

ORDER APPOINTING GUARDIAN

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

IN THE MATTER OF

Case # _____

ORDER APPOINTING GUARDIAN

Ward/Incapacitated Person

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

1. Petitioner(s) is/are entitled to file the Petition pursuant to Neb. Rev. Stat. § 30-2619.
2. Notice has been given or waived as required by law.
3. Venue in this county is proper.
4. Upon clear and convincing evidence presented to the court, there is a sufficient basis for the appointment of the guardian for _____,
 - an incapacitated person, pursuant to lawful proceedings of record in this court, or
 - an incapacitated person, pursuant to the provisions of the Last Will and Testament of _____, parent or spouse of said incapacitated person, which Will was admitted to probate in this court.
5. There are no less restrictive alternatives than the appointment of a guardian for the above-named incapacitated person.
6. Appointment of a guardian is necessary because _____

_____.

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, which are listed below.**

- i. Selecting the ward's place of abode within or without this state;
- ii. Arranging for medical care for the ward;
- iii. Protecting the personal effects of the ward;
- iv. Giving necessary consent, approval, or releases on behalf of the ward;
- v. Arranging for training, education, or other habilitating services appropriate for the ward;
- vi. Applying for private or governmental benefits to which the ward may be entitled;

- vii. Instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform such duty, if no conservator has been appointed;
 - viii. Entering into contractual arrangements on behalf of the ward, if no conservator has been appointed; and
 - ix. Receiving money and tangible property deliverable to the ward and applying such money and property to the ward's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no conservator has been appointed, or requesting the conservator to expend the ward's estate by payment to third persons to meet such expenses.
- This is a limited guardianship. You, as guardian, shall have only the following authorities and responsibilities (acting together with the ward or individually):
- 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: _____

7. _____ is entitled to appointment pursuant to Neb. Rev. Stat. § 30-2627 and should be appointed as guardian. The above named person is authorized and ordered to obtain an Acknowledgement of Financial Institution form completed by each

financial institution holding any assets or accounts titled in any manner in the name of the ward/protected person along with a printout of all assets and account numbers in each financial institution, which shall be filed in these proceedings.

8. If any funds are ordered restricted, the above named person is further authorized and ordered to open an account at a financial institution with the restriction that **no withdrawals can be made without a court order**. To show the court that the guardian has complied with this restriction, the guardian shall file with the court a Proof of Restricted account form within ten days of this order.

9. Bond:

- Is required and set in the sum of \$_____;
- Is not required because the assets of the ward/incapacitated person are less than \$10,000 in value;
- Is not required because the court finds good cause: (circle all that apply)
 - a. All assets are ordered into restricted accounts.
 - b. Guardian has no authority over assets of the estate.
 - c. _____

10. Training:

- The guardian shall complete training within 90 days;
- For good cause shown training is waived;

IT IS THEREFORE ORDERED that _____ shall be appointed guardian(s) of _____ upon Letters of Guardianship being issued to the guardian(s) and upon the guardian(s) filing the following documents with the court:

1. Acceptance of Appointment;
2. General Information form;
3. Address Information Sheet;
4. Acknowledgement of Financial Institution with a printout of all assets in each financial institution;
5. Inventory and Affidavit of Due Diligence;
6. Personal and Financial Information for Guardianships and Conservatorships form;

7. Approved bond, if required.

Upon completion of the filing requirements above and sending the appropriate forms to all interested persons, Letters will be issued which will appoint you as guardian. The guardian shall deliver to each financial institution where the protected person has any accounts/assets a copy of the Letters of Guardianship and file with the court an Acknowledgement from the Financial Institution that they received the Letters, along with a printout of all assets and account numbers in each financial institution. The guardian shall thereafter be entitled to deal with such assets. This form shall be filed within ten days. Failure to file this form will result in a suspension of your authority.

As a guardian you are ordered to comply with the following restrictions:

1. The guardian(s) 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 from the court. To obtain an order, you must first file an application, give notice to interested persons, then have a hearing date scheduled. This Order may be entered without a hearing if all interested persons have waived notice of hearing or have executed their consent to such compensation or sale or any other restrictions as determined to be appropriate by the court.
2. The guardian shall not make any ATM withdrawals or receive cash back on debit transactions without a court order.

3. Other: _____

DATED this _____ day of _____, 20____.

BY THE COURT:

County Judge

PREPARED AND SUBMITTED BY: