

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court is considering proposed amendments to the Guardianship and Conservatorship rules found at Neb. Ct. R. § 6-1433 et seq. The Nebraska Supreme Court directed that the proposed amendments be published for a period of public comment.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment on the proposed amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to [joshua.shasserre@nejudicial.gov](mailto:joshua.shasserre@nejudicial.gov), with the rule number listed in the subject line, no later than August 3, 2026.

The full text of the proposed amendments is available below, or a paper copy may be obtained by telephoning the office of the Clerk of the Supreme Court and Court of Appeals at (402) 471-3731.

**CHAPTER 6: TRIAL COURTS**

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**Article 14: Uniform County Court Rules of Practice and Procedure.**

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**§ 6-1433. Notice of interested person duty; guardian and conservator notice requirements; court notice requirements.**

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(C) In all guardianship and/or conservatorship matters, it shall be the duty of the petitioner or applicant for a guardian or conservator to show in the petition or the application, in addition to what is required by Neb. Rev. Stat. §§ 30-2619 and 30-2633:

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(8) Whether there is any surrogate acting under the Nebraska Health Care Surrogacy Act or any other law, and if so, any written documentation of the naming of a surrogate shall be filed with the petition as a confidential document, if available;

~~(8)~~ (9) If any interested person is known by the petitioner, applicant, or the attorney for either to be incompetent or a minor, such fact shall be disclosed to the court;

~~(9)~~ (10) If the petition or application nominates the Public Guardian, it shall state that due diligence was used to identify a guardian and/or conservator and the methods employed and that in spite of such efforts, the Public Guardian is the last resort.

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(H) Any interested person may file with the court a completed Interested Person's Consent to Receive Notice by Email form. This consent may be revoked at any time upon 10 days' notice. If the email address changes, the Interested Person must file a new Consent form within 10 days after the email address is changed.

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#### **§ 6-1439. Time for increase in bonds; bond review.**

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(B) All initial inventories shall be reviewed by the judge ~~prior to Letters being issued~~ to determine if a bond needs to be set or if the previously set bond is adequate. If the judge finds the bond should be changed, the matter shall be set for hearing unless the hearing on the bond is waived by all interested persons present at the time the guardian or conservator is appointed.

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#### **§ 6-1441. Bonds in guardianship/conservatorship cases.**

In all guardianship/conservatorship cases, the court shall order that an approved corporate surety bond be filed in estates with a net value of more than \$10,000. The bond shall be in an amount of the aggregate capital value of the personal property of the estate in the guardian/conservator's control plus 1 year's estimated income from all sources minus the value of securities and other assets deposited under arrangements requiring an order of the court for their removal. The court, in lieu of sureties on a bond, may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land owned by the conservator/guardian. This bond shall be reviewed by the court periodically and adjusted to reflect any increase as set out in § 6-1439. Within 10

days after the receipt of funds from the sale of any real estate, the guardian or conservator shall notify the court of the receipt of such funds and the account where such funds have been deposited.

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**§ 6-1442. Conservator/guardian inventory and accounts; initial filing; annual filing; amended inventories; restricted accounts; court review.**

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(E) A notice of newly discovered asset or sale of real estate form is required to be filed with the court within 30 days after the guardian or conservator becomes aware of additional assets, gifts, awards, settlements, or inheritances over \$500 not disclosed in the current inventory or of the receipt of funds from the sale of real estate along with a certificate of mailing showing that copies and a notice of right to object form were sent to all interested persons, including the bonding company, by first-class mail postage prepaid. For purposes of this paragraph, interested persons shall include all those defined in § 6-1433(B)(2). The notice that includes the receipt of funds shall also inform the court of the account where the funds were deposited.

(F) The court shall monitor all cases in which annual accountings are required to see that the accountings are filed in a timely manner. If an accounting is not filed within 30 days after the date it is due, the court shall issue an order to show cause why the guardian/conservator should not be removed and shall set the same for hearing or other appropriate proceeding.

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**§ 6-1443. Conservator / guardian Letters.**

(A) Prior to being issued Letters, the guardian or conservator shall file an acceptance of appointment and the following with the court unless waived by the court for good cause shown: ~~(1) address information form, general information form, inventory with an affidavit of due diligence, personal and financial information form, and a bond if required; and (2) financial institution receipt of orders form showing that the order appointing him or her as guardian or conservator was provided to each financial institution in which the ward, protected person, or minor has an account/assets.~~

(B) After the guardian or conservator has been issued Letters, the guardian or conservator shall file with the court a financial institution receipt of letters form showing that Letters have been provided to each financial institution in which the ward, protected person, or minor has an account/assets. This form shall be filed with the court within 30 days of the Letters being issued. Failure to file the form shall result in suspension of authority.

(C) Language expressly limiting powers shall be included on all Letters of guardian/conservator in the following language:

*“Except as provided in § 6-1437, you shall not pay yourself or your attorney compensation from the assets or income of your ward, nor sell real property of the estate, without first obtaining an order therefor, after an application, notice to the interested persons, and hearing thereon. The order may be entered ex parte if all interested persons have waived notice of hearing or have executed their written consent to the fee.”*

At the same time the annual accounting is filed with the court, the guardian/conservator shall file with the court an application for payment of the previous year’s fees to the attorney and to the guardian/conservator. The specific amount of the fees requested shall be set out in the application.

