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| Nebraska State Court Form REQUIRED | ORDER APPOINTING STANDBY GUARDIAN | CC 16:2.113 Rev 03/16 Neb. Rev. Stat. §§ 30-2619, 30-2619(e); and Neb. Ct. R. §6-1443.01 |
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TIN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

IN THE MATTER OF

Case # _____

Ward/Incapacitated Person

**ORDER APPOINTING STANDBY
GUARDIAN**

The Petition for Appointment of Standby 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 and Neb. Ct. R. § 6-1443.01.
2. Notice has been given or waived as required by law.
3. Venue in this county is proper.
4. The court finds clear and convincing evidence that having a standby guardian appointed is in the ward's best interests.
5. The standby guardian, _____ is entitled to appointment pursuant to Neb. Rev. Stat. § 30-2619(e) and should be appointed as standby guardian.

The standby guardian shall provide their current address and phone number to the court after this Order is signed. The standby guardian shall notify the court within 3 days of any change of their address and/or phone number.

The standby guardian cannot act on behalf of the ward unless one of the following factors applies:

1. The guardian has died.
2. The guardian is unwilling to act.
3. The guardian's inability to act.
4. The guardian has resigned and a judge has accepted the guardian's resignation.
5. The guardian was removed by a court.

Prior to Letters being issued the standby guardian must do the following:

1. Complete the Notice: Assumption of Guardianship Authority by Standby Guardian and Acceptance form and file it with the court within 3 days of any of the event(s) occurring above. The Standby Guardian shall also file a certificate of mailing with the court showing that copies of the Notice: Assumption of Guardianship Authority by Standby Guardian and Acceptance form and a Notice of Right to Object form were sent to all interested persons, including the bonding company, if any, by first-class mail postage prepaid.
2. Complete all background checks as required by Neb. Rev. Stat. § 30-2602.02 and Neb. Ct. Rule § 6-1449 and file them with the court, unless waived by the court for good cause shown
3. File an Inventory, Affidavit of Due Diligence and Certificate of Mailing with the court showing that copies of the Inventory and a Notice of Right to Object form were sent to all interested persons, including the bonding company, if any, by first-class mail postage prepaid.

The court shall review the inventory and background checks filed by the Standby Guardian. The court shall determine if a bond is necessary and shall so indicate in an Order and Letters shall issue after the bond is posted, if required. The court may in its discretion set the matter for hearing with notice to all interested persons.

The standby guardian shall complete training within 90 days of receiving their Letters.

IT IS THEREFORE ORDERED that _____ shall be appointed standby guardian(s) of _____ .

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

1. The standby 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 standby 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: