

Supreme Court Commission on Guardianships and Conservatorships – 2013 Report



Supreme Court Creation of Commission: On Wednesday, December 19, 2012 the Nebraska Supreme Court appointed 37 membersⁱ and two ex-officio members to the newly created Supreme Court Commission on Guardianships and Conservatorships. Creation of a commission on guardianships was one of the recommendations of Chief Justice Mike Heavican’s 2010 Adult Task Force on Guardianships and Conservatorships. The Supreme Court appointed Hon. Susan Bazis, Douglas County Court Presiding Judge and Hon. Francie Riedmann, Court of Appeals Judge to serve as Co-Chairs for the Commission. Members serve at the pleasure of the court with no term limitations. The Purpose Statement for the Commission is:

To engage in continuing analysis and study of statutes, court rules, and court procedures relating to guardianships and conservatorships; to examine the challenges these laws and procedures pose for court staff, the judiciary, the practicing bar, vulnerable adults and children and their legal guardians and conservators, and other professionals and service providers working with protected persons and wards; to propose solutions or improvements both within and without the judicial branch in response to such challenges; and to support the implementation of the recommendations of the Commission which the Nebraska Supreme Court approves.

Identifying Priorities for the Commission: Shortly after the creation of the Commission, a surveyⁱⁱ was conducted of Guardian Commission members to determine priorities of the Commission. The highest priorities on the survey identified were: economic abuse of vulnerable adults; physical abuse of vulnerable adults; laws and policies regarding persons with limited capacity; qualifications of persons serving as guardian or conservator; availability of persons to serve as guardian or conservator. At the Commission’s inaugural meeting on February 7, 2013, the top four priorities the Commission selected to work on during 2013 were:

1. Laws and policies in regard to wards with limited income and assets
2. Qualifications for individuals to be appointed as guardians or conservators

3. Availability of suitable guardians or conservators
4. Annual reporting requirement and forms

Four subcommittees were formed to work aggressively on these priorities. Chairs and members include:

- **Executive subcommittee:** Judge Susan Bazis and Judge Francie Riedmann, co-chairs; Cassidy Chapman, Curtis Evans, Joanne Farrell, Sally Hytrek, Marla Fischer-Lempke, Sue Fredricks, Julie Hippen, Judge Todd Hutton, Russ Leavitt, William Lindsay, Tom Maul, Mary Newman, Holly Parsley, Darla Schiefelbein, Susan Spahn, Judge Donna Taylor.
- **Public Guardian subcommittee:** Curtis Evans Esq., chair; Judge Susan Bazis, Joanne Farrell, Sue Fredricks, Russ Leavitt, Marla Fischer-Lempke, Judge Francie Riedmann.
- **Forms subcommittee:** Tom Maul chair; Judge Susan Bazis, Sally Hytrek, Judge Todd Hutton, William Lindsay, Susan Spahn.
- **Protection of Vulnerable Adults subcommittee:** William Lindsay, Esq., chair; Penny Clark, Bruce Cudly, Julie Hippen, Russ Leavitt, Judge Tami Schendt, Judge Susan Bazis, Judge Francie Riedmann.

Meetings of the Commission: The Co-Chairs, in consultation with Chief Justice Heavican, set an aggressive calendar of meetings of the full Commission and its subcommittees. At the inaugural meeting, the aforementioned five priorities were determined, subcommittees were formed, and the schedule of semiannual meetings was confirmed. Following the inaugural meeting, the full Commission convened again on August 26, 2013. One of the key agenda items at the second meeting was a special presentation on how Douglas County's Financial Exploitation of Vulnerable Adult team conducts its investigations and prosecutes crime. Speakers included Douglas County Attorney, Don Kleine; Ed Finn, NDHHS Adult Protective Services; Det. Clint Yarges and Det. Rick Belik of Omaha Police Department. Commission member Julie Hippen, NDHHS Coordinator of Statewide Adult Protective Services (APS) spoke on Nebraska's statewide system of APS service delivery and provided data on annual reports of vulnerable adult abuse.

Accomplishments:

Members of the Commission's four subcommittees actively met throughout 2013 via conference call and at in-person meetings. Accomplishments by members of the Commission during 2013 included:

- Executive subcommittee: provided oversight of Commission's purpose and priorities; engaged in Commission education
- Forms subcommittee: submission of revised rules for Supreme Court adoption; revision and simplification of court forms; creation of 5 annual filing packets (A, B, C, D, E) for ease of use by guardians and conservators
- Public Guardian subcommittee: research of national public guardian laws, models, and best practices; drafting of proposed legislation for 2014 legislative session
- Protection of Vulnerable Adults subcommittee: identification of issues; promotion of Commission education through circulation of materials, presentation of speakers at Commission meetings, analysis of Nebraska criminal statutes regarding abuse of vulnerable adults to determine necessary amendments.

Photo Gallery



Commission Co-Chair Hon. Francie Riedmann welcoming Commission members at February 7, 2013 inaugural meeting of the Supreme Court Commission on Guardianships and Conservatorships.

L-R: Co-Chair Hon. Susan Bazis, Judge Riedmann, Hon. Todd Hutton, State Senator John Nelson.



Commission members and Judges Curtis Evans, Susan Bazis, and Todd Hutton meet to discuss guardianship priorities for the State of Nebraska.



Commission members John McHenry, Tom Maul and staff Sheryl Connolly at inaugural Nebraska Supreme Court Commission on Guardianships and Conservatorships February 7, 2013 meeting.

