/CONSERVATORSHIP OF**

**ANNUAL ACCOUNTING/  
STATEMENT OF ASSETS**

\_\_\_\_\_  
 STATE OF NEBRASKA )  
 ) (Ward)  
 ) ss.  
 COUNTY OF \_\_\_\_\_ )

The undersigned Guardian/Conservator of person and property of the above named ward, being duly sworn, says this account is in all respects just and true, and that to the best of her/his knowledge and belief she/he has accounted for all the property of the ward that has come into her/his possession or knowledge, or the possession for anyone of her/him for said ward.

DATE: \_\_\_\_\_ GUARDIAN/CONSERVATOR: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 (Notary Public)

**STATEMENT OF ASSETS**

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: _____	\$ _____
<b>TOTAL:</b>	<b>\$ _____</b>

**\* To protect personal information only the last 4 digits of the account should be provided on this form. Complete account information is provided on the Personal and Financial Information of Parties form (CC 16:12, Appendix 8).**

2. JOINTLY HELD PROPERTY:

With whom _____	\$ _____
What _____	\$ _____
With whom _____	\$ _____
What _____	\$ _____
<b>TOTAL:</b>	<b>\$ _____</b>

3. INCOME (Monthly):

Social Security _____	\$ _____
Supplemental Security Income _____	\$ _____
Veterans Administration Benefits _____	\$ _____
Company Pension _____	\$ _____
Interest From where _____	\$ _____
Dividends From where _____	\$ _____
Other: _____	\$ _____
<b>TOTAL:</b>	<b>\$ _____</b>

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

**\*\*You must file your letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property\*\***



## CHECKLIST FOR GUARDIAN/CONSERVATOR

At time of appointment need to file the following:

- Acceptance
- Acknowledgment of Registering with Guardianship/Conservatorship Registry
- Guardian/Conservator General Information
- Address Information Sheet

If you have restricted funds you must file the following within 10 days of appointment:

- Proof of Restricted Account from Depository or Financial Institution

Within 30 days of your appointment you must file the following:

- Inventory and Affidavit of Due Diligence
- Acknowledgement of Financial Institution
- File bond, if required

After you get your Letters you must do the following:

- Acknowledgement of Financial Institution

Every year after your appointment you must file the following with the court:

- Condition of Ward Report with \$5.00 filing fee
- Annual Accounting with Statement of Assets with \$5.00 filing fee
- Bank Statements and/or brokerage reports with the annual accounting
- Certificate of Proof of Possession
- Affidavit of Mailing
- All of the annual reports were sent to all interested parties with Notice of Right to Object form.

GUARDIAN/CONSERVATOR GENERAL INFORMATION  
\_\_\_\_\_ County Court, Probate Division

Case No: \_\_\_\_\_ Wards Name: \_\_\_\_\_  
Guardianship: \_\_\_ Conservatorship: \_\_\_ Your relationship to the above named: \_\_\_\_\_

Your Full Name: \_\_\_\_\_  
(Last) (First) (Middle) (Maiden)

Home Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Business Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Telephone No.: Home ( ) \_\_\_\_\_ Business ( ) \_\_\_\_\_

Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ Driver's Lic-State: \_\_\_ # \_\_\_\_\_

Spouse Full Name: \_\_\_\_\_  
(Last) (First) (Middle) (Maiden)

Business Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Telephone No.: Home ( ) \_\_\_\_\_ Business ( ) \_\_\_\_\_

Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ Driver's Lic-State: \_\_\_ # \_\_\_\_\_

**RELATIVE WHO WILL ALWAYS KNOW HOW TO CONTACT YOU:**

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

Name: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

**YOU MUST NOTIFY THE COURT, IN WRITING, OF ANY CHANGE IN YOUR ADDRESS**

State of Nebraska )

County of \_\_\_\_\_ )

Before me, the undersigned authority, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_, known to me to be the person who named and stated on their oath that the facts contained herein are true and correct to the best of their knowledge.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Notary Public/Court Official

My commission expires on: \_\_\_\_\_

STATE OF NEBRASKA FORM NO. CC 16:2 07/2010 Rev.	<b>INVENTORY AND AFFIDAVIT                  OF DUE DILIGENCE</b>	CASE NUMBER
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**IN THE MATTER OF THE  
 GUARDIANSHIP/CONSERVATORSHIP OF**

\_\_\_\_\_ (Ward)

**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:**                    \$ \_\_\_\_\_

**\* To protect personal information only the last 4 digits of the account should be provided on this form. Complete account information is provided on the Personal and Financial Information of Parties form (CC 16:12, Appendix 8).**

(Continued...)

2. JOINTLY HELD PROPERTY:

With whom _____	\$ _____
What _____	\$ _____
With whom _____	\$ _____
What _____	\$ _____
<b>TOTAL:</b>	<b>\$ _____</b>

3. INCOME (Monthly):

Social Security	\$ _____
Supplemental Security Income	\$ _____
Veterans Administration Benefits	\$ _____
Company Pension	\$ _____
Interest From where _____	\$ _____
Dividends From where _____	\$ _____
Other: _____	\$ _____
<b>TOTAL:</b>	<b>\$ _____</b>

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

**\*\*You must file your letters of Guardianship and/or Conservatorship with the Register of Deeds in any county where the ward has real property or an interest in real property\*\*\***

5. AFFIDAVIT OF DUE DILIGENCE

I, \_\_\_\_\_, appointed Guardian and/or Conservator of  
(Name)  
\_\_\_\_\_ do solemnly swear that I have done the following to  
(Ward)  
determine the assets of the Ward:

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STATE OF NEBRASKA        )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The undersigned Guardian/Conservator of this estate, on oath states that this inventory contains all property owned by the above-named ward as of the date below and that said inventory and affidavit of due diligence is complete and accurate so far as the undersigned is informed.

DATE: \_\_\_\_\_ GUARDIAN/CONSERVATOR: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

NEBRASKA FORM NO. CC 16:1 9/88 NEW	<b>LETTERS OF CONSERVATORSHIP</b>	CASE NUMBER
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IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF

**LETTERS OF  
CONSERVATORSHIP**

\_\_\_\_\_ A Protected Person.

TO:

WHEREAS you have been appointed Conservator of the Estate of \_\_\_\_\_ and it appears to the Court that you have qualified as Conservator,

THEREFORE your appointment as Conservator of the Estate of \_\_\_\_\_ is confirmed. You are authorized and empowered to take and have the care and management of the Estate subject to the following limitation of powers until you shall be discharged according to law:

LIMITATIONS OF POWER: You shall not pay compensation to yourself or your attorney From assets or income of your ward, nor sell real property of the estate without first obtaining an order after application, notice to the interested persons and hearing thereon. The order may be entered ex parte if all interested persons have waived notice of hearing or have executed their written consent to the fee.

**\*\*NO ATM WITHDRAWALS AND/OR CASH BACK FROM DEBIT TRANSACTIONS WITHOUT COURT ORDER\*\***

**\*\*BANK TO NOTIFY THE COURT OF SUSPICIOUS ACTIVITY\*\***

**YOU ARE FURTHER directed that within 90 days of you appointment you shall file with the Court an Inventory and Affidavit of Due Diligence, with an Affidavit of Mailing showing you mailed the Inventory and Affidavit of Due Diligence by certified mail, return receipt requested and by first class mail, postage pre-paid, to all interested parties along with a Notice of Right to Object form.**

**YOU ARE FURTHER directed to file a copy of the Letters of Conservatorship with the register of deeds in any county where the ward has real property or an interest in real property.**



YOU ARE FURTHER directed to file a complete accounting of your administration of this Estate, along with the required fee, Notice of Right to Object Form and an Affidavit of Mailing showing copies were sent to all interested parties including the bonding company, not later than 30 days after the expiration of one year after the date of these Letters and annually thereafter. The accounting shall include an itemized statement of assets at the end of the accounting period and shall include Certificates of Proof of Possession for all intangible personal property existing at the end of the accounting period.

DATE ISSUED: \_\_\_\_\_

BY THE COURT: \_\_\_\_\_ (Seal)

NEBRASKA FORM NO. CC 16:1 9/88 NEW	<b>LETTERS OF GUARDIANSHIP AND          CONSERVATORSHIP</b>	CASE NUMBER
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IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF

**LETTERS OF  
GUARDIANSHIP AND  
CONSERVATORSHIP**

\_\_\_\_\_  
A Protected Person

TO:

WHEREAS you have been appointed Guardian and Conservator of the Estate of \_\_\_\_\_ and it appears to the Court that you have qualified as Guardian and Conservator,

THEREFORE your appointment as Conservator of the Estate of \_\_\_\_\_

is confirmed. You are authorized and empowered to take and have the care and management of the Estate subject to the following limitation of powers until you shall be discharged according to law:

**LIMITATIONS OF POWER:** You shall not pay compensation to yourself or your attorney From assets or income of your ward, nor sell real property of the estate without first obtaining an order after application, notice to the interested persons and hearing thereon. The order may be entered ex parte if all interested persons have waived notice of hearing or have executed their written consent to the fee.

**\*\*NO ATM WITHDRAWLS AND/OR CASH BACK FROM DEBIT TRANSACTIONS WITHOUT COURT ORDER\*\***

**\*\*BANK TO NOTIFY THE COURT OF SUSPICIOUS ACTIVITY\*\***

**YOU ARE FURTHER directed that within 90 days of your appointment you shall file with the Court an Inventory and Affidavit of Due Diligence, with an Affidavit of Mailing showing you mailed the Inventory and Affidavit of Due Diligence, by certified mail, return receipt requested and by first class mail, postage pre-paid, to all interested parties along with a Notice of Right to Object form.**

**YOU ARE FURTHER directed to file a copy of the Letters of Guardianship and Conservatorship with the register of deeds in any county where the ward has real property or an interest in real property.**



YOU ARE FURTHER directed to file a complete accounting of your administration of this Estate, along with the required fee, Notice of Right to Object Form and an Affidavit of Mailing showing copies were sent to all interested parties including the bonding company, not later than 30 days after the expiration of one year after the date of these Letters and annually thereafter. The accounting shall include an itemized statement of assets at the end of the accounting period and shall include Certificates of Proof of Possession for all intangible personal property existing at the end of the accounting period.

DATE ISSUED: \_\_\_\_\_

BY THE COURT: \_\_\_\_\_ (Seal)

NEBRASKA FORM NO. CC 16:9(b) 05/2010 Rev.	<b>LETTERS OF GUARDIANSHIP                  For an Incapacitated Person</b>	CASE NUMBER
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IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF THE GUARDIANSHIP OF

**LETTER OF GUARDIANSHIP  
 FOR AN INCAPACITATED  
 PERSON**

\_\_\_\_\_

TO:

WHEREAS you have been appointed guardian of \_\_\_\_\_

- \_\_\_\_\_ an incapacitated person, pursuant to lawful proceedings of record in this court
- \_\_\_\_\_ an incapacitated person, pursuant to the provisions of the Last Will and Testament of \_\_\_\_\_, parent or spouse of said incapacitated person, which Will was admitted to probate in this court

NOW THEREFORE, trusting in your fidelity, the Court does appoint you to be guardian of \_\_\_\_\_ and to perform the duties and responsibilities of guardian as required by law. These Letters shall constitute certification and proof of your authority subject to the following limitation of powers until you shall be discharged according to law.

**LIMITATIONS OF POWER:** You shall not pay yourself nor your attorney from assets or income of your ward without first obtaining an order therefore, after an application, notice to the interested persons and hearing thereon. The order may be entered ex parte if all interested persons have waived notice of hearing or have executed their written consent to the fee.

\_\_\_\_\_ 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.**

\_\_\_\_\_ This is a limited guardianship. You, as Guardian, shall have the following authorities and responsibilities (acting together with the ward or singly):

- Selecting the ward's place of abode within or without this state;
- Arranging for medical care for the ward;
- Protecting the personal effects of the ward;
- Giving necessary consent, approval, or releases on behalf of the ward;
- Arranging for training, education, or other habilitating services appropriate for the ward;
- Applying for private or governmental benefits to which the ward may be entitled;
- Instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform such duty, if no conservator has been appointed;
- Entering into contractual arrangements on behalf of the ward, if no conservator has been appointed; and
- Receiving money and tangible property deliverable to the ward and applying such money and property to the ward's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no conservator has been appointed, or requesting the conservator to expend the ward's estate by payment to third persons to meet such expenses.
- Other: \_\_\_\_\_

**\*\*NO ATM WITHDRAWALS AND/OR CASH BACK FROM DEBIT TRANSACTIONS WITHOUT COURT ORDER\*\***

**\*\*BANK TO NOTIFY THE COURT OF SUSPICIOUS ACTIVITY\*\***

**YOU ARE FURTHER directed that within 90 days of your appointment you shall file with the Court an Inventory and Affidavit of Due Diligence with and Affidavit of Mailing showing you mailed the Inventory and Affidavit of Due Diligence by certified mail, return receipt requested and by first class mail, postage pre-paid, to all interested parties along with a Notice of Right to Object form.**

**YOU ARE FURTHER directed to file a copy of the Letter of Guardianship with the register of deeds in any county where the ward has real property or an interest in real property.**

YOU ARE FURTHER directed, not later than 30 days after the expiration of one year after the date of these Letters and annually thereafter, to file an annual report on the condition of your ward, along with an annual accounting and statement of assets, the required fee and an affidavit of mailing showing copies were sent to all interested parties including the bonding company along with notice of right to object form.

DATE: \_\_\_\_\_ BY THE COURT: \_\_\_\_\_ (Seal)  
(County Judge)

STATE OF NEBRASKA FORM NO. CC 16:9(a) 05/2010 Rev.	<b>LETTERS OF GUARDIANSHIP                  For a Minor</b>	CASE NUMBER
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IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF THE GUARDIANSHIP OF

**LETTERS OF  
 GUARDIANSHIP  
 FOR A MINOR**

TO: WHEREAS you have been appointed guardian of \_\_\_\_\_

a minor, pursuant to the provisions of the Last Will and Testament of, \_\_\_\_\_ parent of said minor, which Will was admitted to probate in this court \_\_\_\_\_ a minor, pursuant to lawful proceedings of record in this court

NOW THEREFORE, trusting in your fidelity, the Court does appoint you to be guardian of \_\_\_\_\_ and to perform the duties and responsibilities of guardian as required by law. These Letters shall constitute certification and proof of your authority subject to the following limitation of powers until you shall be discharged according to law.

LIMITATIONS OF POWER: You shall not pay yourself nor your attorney from assets or income of your ward without first obtaining an order therefore, after an application, notice to the interested persons and hearing thereon. The order may be entered ex parte if all interested persons have waived notice of hearing or have executed their written consent to the fee.

**\*\*NO ATM WITHDRAWALS AND/OR CASH BACK FROM DEBIT TRANSACTIONS WITHOUT COURT ORDER\*\***

**\*\*BANK TO NOTIFY THE COURT OF SUSPICIOUS ACTIVITY\*\***

**YOU ARE FURTHER directed that within 90 days of your appointment you shall file with the Court an Inventory and Affidavit of Due Diligence with and Affidavit of Mailing showing you mailed the Inventory and Affidavit of Due Diligence by certified mail, return receipt requested and by first class mail, postage pre-paid, to all interested parties along with a Notice of Right to Object form.**

**YOU ARE FURTHER directed to file a copy of the Letters of Guardianship with the register of deeds in any county where the ward has real property or an interest in real property.**

YOU ARE FURTHER directed, not later than 30 days after the expiration of one year after the date of these Letters and annually thereafter, to file an annual report on the condition of your ward, along with an annual accounting and statement of assets, the required fee and an affidavit of mailing showing copies were sent to all interested parties including the bonding company along with Notice of Right to Object form.

DATE: \_\_\_\_\_ BY THE COURT: \_\_\_\_\_  
 (Seal) (County Judge)

NEBRASKA FORM NO. CC 16:1 9/88 NEW	<b>RESTRICTED          LETTERS OF CONSERVATORSHIP</b>	CASE NUMBER
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IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF

**RESTRICTED  
LETTERS OF  
CONSERVATORSHIP**

\_\_\_\_\_  
A Protected Person.

TO:

WHEREAS you have been appointed Conservator of the Estate of \_\_\_\_\_  
and it appears to the Court that you have qualified as Conservator,

THEREFORE your appointment as Conservator of the Estate of \_\_\_\_\_  
is confirmed. You are authorized and empowered to take and have the care and management of the Estate subject to the  
following limitation of powers until you shall be discharged according to law:

LIMITATIONS OF POWER: You shall not pay compensation to yourself or your attorney  
From assets or income of your ward, nor sell real property of the estate without first  
obtaining an order after application, notice to the interested persons and hearing thereon.  
The order may be entered ex parte if all interested persons have waived notice of hearing  
or have executed their written consent to the fee.

**\*\*NO WITHDRAWALS WITHOUT A COURT ORDER \*\***

**\*\*BANK TO NOTIFY THE COURT OF SUSPICIOUS ACTIVITY\*\***

**YOU ARE FURTHER directed that within 90 days of your appointment you shall file with the Court an  
Inventory and Affidavit of Due Diligence, with an Affidavit of Mailing showing you mailed the Inventory and Affidavit  
of Due Diligence by certified mail, return receipt requested and by first class mail, postage pre-paid, to all  
interested parties along with a Notice of Right to Object form.**

**YOU ARE FURTHER directed to file a copy of the Letters of Conservatorship with the register of  
deeds in any county where the ward has real property or an interest in real property.**

YOU ARE FURTHER directed to file a complete accounting of your administration of this Estate, along with  
the required fee, Notice of Right to Object Form and an Affidavit of Mailing showing copies were sent to all interested parties  
including the bonding company, not later than 30 days after the expiration of one year after the date of these Letters and  
annually thereafter. The accounting shall include an itemized statement of assets at the end of the accounting period and  
shall include Certificates of Proof of  
Possession for all intangible personal property existing at the end of the accounting  
period.

DATE ISSUED: \_\_\_\_\_

BY THE COURT: \_\_\_\_\_ (Seal)



NEBRASKA FORM NO. CC 16:1 9/88 NEW	<b>RESTRICTED          LETTERS OF GUARDIANSHIP AND          CONSERVATORSHIP</b>	CASE NUMBER
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IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_

**RESTRICTED  
LETTERS OF  
GUARDIANSHIP AND  
CONSERVATORSHIP**

A Protected Person.

TO:

WHEREAS you have been appointed Guardian and Conservator of the Estate of \_\_\_\_\_ and it appears to the Court that you have qualified as Guardian and Conservator,

THEREFORE your appointment as Conservator of the Estate of \_\_\_\_\_

is confirmed. You are authorized and empowered to take and have the care and management of the Estate subject to the following limitation of powers until you shall be discharged according to law:

LIMITATIONS OF POWER: You shall not pay compensation to yourself or your attorney From assets or income of your ward, nor sell real property of the estate without first obtaining an order after application, notice to the interested persons and hearing thereon. The order may be entered ex parte if all interested persons have waived notice of hearing or have executed their written consent to the fee.

**\*\*NO WITHDRAWALS WITHOUT A COURT ORDER ONLY\*\***

**\*\*BANK TO NOTIFY THE COURT OF SUSPICIOUS ACTIVITY\*\***

**YOU ARE FURTHER directed that within 90 days of your appointment you shall file with the Court an Inventory Affidavit of Due Diligence, with an Affidavit of Mailing showing you mailed the Inventory and Affidavit of Due Diligence by certified mail, return receipt requested and by first class mail, postage pre-paid, to all interested parties along with a Notice of Right to Object form.**

**YOU ARE FURTHER directed to file a copy of the Letters of Guardianship and Conservatorship with the register of deeds in any county where the ward has real property or an interest in real property.**

YOU ARE FURTHER directed to file a complete accounting of your administration of this Estate, along with the required fee, Notice of Right to Object Form and an Affidavit of Mailing showing copies were sent to all interested parties including the bonding company, not later than 30 days after the expiration of one year after the date of these Letters and annually thereafter. The accounting shall include an itemized statement of assets at the end of the accounting period and shall include Certificates of Proof of Possession for all intangible personal property existing at the end of the accounting period.

DATE ISSUED: \_\_\_\_\_

BY THE COURT: \_\_\_\_\_ (Seal)



IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF	)	CASE NO. _____
	)	
_____	)	Notice of Right to Object
_____	)	
_____	)	

You are hereby notified that \_\_\_\_\_  
List documents filed

has been filed in the above referenced case. You have 30 days from the date on the Affidavit of Mailing to file an Objection with the court. If you do not file an Objection, the court will not take any further action on the filing.

**NOTICE: YOU HAVE BEEN IDENTIFIED AS AN INTERESTED PARTY IN THIS CASE. IF YOU WANT TO CONTINUE TO RECEIVE INFORMATION AND/OR NOTICES IN THIS CASE PLEASE INDICATE BELOW, SIGN WHERE INDICATED AND SEND BACK TO THE COURT. IF YOU FAIL TO RETURN THIS FORM INDICATING YOU WANT TO REMAIN AN INTERESTED PARTY YOU WILL AUTOMATICALLY BE CONSIDERED A NON-INTERESTED PARTY AND YOU WILL NO LONGER GET COPIES OF DOCUMENTS FILED WITH THE COURT AND YOU WILL NOT BE NOTIFIED OF COURT HEARINGS. (If you have already submitted this form acknowledging you want to remain an interested party you do not need to submit it again.)**

**Yes, I want to continue to be an interested party in this case and continue to receive documents and/or notices regarding this case.**

Dated \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF	)	CASE NO. _____
	)	
_____	)	Notice of Interested Party
_____	)	
_____	)	

**NOTICE: YOU HAVE BEEN IDENTIFIED AS AN INTERESTED PARTY IN THIS CASE. IF YOU WANT TO CONTINUE TO RECEIVE INFORMATION AND/OR NOTICES IN THIS CASE PLEASE INDICATE BELOW, SIGN WHERE INDICATED AND SEND BACK TO THE COURT. IF YOU FAIL TO RETURN THIS FORM INDICATING YOU WANT TO REMAIN AN INTERESTED PARTY YOU WILL AUTOMATICALLY BE CONSIDERED A NON-INTERESTED PARTY AND YOU WILL NO LONGER GET COPIES OF DOCUMENTS FILED WITH THE COURT AND YOU WILL NOT BE NOTIFIED OF COURT HEARINGS.**

