

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT**  
**LB934**

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**Hearing Date:** Wednesday February 03, 2016  
**Committee On:** Judiciary  
**Introducer:** Coash  
**One Liner:** Change provisions relating to the Office of the Public Guardian

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

SEN. COLBY COASH  
MICHELLE CHAFFEE  
WILLIAM LINDSAY

SUSAN BAZIS  
BRIAN CRAIG

**Opponents:**

**Neutral:**

**Representing:**

INTRODUCER  
OFFICE OF PUBLIC GUARDIANS  
PROTECTION OF VULNERABLE ADULTS SUB  
COMMITTEE  
ADVISORY COUNCIL ON PUBLIC GUARDIANSHIP  
DISABILITY RIGHTS NEBRASKA

**Representing:**

**Representing:**

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**Summary of purpose and/or changes:**

LB934 would amend the Public Guardianship Act.

Section 1 provides a definition for "multidisciplinary team."

Section 2 would require the Public Guardian to be a licensed attorney. This section would also require the deputy public guardian and an associate public guardian to be licensed attorneys. The leguardian ad litem representation provided by these three individuals would be limited to the roles and responsibilities of a court-appointed guardian and conservator under the Act. This section would also require the Public Guardian to hire a multidisciplinary team of professionals to fulfill the responsibilities under the Act.

Section 3 would establish a caseload limit of 20 wards or protected persons per member of the multidisciplinary team and a total of 480 wards or protected persons for the office. This section also establishes criteria for caseload distribution.

Section 4 would clarify that the Public Guardian is an interested party in cases in which the office is nominated, but is no longer considered an interested party if the office is unable to accept a nomination due to caseload or client-staff ratio

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requirements established in Section 3. This section would also clarify that the office shall not file petitions for guardianships or conservatorships, but may take any guardian ad litem action required of a guardian or conservator after being appointed in a case.

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**Explanation of amendments:**

AM2190 is a white copy amendment that makes one change to LB934 and amends LB1008 into LB934.

The amendment would remove the office's cap of 480 total wards contained in the original bill.

The amendment would also add the provisions from LB1008 into LB934. The provisions from LB1008 would create standards for guardians ad litem appointed in probate actions.

Section 3 would require a guardian ad litem to be a licensed attorney and comply with training requirements as determined by the Supreme Court. This section would also require the Supreme Court to promulgate rules for guardians ad litem appointed in guardianship, conservatorship and other protective proceedings.

Section 4 would require a guardian ad litem to meet with the client within two weeks of appointment and attend all hearings unless excused by the court. This section describes the matters a guardian ad litem would be required to investigate and specifically describes the interests the guardian ad litem would be required to defend. This section also authorizes the guardian ad litem to perform functions relating to these investigations and represent the client's interests in guardian ad litem proceedings.

Section 5 would authorize a guardian ad litem to obtain, by subpoena if necessary, any report about the condition of the client and information about the client's business affairs.

Section 6 would require the guardian ad litem to make written recommendations to the court at least one week prior to a hearing concerning a guardianship, conservatorship or other protective order.

Section 7 would permit a guardian ad litem to request a court order to inspect documents or visit any person with information relevant to carrying out the guardian ad litem's responsibilities. Any failure to comply with such an order would be punishable by contempt of court.

Section 8 would authorize a guardian ad litem to file any petition or motion the guardian ad litem determines to be in the client's best interest.

Section 9 would prohibit the guardian ad litem from having direct or indirect physical control of the client or control over the property or affairs of the client.

Section 10 provides that a guardian ad litem's appointment begins when appointed by a court and terminates as determined by the court.

Section 11 would authorize a court to assess the cost of an evaluation requested by a guardian ad litem to the county. The court may, after notice and hearing, assess the cost to the subject of the evaluation.

Section 12, 13, 14 and 15 would references to new language added in the bill.

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Les Seiler, Chairperson