

REQUIRED

**LETTERS OF GUARDIANSHIP FOR A WARD/INCAPACITATED PERSON**

Neb. Ct. R. § 6-1443 (C) - (F)

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

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

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

Ward/Incapacitated Person

**LETTERS OF GUARDIANSHIP FOR A WARD/INCAPACITATED PERSON**

TO: \_\_\_\_\_  
Guardian

The court finds you are qualified and you are appointed as the guardian of \_\_\_\_\_

You are authorized and empowered to perform the duties and responsibilities of guardian as required by law, subject to the following limitation of powers until you shall be discharged according to law.

The court finds clear and convincing evidence that:

\_\_\_\_\_ A full guardianship is necessary and is the least restrictive alternative. **The guardian is granted all powers conferred upon guardians by law as follow:**

- i. Selecting the ward's/incapacitated person's place of abode within or without this state;
- ii. Arranging for medical care for the ward/incapacitated person;
- iii. Protecting the personal effects of the ward/incapacitated person;
- iv. Giving necessary consent, approval, or releases on behalf of the ward/incapacitated person;
- v. Arranging for training, education, or other habilitating services appropriate for the ward/incapacitated person;
- vi. Applying for private or governmental benefits to which the ward/incapacitated person may be entitled;
- vii. Instituting proceedings to compel any person under a duty to support the ward/incapacitated person or to pay sums for the welfare of the ward/incapacitated person to perform such duty, if no conservator has been appointed;
- viii. Entering into contractual arrangements on behalf of the ward/incapacitated person, if no conservator has been appointed;
- ix. Receiving money and tangible property deliverable to the ward/incapacitated person and applying such money and property to the ward's/incapacitated person's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no

conservator has been appointed, or requesting the conservator to expend the ward's/incapacitated person's estate by payment to third persons to meet such expenses.and

x. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ This is a limited guardianship. You, as guardian, shall have the following authorities and responsibilities as checked below (acting together with the ward/incapacitated person or individually):

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

**LIMITATIONS OF POWER:**

- You shall not pay compensation to yourself or your attorney from assets or income of your ward/incapacitated person, nor sell real property of the estate without first giving notice to interested persons and obtaining an order of the court. The order may be entered without a hearing if all interested persons have waived notice of hearing or have executed their written consent to the fee.

- You shall not make ATM withdrawals or receive cash back on debit transactions without a court order. The Office of Public Guardian is prohibited from making ATM withdrawals or receiving cash back on debit transactions.

• Other restrictions: \_\_\_\_\_  
\_\_\_\_\_

You are directed to:

- If you are authorized to handle any of the ward's/incapacitated person's assets, give a copy of these Letters to all financial institutions where the ward/incapacitated person has an account/assets. You must file with the court an Acknowledgement of Financial Institution form along with a Personal and Financial Information for Guardianships and Conservatorships form with full account numbers.
- If you are authorized to handle any of the ward's/incapacitated person's assets, file with the court a Notice of Newly Discovered Asset form within 30 days of becoming aware of additional assets, gifts, awards, settlements, or inheritances over \$500.00 not disclosed in the current inventory. You must also file with the court a Certificate of Mailing showing you mailed the Notice of Newly Discovered Asset form by first class mail, postage pre-paid, to all interested persons along with a Notice of Right to Object form.
- File a copy of the Letters of Guardianship with the Register of Deeds in any county where the ward/incapacitated person has real property or an interest in real property.
- File a Condition of Ward Report, an Updated Inventory, a complete accounting of your administration of the ward's/incapacitated person's money, assets, possessions or income (including social security or other benefits), if you have possession of such, along with the required fee, bank statements and/or brokerage statements for the accounting period with personal information (social security number, date of birth, etc.) blacked out, Notice of Right to Object form, and a Certificate of Mailing showing copies were sent to all interested-persons, including the bonding company, by first-class mail, postage prepaid, not later than 30 days after the expiration of one year after the date of these Letters and annually thereafter. If you are filing an accounting, the accounting shall include Certificates of Proof of Possession for all money, assets, possessions or income (including social security or other benefits) existing at the end of the accounting period.

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

BY THE COURT: \_\_\_\_\_ (SEAL)  
County Judge