**Yes, I want to continue to be an interested party in this case and continue to receive documents and/or notices regarding this case.**

Dated \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip Code

( ) \_\_\_\_\_  
Phone Number

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_  
\_\_\_\_\_ )  
\_\_\_\_\_ ) **OBJECTION**  
\_\_\_\_\_ )  
\_\_\_\_\_ )

I hereby object to \_\_\_\_\_  
List Documents objecting to

which was/were filed in the above case. My reason for objecting is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I request that a hearing be set in this matter and I acknowledge that if I do not appear at the hearing the objection will be overruled.

State of Nebraska )  
) ss  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn on oath,  
Name of objector  
deposes and states that he/she is the Objector herein; that he/she has read the above objection, knows the contents thereof, and that the statements therein contained are true.

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print or Type Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City State and Zip Code

SUBSCRIBED AND SWORN to before me, a notary public, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Objection was sent by regular U.S. Mail, postage prepaid, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ to:

**NAME**

**ADDRESS**

See attached (more names and addresses than above)

\_\_\_\_\_  
Signature

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF THE	)	CASE NO.
CONSERVATORSHIP FOR	)	
	)	ORDER APPOINTING CONSERVATOR
	)	
_____,	)	
a Protected Person.	)	Judge _____

The Petition for Appointment of Conservator having come before the Court, the Court finds as follows:

1. Petitioners is entitled to file the Petition pursuant to Neb.Rev.Stat.§ 30-2633.
2. Notice has been given or waived as required by law.
3. Venue in this county is proper.

4. Upon clear and convincing evidence presented to the Court, there is a sufficient basis for the appointment of the conservator for \_\_\_\_\_ and there are no less restrictive alternatives than the appointment of a conservator for the above-named protected person.

5. Appointment of a conservator is necessary because \_\_\_\_\_

6. \_\_\_\_\_ is entitled to appointment pursuant to Neb.Rev.Stat. § 30-2639 and should be appointed as conservator and pursuant to this Order shall obtain an Acknowledgement of Financial Institution from each financial institution holding any assets or accounts titled in any manner in the name of the Protected Person along with a printout of all assets in each financial institution, which shall be filed in these proceedings.

IT IS THEREFORE ORDERED that \_\_\_\_\_ is appointed Conservator of the Estate of and Letters of

\_\_\_\_\_ Conservatorship shall be issued to the Conservator upon the Conservator filing the following documents:

1. Acceptance of Appointment;
2. Proof of Registration with Central Database;
3. General Information form;

4. Address Information Sheet;
5. Acknowledgement of Financial Institution with a printout of all assets in each financial institution.
6. Inventory and Affidavit of Due Diligence;
7. Approved bond, if required.

Upon completion of the filing requirements above, the Conservator shall deliver to each financial institution listed in the inventory, a copy of the Letters of Conservatorship and file with the court an Acknowledgement from the Financial Institution that they received the Letters. The Conservator shall thereafter be entitled to deal with such assets.

Subject to the restriction that the Conservator shall not pay himself/herself/themselves or his/her/their attorney compensation from the assets or income of the protected person nor sell real property of the estate without first obtaining an Order permitting such compensation, after an application, notice to interested persons, and a hearing; provided, however, this Order may be entered ex parte if all interested parties have waived notice of hearing or have executed their consent to such compensation and any other restrictions as determined to be appropriate by the Court.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY THE COURT:

\_\_\_\_\_

County Judge

PREPARED AND SUBMITTED BY:

**CERTIFICATE OF PROOF OF POSSESSION**

Name of Fiduciary \_\_\_\_\_ ( ) Guardian ( ) Conservator  
of \_\_\_\_\_

**CERTIFICATE OF BALANCE ON DEPOSIT**

(Name and Address of Institution)

I CERTIFY that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, there was on deposit in this Institution to the credit of this Fiduciary the following:

Checking Account, No. XXXXXXXX-\_\_ \_\_ \_\_ Balance of \$ \_\_\_\_\_  
including interest of \$ \_\_\_\_\_ paid during period of statement of account.  Restricted  
Savings Account, No. XXXXXXXX-\_\_ \_\_ \_\_ Balance of \$ \_\_\_\_\_  
including interest of \$ \_\_\_\_\_ paid during period of statement of account.  Restricted

(\*Extend above format for additional accounts as required)

\_\_\_\_\_  
(Signature and Title of Certifying Official)

**CERTIFICATE AS TO SECURITIES**

Line No.	KIND OF BOND OR SECURITY	Date of Purchase	Cost	Interest Rate	Present Value	Restricted
<small>(Identify U.S. Savings Bonds by series, last four digits of bond, purchase date, and cost. Accounts by last four digits of account.)</small>						

(\*Extend format for additional bonds or securities as required)

I CERTIFY that the securities listed on lines 1 through \_\_\_\_\_ were exhibited to me by the above-named fiduciary as being the property of the estate of the ward, said securities then and there being in the custody and control of the fiduciary.

Date of Signature	Address of Certifying Official	Signature and Title of Certifying Official

The above certifying official, \_\_\_\_\_, appeared personally before me and signed this document.

Subscribed and sworn before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

NOTE: This certificate may be executed by a bank official, an authorized official or agent of the company which is surety on your bonds; by a judge or clerk of the court.

**\*This form 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 Appendix 8, Neb. Ct. R. § 6-1464, Protection of personal and financial information in court records.**

IN THE COUNTY COURT OF \_\_\_\_\_ COUNTY, NEBRASKA

IN THE MATTER OF \_\_\_\_\_ ) CASE NO. \_\_\_\_\_  
 \_\_\_\_\_ )  
 \_\_\_\_\_ ) Proof of Restricted Account  
 \_\_\_\_\_ ) From Depository or Financial  
 \_\_\_\_\_ ) Institution

Name of Depository: \_\_\_\_\_

Address of Depository: \_\_\_\_\_

1. This Depository has opened the following account(s) for the above-named protected person in the name of \_\_\_\_\_, a protected person by \_\_\_\_\_, Conservator as follows:

TYPE	LAST 4 DIGITIS of ACCOUNT NUMBER ONLY (Show other numbers as "X" as in "XXXX1234")	BALANCE

2. Each account listed is a restricted account. No withdrawals of principal or interest will be allowed unless the Court permits withdrawals by certified court order. Reinvestments may be made without an order of the Court if each account remains restricted and at this Depository. If the protected person is a minor, funds shall not be released when the minor turns nineteen until receipt of a court order authorizing release of the funds.

3. **I have received a certified copy of the Court's order restricting these accounts dated \_\_\_\_\_ and I agree, on the Depository's behalf, to comply with the order.**

\_\_\_\_\_  
**Manager's Signature and Title\*** \_\_\_\_\_  
**Date**

**\*Must be signed by a Bank Branch Manager or a Resident Manager for an Investment Securities Dealer.**

Sworn to or Affirmed before me this: \_\_\_\_\_ by \_\_\_\_\_  
 (date) Printed Name and Title

Seal/My Commission Expires: \_\_\_\_\_ \_\_\_\_\_  
 Notary Public

**To protect personal information only the last 4 digits of the account should be provided on this form. Complete account information is provided on the Personal and Financial Information of Parties form (CC 16:12, Appendix 8).**

## Quick Reference for Guardians/Conservators

The anniversary date of your appointment is: \_\_\_\_\_  
You have been appointed as: \_\_\_\_\_

Below is a list of duties that need to be completed within the time lines noted. The times frame listed refer to the anniversary date of you appointment listed above.

- **Guardian/Conservator General Information Form (Filed at time of Acceptance)**
- **Acknowledgement of Registering with Central Guardianship/Conservatorship Database (Filed at time of Acceptance)**
- **Address Information Sheet (Filed at time of Acceptance)**
- **Acknowledgment of Financial Institution (Within in 30 days of appointment and again after you get your Letters):**  
This form is filed after you give your Order Appointing you Guardian and/or Conservator to the Financial Institution. This form shows the Court you have given copies of the Order Appointing you Guardian and/or Conservator to the financial institution. You will file this form again after you get your Letters and have opened up any accounts with a financial institution. This form shows the Court you have given copies of your Letters of Guardian and/or Conservator to the financial institution. After the initial filing of this form, you will need to file this form anytime you either change financial institutions or add a financial institution.
- **Inventory with Affidavit of Due Diligence (Within 30 days of appointment):**  
This form is filed only one time and the inventory lists all of the money, property and other assets that your ward had at the time you were appointed. The Affidavit of Due Diligence lists all the things you have done to determine the assets of the ward.
- **Annual Report of Guardian on Condition of Ward (Yearly, within 30 days after the anniversary date):**  
If you are a Conservator only, you do not need to complete this report. Each year, this form is completed by the Guardian to update the Court regarding your activities with and on behalf of the Ward and to report on their condition.
- **Annual Accounting/Statement of Assets (Yearly within 30 days after the anniversary date):**  
If in your initial inventory, you reported assets other than financial assets, such as personal property, real estate, etc. you must annually complete the Statement of Assets form including the status of those assets.

In addition, this form provides a complete accounting of the Ward's financial assets and must be provided to the Court along with all bank statements and/or brokerage statements. The Court needs to know about all deposits made and checks written, who it was written to and what it was for. A sample form is provided for you to use as a guide to keep track of income and expenses. Completing this form regularly will help with the completing your annual reports.

\*\*Please note that if there is a separate Conservator or if you have chosen someone else to be a Payee for benefits for the Ward, you do not need to complete the report for the assets handled by a Conservator or Payee.

- **Certificate of Proof of Possession (Yearly, filed with Annual Accounting/Statement of Assets):**  
This form needs to be completed and then taken to each financial institution where a Ward's account is located and signed by that institution under notary.

Please note: There is a Court filling fee due with the annual reports. Currently the fee is \_\_\_\_\_. A copy of each of this form is included in your packet. It would be helpful if you would make copies before using the original so that you will have them for future use. You may also find the forms online at: [supremecourt.ne.gov](http://supremecourt.ne.gov) under the Guardians tab lower left hand side.

The Inventory and Affidavit of Due Diligence, Annual Report of Guardian on Condition of Ward and Annual Accounting/Statement of Assets that are filed with the court must be sent to all interested parties, along with a Notice of Right to Object Form and a affidavit of mailing must be filed with the court, indicating you mailed the completed forms to all interested parties by certified mail, return receipt requested, which must be filed with the court when you receive the postcards back in the mail.

### REMEMBER:

- NEVER co-mingle the money of the Ward with your personal accounts. If necessary, immediately open new accounts.
- You may not pay yourself any money from the Ward's accounts without first receiving permission from the Court. This includes any money for living expenses, if the Ward lives with you.
- No ATM withdrawals without a court order.
- Notify the Court immediately if either you or your Ward has a change of address.
- Notify the Court if the Ward dies.
- You must get Court approval **prior** to moving the Ward out of the State of Nebraska.
- You must file your Letters with the Register of Deeds in any County the Ward has real property or an interest in real property.
- If you fail to file any of the reports above on time, you will receive an Order to Show Cause requiring you to appear in Court to explain why the report(s) were not filed. If you complete the forms prior to the date set for the hearing, the hearing will be cancelled and you will not need to appear.

### Quick Reference for Conservators with a Restricted Account Only

The anniversary date of your appointment is: \_\_\_\_\_

You have been appointed as: \_\_\_\_\_

You have a duty to final an annual report with the court.

• **Proof of Restricted Account From Depository or Financial Institution (Within 10 days of appointment):**

This form needs to be taken to each financial institution where a Ward’s account is located and signed by that institution under notary verifying the account is restricted.

• **Inventory and Affidavit of Due Diligence (Within 30 days of appointment):**

This form is filed only one time and it lists all of the money, property and other assets that your ward had at the time you were appointed.

• **Certificate of Proof of Possession (Yearly):**

This form needs to be completed and then taken to each financial institution where a Ward’s account is located and signed by that institution under notary.

Please note: There is a Court filling fee due with the annual reports. Currently the fee is \_\_\_\_\_. A copy of each of this form is included in your packet. It would be helpful if you would make copies before using the original so that you will have them for future use. You may also find the forms online at: [supremecourt.ne.gov](http://supremecourt.ne.gov) under the Guardians tab lower left hand side.

**REMEMBER:**

- Notify the Court immediately if either you or your Ward has a change of address.
- Notify the Court immediately if the Ward dies.
- You must get Court approval **prior** to moving the ward out of the State of Nebraska.
- If you fail to file any of the reports above on time, you will receive an Order to Show Cause requiring you to appear in Court to explain why the report(s) were not filed. If you complete the forms prior to the date set for the hearing, the hearing will be cancelled and you will not need to appear.
- When the minor reaches the age of 19, he/she will need to come to our office with a copy of his/her birth certificate or driver’s license, sign a Receipt and Release form, pay any court costs that may be due and the Certificate of Discharge will be issued, which can be taken to the bank to receive the funds.

## Appendix C

Map of Nebraska Judicial Branch Case Counts of Monitored (actively open) Guardianships and Conservatorships, as of May 28, 2010.

