

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

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

Case # \_\_\_\_\_

\_\_\_\_\_  
Ward/Incapacitated Person/Protected Person

**ORDER APPOINTING  
GUARDIAN AND CONSERVATOR**

The Petition for Appointment of Guardian and Conservator 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. § 30-2633 and 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 and there are no less restrictive alternatives than the appointment of a guardian for the above-named incapacitated person.
5. 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.
6. Appointment of a guardian and conservator 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 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. \_\_\_\_\_ is entitled to appointment pursuant to Neb. Rev. Stat. § 30-2639 and § 30-2627 and should be appointed as guardian and conservator. The above named person is authorized and ordered to obtain an Acknowledgement of Financial Institution completed by 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 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/conservator has complied with this restriction, the guardian/conservator shall file with the court a Proof of Restricted Account form within 10 days of this order.

9. Bond:

- Is required and set in the sum of \$\_\_\_\_\_;
- Is not required because the assets of the ward/protected person are less than \$10,000 in value;
- Is not required because the court finds good cause: (check all that apply)
  - a. All assets are ordered into restricted accounts.
  - b. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Training:

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

IT IS THEREFORE ORDERED that \_\_\_\_\_ is appointed guardian and conservator of the estate of \_\_\_\_\_ and Letters of Guardianship and Conservatorship shall be issued to the guardian/conservator upon the filing of the following documents:

1. Acceptance of Appointment;
2. General Information Form;
3. Address Information Form;
4. Acknowledgement of Financial Institution with a printout of all assets in each financial institution;
5. Proof of restricted funds form for any assets the court has ordered to be held in a restricted account;
6. Inventory and Affidavit of Due Diligence;
7. Personal and Financial Information for Guardianships and Conservatorships form;
8. 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 and conservator. The guardian/conservator shall deliver to each financial institution where the incapacitated person/protected person has accounts/assets a copy of the Letters of Guardianship and Conservatorship 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 and conservator shall thereafter be entitled to deal with such assets. This form shall be filed within 10 days. Failure to file this form will result in a suspension of your authority.

**As a Guardian and Conservator you are ordered to comply with the following restrictions:**

1. The guardian(s)/conservator(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. The 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/conservator shall not make any ATM withdrawals or receive cash back on debit transactions without a court order.
3. If any funds have been restricted by the court, the guardian/conservator shall not make any withdrawals from the restricted account without a court order.

4. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

BY THE COURT:

\_\_\_\_\_  
County Judge

PREPARED AND SUBMITTED BY: