

REQUIRED

## QUICK REFERENCE FOR GUARDIANS/CONSERVATORS

Neb. Ct. R. § 6-1433(E)(1)

In the Matter of \_\_\_\_\_, ward/incapacitated  
person/protected person

County: \_\_\_\_\_ Case number: \_\_\_\_\_

The anniversary date of your appointment is: \_\_\_\_\_  
(one year after the Letters are issued)

You have been appointed as:  Guardian. You will complete Annual Reporting Forms Packet A.  
 Conservator. You will complete Annual Reporting Forms Packet C.  
 Conservator with Restricted Accounts. You will complete Annual Reporting Forms Packet C.  
 Guardian and Conservator. You will complete Annual Reporting Forms Packet D.

Below is a list of duties that need to be completed within the time lines noted:

1. **Acknowledgment of Financial Institution form, CC 16:2.6** - Must be filed within 10 days after getting your Letters and is filed after you give your Letters to the Financial Institution for them to make a copy. This form shows the court you have given copies of the Letters 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. (Neb. Ct. R. § 6-1443(B))
2. **Letters of Guardianship and/or Conservatorship** - Must be filed with the Register of Deeds in any county where the ward/incapacitated person/protected person has real property or an interest in real property. (Neb. Ct. R. § 6-1443(F))
3. **Complete training for Guardians and Conservators** – Must be completed within 90 days of appointment. Providers and class dates and locations are listed on the Supreme Court Website (<http://www.supremecourt.ne.gov/Guardian/guardian-info.shtml#education>). (Neb. Rev. Stat. § 30-2627(d))
4. **Your Annual Reporting Forms Packet** - Must be filed one year after the Letters are issued. You will receive notice 45 days before the reports are due. (Neb. Ct. R. § 6-1442(B)) The reporting packet includes:
  - **Annual Report of Guardian on Condition of Ward** - 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 activities with and on behalf of the ward/incapacitated person/protected person and to report on the ward's/incapacitated person's/protected person's condition.
  - **Updated Inventory form** - This form is a list of all the ward's/incapacitated person's/protected person's assets and will help you and the court keep track of the property, income, etc. of the ward/incapacitated person/protected person.
  - **Annual Accounting form** - This form is a complete accounting of the ward's/incapacitated person's/protected person's financial assets and must be provided to the court along with all

bank statements and/or brokerage statements. The court needs to know all deposits made and checks written, who checks were written to and what they were for. A 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. You must annually complete and file an accounting if any money is taken in or paid out.

\*\*Please note that if there is a separate conservator or if someone else is a Payee for benefits for the ward/incapacitated person/protected person, the asset(s) should be listed on the Inventory, but you do not need to complete the accounting for those assets.

- Certificate of Proof of Possession form - This form needs to be completed, taken to each financial institution where a ward's/incapacitated person's/protected person's account is located, and signed by that institution under notary. If any accounts are restricted, the bank must certify that restriction by checking the appropriate box.
- Bank Statements – Bank statements and brokerage reports for the accounting period with personal information (Social Security number, date of birth, account numbers, etc.) blacked out.
- Notice of Right to Object form - Must be completed and sent to all interested persons.
- Personal and Financial Information form – This form is a confidential document which informs the court of the ward's/incapacitated person's/protected person's complete bank account numbers, etc. which cannot be included on forms which can be accessed by the public. THIS CONFIDENTIAL FORM IS FILED WITH THE COURT, BUT NOT SENT TO INTERESTED PERSONS.
- Please note: There is a court filing fee due with the annual reports. The fee is \$5 for the Annual Accounting and \$5 for the Report on Condition of Ward. Each of the form(s) you need are included in your packet. You may find the forms online at <http://www.supremecourt.ne.gov/forms/county/guardian-conservators.shtml> or you can make copies before using the original so that you will have them for future use.

**The annual reports listed above, except for the confidential Personal and Financial Information form, must be sent to all interested persons, and a Certificate of Mailing must be filed with the court, indicating you mailed the completed forms to all interested persons by first class mail, postage pre-paid.**

## REMEMBER:

- NEVER co-mingle the money of the ward/incapacitated person/protected person with your personal accounts. If necessary, open new accounts immediately.
- You shall not pay yourself any money from the ward's/incapacitated person's/protected person's accounts without first receiving permission from the court. This includes any money for living expenses, if the ward/incapacitated person/protected person lives with you.

- You shall not make any ATM withdrawals or receive cash back on a debit transaction from any account without a court order. If an account is restricted, you cannot access that money without a court order.
- You must notify the court immediately if either you or your ward/incapacitated person/protected person has a change of address.
- You must notify the court within 3 days if the ward/incapacitated person/protected person dies.
- You must get court approval **prior** to moving the ward/incapacitated person/protected person out of the State of Nebraska.
- You must file your Letters with the Register of Deeds in any county the ward/incapacitated person/protected person 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.