

AMENDMENTS TO LB 172

Introduced by Judiciary

1 1. Insert the following section:

2 Section 1. Section 30-2601, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 30-2601 Unless otherwise apparent from the context, in
5 the Nebraska Probate Code:

6 (1) Incapacitated person means any person who is impaired
7 by reason of mental illness, mental deficiency, physical illness
8 or disability, chronic use of drugs, chronic intoxication, or
9 other cause (except minority) to the extent that the person
10 lacks sufficient understanding or capacity to make or communicate
11 responsible decisions concerning himself or herself;

12 (2) A protective proceeding is a proceeding under the
13 provisions of section 30-2630 to determine that a person cannot
14 effectively manage or apply his or her estate to necessary ends,
15 either because the person lacks the ability or is otherwise
16 inconvenienced, or because the person is a minor, and to secure
17 administration of the person's estate by a conservator or other
18 appropriate relief;

19 (3) A protected person is a minor or other person for
20 whom a conservator has been appointed or other protective order has
21 been made;

22 (4) A ward is a person for whom a guardian has been
23 appointed. A minor ward is a minor for whom a guardian has been

1 appointed solely because of minority;

2 (5) Full guardianship means the guardian has been granted
3 all powers which may be conferred upon a guardian by law;

4 (6) Limited guardianship means any guardianship which is
5 not a full guardianship; and

6 (7) For purposes of article 26 of the Nebraska Probate
7 Code, interested person means children, spouses, those persons
8 who would be the heirs if the ward or person alleged to be
9 incapacitated died without leaving a valid ~~last will and testament~~
10 who are adults and any trustee of any trust executed by the ward
11 or person alleged to be incapacitated. After the death of a ward,
12 interested person also includes the personal representative of a
13 deceased ward's estate, the deceased ward's heirs in an intestate
14 estate, and the deceased ward's devisees in a testate estate. The
15 meaning of interested person as it relates to particular persons
16 may vary from time to time and must be determined according to the
17 particular purposes of, and matter involved in, any proceeding. If
18 there are no persons identified as interested persons above, then
19 interested person shall also include any person or entity named as
20 a devisee in the most recently executed ~~last will and testament~~ of
21 the ward or person alleged to be incapacitated.

22 2. On page 3, lines 24 and 25, strike "an affidavit of
23 mailing" and insert "a certificate of mailing".

24 3. On page 4, line 8, strike "an affidavit of mailing",
25 show as stricken, and insert "a certificate of mailing".

26 4. On page 7, line 7, strike "30-2628" and insert
27 "30-2601, 30-2628,".

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5. Renumber the remaining sections accordingly.