

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB157

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 20, 2011

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 157 reforms the guardian-conservator system.

It reforms the initial guardian appointment process and the ongoing reporting requirements as follows:

- A potential guardian/conservator shall complete a background check (criminal history, sex offender, central register and credit checks) and file the results with the court ten days prior to the appointment hearing. These files shall not be considered public record;
- a guardian/conservator must furnish a bond on a ward's assets if they exceed \$10,000 (the court may waive this requirement);
- a guardian/conservator must file his/her papers with the register of deeds in each county in which the ward owns property or property interest;
- a guardian/conservator must file an inventory of the ward's assets within 30 days of appointment and mail it to all interested persons;
- and a guardian/conservator must obtain court permission to move the ward's place of abode outside the state.

In addition, it mandates the court to create and maintain a Guardian and Conservator Database, which includes the status of guardian and conservatorships and notice of suspension or removal of a guardian.

It also allows the court to refer guardian-conservator cases to mediation or other forms of dispute resolution.

Finally, it allows judges to make ex parte orders (effective for 10 days or until a hearing, whichever is first) when an interested person, by affidavit, demonstrates that the ward's safety, health or financial welfare is at issue.

Principal Introducer: _____

Senator Colby Coash