(D) The filing requirements of the guardian/conservator shall be included on all Letters of guardianship/conservatorship.

The language on the Letters should be as follows for a conservatorship:

*You are further directed to file a complete accounting of your administration of this estate, along with the required fee, notice of right to object form, and a certificate of mailing showing copies were sent to all interested persons, including the bonding company, by first-class mail, postage prepaid or by email to those interested persons who have consented to receive email notice as provided in § 6-1433(H), not later than 1 year and 30 days after the date of appointment and annually thereafter. The accounting shall include an updated inventory at the end of the accounting period and shall, if ordered by the court, include certificates of proof of possession for all intangible personal property existing at the end of the accounting period.*

For a guardianship:

*You are further directed to file an annual report of guardian report, a complete accounting of your administration of this estate, if you have possession of the estate or*

*are representative payee, along with the required fee, notice of right to object form, and a certificate of mailing showing copies were sent to all interested persons, including the bonding company, by first-class mail, postage prepaid or by email to those interested persons who have consented to receive email notice as provided in § 6-1433(H), not later than 1 year and 30 days after the date of appointment and annually thereafter. If you are filing an accounting, the accounting shall include an updated inventory at the end of the accounting period and shall, if ordered by the court, include certificates of proof of possession for all intangible personal property existing at the end of the accounting period.*

For a guardianship and conservatorship:

*You are further directed to file an annual report of guardian report and a complete accounting of your administration of this estate, along with the required fee, notice of right to object form, and a certificate of mailing showing copies were sent to all interested persons, including the bonding company, by first-class mail, postage prepaid or by email to those interested persons who have consented to receive email notice as provided in § 6-1433(H), not later than 1 year and 30 days after the date of appointment and annually thereafter. The accounting shall include an updated inventory at the end of the accounting period and shall, if ordered by the court, include certificates of proof of possession for all intangible personal property existing at the end of the accounting period.*

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#### **§ 6-1443.01 Standby Guardian.**

(A) If a nominated Standby Guardian is listed in a petition, the Standby Guardian shall complete all background checks as required by Neb. Rev. Stat. § 30-2602.02 and Neb. Ct. R. § 6-1449 prior to being appointed unless waived by the court for good cause shown.

(B) When the Standby Guardian seeks to act as guardian for the ward or incapacitated person due to the death, unwillingness or inability to act, or resignation or removal of the guardian, before Letters will be issued, the Standby Guardian must do the following:

(1) Complete a Standby Guardian Assumption of Guardianship Authority notification form and Acceptance and file it with the court within 10 days of any of the event(s) occurring in subsection (2). The Standby Guardian shall file a certificate of mailing with the court showing that copies of the Standby Guardian notification form, Acceptance, and

a Notice of Right to Object form were sent to all interested persons, including the bonding company, if any, by first-class mail postage prepaid or by email to those interested persons who have consented to receive email notice as provided in § 6-1433(H).

(2) Complete all background checks as required by Neb. Rev. Stat. § 30-2602.02 and Neb. Ct. R. § 6-1449 and file them with the court, unless waived by the court for good cause shown.

(3) File within 30 days of the filing of the Standby Guardian Assumption of Guardianship Authority notification form and Acceptance:

- (i) general information form
- (ii) address information form
- (iii) personal and financial information form

(4) File within 30 days of the issuance of Letters, File an Inventory, Affidavit of Due Diligence, and Certificate of Mailing with the court showing that copies of the Inventory and a Notice of Right to Object form were sent to all interested persons, including the bonding company, if any, by first-class mail postage prepaid or by email to those interested persons who have consented to receive email notice as provided in § 6-1433(H) ~~within 30 days of the filing of the Standby Guardian Assumption of Guardianship Authority.~~

(5) File a Financial Institution Receipt of Letters Form. This form shall be filed with the court within 30 days of the Letters being issued.

(C) The court shall review the ~~inventory and~~ background checks filed by the Standby Guardian. The court shall determine if a bond is necessary and shall so indicate in an Order, and Letters shall issue after the bond is posted, if required. The court may in its discretion set the matter for hearing with notice to all interested parties.

(D) The Standby Guardian shall complete training within 90 days of receiving his or her Letters.

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**§ 6-1445. Filing requirements; guardian/conservator standardized forms.**

(A) Any order, notice signed by the court or the registrar, and the petition application or pleading on which it is based, is deemed to be immediately filed upon affixing of the court file stamp. In no instance shall any documents be taken from this court until they have been filed, posted, filed for permanent record, and placed in the court file.

(B) All courts shall accept for filing only the standardized forms approved by the State Court Administrator's Office as provided on the Nebraska Judicial Branch Web site in guardianship and conservatorship matters, provided that an appropriate substitute form for the listing of receipts and disbursements may be filed as part of an accounting.

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