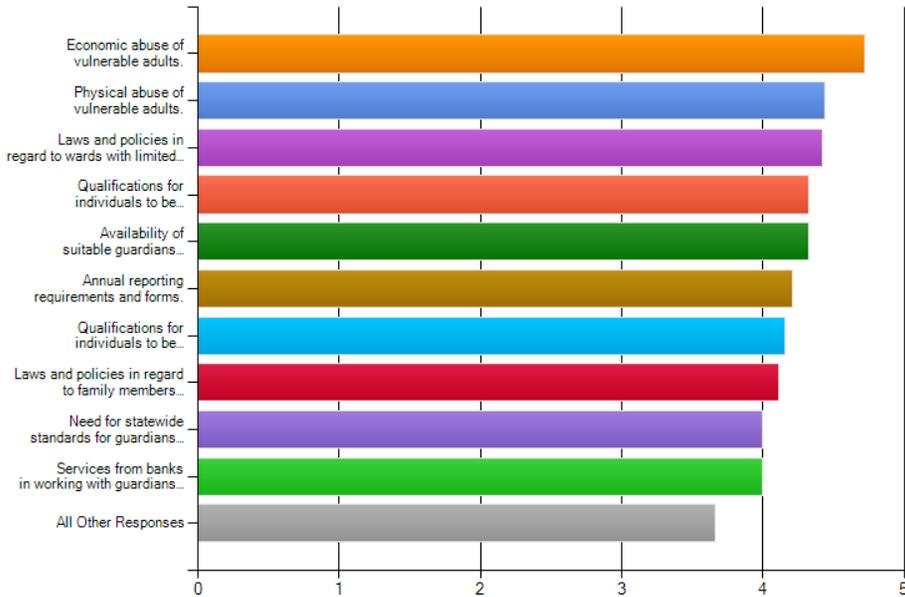
ⁱ The members appointed by the Nebraska Supreme Court to the Nebraska Supreme Court Commission on Guardianships and Conservatorships include:

Name, City	Composition	Appointment Date
Francie Riedmann, Gretna	Co-Chairperson, Court Appeals Judge	12-19-12
Susan Bazis, Omaha	Co-Chairperson, County Judge, 4th Judicial District	12-19-12
Brad Ashford, Omaha	State Senator, District 20	12-19-12
Eve Brank, Lincoln	Professor, UNL Law/Psych	12-19-12
Becky Bruckner, Lincoln	Judicial Administration, 3rd Judicial District	12-19-12
Cassidy Chapman, Omaha	Lawyer	12-19-12
Penny Clark, Lincoln	Manager, State Unit on Aging	12-19-12
Colby Coash, Lincoln	State Senator, District 27	12-19-12
Bruce Cudly, Lincoln	NE Developmental Disabilities Regions	12-19-12
Marsha Fangmeyer, Kearney	Lawyer	12-19-12
Joanne Farrell, Lincoln	Aging Partners	12-19-12
Donna Fink, Hebron	Clerk Magistrate, 1st Judicial District	12-19-12
Marla Fischer-Lempke, Lincoln	Nebraska ARC	12-19-12
Sue Fredricks, Omaha	Volunteers Assisting Seniors	12-19-12
Julie Hippen, Lincoln	NDHHS Adult Protective Services	12-19-12
Todd Hutton, Papillion	County Judge, 2nd Judicial District	12-19-12
Sally Hytrek, Omaha	Lawyer	12-19-12
Mark Intermill, Lincoln	AARP	12-19-12
Julianna Jenkins, Broken Bow	Lawyer	12-19-12
Eileen Krumbach, York	UNL Extension	12-19-12
Janet Labenz, Lincoln	CPA	12-19-12
Russ Leavitt, Omaha	Guardian	12-19-12
William Lindsay, Omaha	Lawyer	12-19-12
J. Terry Macnamara, Omaha	Lawyer	12-19-12
Tom Maul, Columbus	Lawyer	12-19-12
John McHenry, Lincoln	Lawyer	12-19-12
John Nelson, Omaha	State Senator, District 6	12-19-12
Mary Newman, Omaha	Omaha Deputy Police Chief	12-19-12
Holly Parsley, Lincoln	Deputy County Attorney	12-19-12
Mike Piccolo, Lincoln	County Judge, 11th Judicial District	12-19-12
Tami Schendt, Broken Bow	County Judge, 8th Judicial District	12-19-12
Darla Schiefelbein, Columbus	Clerk Magistrate, 5th Judicial District	12-19-12

Susan Spahn, Omaha	Lawyer	12-19-12
Jerry Stilmock, Syracuse	Nebraska Bankers Association	12-19-12
Donna Taylor, Neligh	County Judge, 7th Judicial District	12-19-12
Carolyn Trujillo, North Platte	Conservator; Senior Accountant	12-19-12
John Wightman, Lincoln	State Senator, District 36	12-19-12
Curtis Evans, York (ex-officio)	County Judge, 5th Judicial District	12-19-12
Janice Walker, Lincoln (ex-officio)	State Court Administrator	12-19-12

ii Survey results included data contained in the following two charts:

Please review the guardian/conservator issues below and give your opinion regarding the relative importance of each item. If an issue(s) of importance is not listed, please add that information under question #2, following.



Please rank the guardian/conservator issues below, with #1 being the highest priority. IMPORTANT!
The easiest way to respond to this ranking question is to click on each statement and then drag it to the location you want. For example, if you believe the statement on the 10th line should be ranked #1, click on statement 10 and drag it to the first position. Then do the same until you have all the statements in order from #1 at the top, #2 next, #3, next, etc.

