

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB157

Hearing Date: Thursday January 20, 2011
Committee On: Judiciary
Introducer: Coash
One Liner: Change guardianship and conservatorship provisions

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Ashford, Coash, Council, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:
Absent:
Present Not Voting:

Proponents:

JOHN WIGHTMAN
SUSAN BAZIS
MARLA FISCHER-LEMPKE
MARK INTERMILL
THOMAS MAUL

Representing:

SELF
EXECUTIVE COMMITTEE COUNTY
THE ARC OF NEBRASKA
AARP
NE STATE BAR ASSOCIATION

Opponents:

Representing:

Neutral:

BOB HALLSTROM

Representing:

NEBRASKA BANKERS ASSOCIATION

Summary of purpose and/or changes:

LB 157 would enact changes to the probate code related to guardianships and conservatorships. The proposed changes were contained in the Report of Final Recommendations issued by the Joint Review Committee on the Status of Adult Guardianships and Conservatorships in the Nebraska Court System and approved by the Supreme Court.

The proposed changes include:

Requiring the guardian or conservator to file their Letters with the register of deeds in every county where the ward has real property or an interest in real property.

Allowing the Office of Dispute Resolution approved mediation centers to accept guardianship and conservatorship cases.

Authorizing the court to refer guardianship and conservatorship cases to mediation or other alternative dispute resolution.

Requiring the State Court Administrator to create and maintain a database of active guardianships and conservatorships that is accessible to the public. Each guardian and conservator must register each case they are appointed to with the

registry.

If the court receives an affidavit indicating that the ward's or the protected person's safety, health or financial welfare is at issue, the court may issue ex parte orders to address the situation. The ex parte orders will remain in full force and effect for ten days or until a hearing whichever is earlier. Anyone who violates the ex parte order is guilty of a Class II Misdemeanor. If the court receives information indicating that the ward's or the protected person's safety, health or financial welfare is at issue, the court must set the matter for hearing within 10 days and provide notice to all interested persons.

Once nominated and prior to appointment to a guardianship or a conservatorship, a person must obtain the following background checks and file them with the court 10 days prior to the appointment hearing: credit check; criminal history; abuse and neglect registry and sex offender registry.

Prohibiting a guardian or conservator from changing the ward's place of abode out of state without court permission.

Requiring a guardian to complete and file an inventory of the ward's estate within 30 days of appointment if a conservator has not been appointed. The inventory must be mailed to all interested persons and updated annually.

Requiring bonds on all assets over \$10,000. Bonding requirement can be waived by court for good cause shown.

Requiring a conservator to complete and file an inventory of the estate within 30 days (rather than the current 90 days) of appointment. The inventory must be mailed to all interested persons and updated annually. The conservator must also file an annual accounting with the court.

Brad Ashford, Chairperson