



STATE OF
NEBRASKA
JUDICIAL BRANCH

Office of Public
Guardian

2016 REPORT



PRESENTED TO

*Chief Justice Michael Heavican
and The Nebraska Legislature*

In accordance with Neb. Rev. Stat. § 30-4111.

Contents

EXECUTIVE SUMMARY	3
INTRODUCTION	7
NEBRASKA’S OFFICE OF PUBLIC GUARDIAN	8
ADVISORY COUNCIL	10
OFFICE OF PUBLIC GUARDIAN MULTI-DISCIPLINARY TEAM	14
DUTIES OF THE OFFICE OF PUBLIC GUARDIAN	23
OFFICE OF PUBLIC GUARDIAN NEBRASKA SERVICE AREAS	27
PUBLIC GUARDIANSHIP AND PUBLIC CONSERVATORSHIP NOMINATION AND APPOINTMENT	29
COURT VISITORS	36
Court Visitor Education	36
Screening Tool and Court Visitor Report Forms	38
Volunteer Court Visitor Data	39
ASSOCIATE PUBLIC GUARDIAN-LEGAL COUNSEL	41
Legal Action Data (April 2016 – November 2016)	41
ANNUAL REPORT DATA	43
Current General Conditions of Wards/Protected Persons	43
Non-Emergency Cases	45
Emergency Cases	46
Successor Private Guardians	46
CASE MANAGEMENT DATA: Ward/Protected Person Hours Worked per Week	48
OFFICE OF PUBLIC GUARDIAN ADMINISTRATION AND MANAGEMENT SYSTEMS	49
Case-Management Software (EMS System)	49
Centralized Finances	50
Organizational Collective Account	50
Union Bank and Trust (UBT)	51
Social Security	52
Veterans Administration	52
U.S. Bank ReliaCard	52
Office of Public Guardian (OPG) Office/General Fund Finances	53
Audit	53
Sliding Fee Policy	53

PRIVATE GUARDIAN/CONSERVATOR EDUCATION CLASSES.....	56
Guardian/Conservator Education Interpreter Usage.....	57
Data Gathered from Guardian/Conservator Education Surveys	58
RECRUITMENT AND SUPPORT FOR SUCCESSOR GUARDIANS	67

EXECUTIVE SUMMARY

Statutory Changes to the Public Guardianship Act

During the 2016 Legislative session Senator Coash introduced LB 934 to amend the Public Guardianship Act. The 2015 Office of Public Guardian (OPG) guardianship data revealed that management of the complex issues of OPG wards required an average of 3.6 hours per week. Originally, the Public Guardian Act set the average caseload at 40 wards per Associate Public Guardian. As implementation of the OPG occurred, it became evident a 40 ward caseload was not realistic and would result in the failure of the OPG to fulfill its statutory duties. Therefore, in accordance with national case management standards, LB 934 changed the average caseload per multidisciplinary team member from forty to twenty wards or protected persons. Additionally, the bill expanded the Office of Public Guardian to a multidisciplinary team, including Associate Public Guardian-Legal Counsels (see below). Finally, caseload distribution was to take into consideration the complexity of the case, the geographic location, the availability of auxiliary support and voluntary services, professional expertise, etc.

Case Management Data

The 2016 case data has reaffirmed the data from 2015 regarding the complexity of wards and protected persons served by the Office of Public Guardian (OPG) and expenditure of time per case per week. As of November 30, 2016, the OPG had involvement with 192 wards or protected persons statewide: 128 Open cases, 29 pending cases, and 35 closed cases.

The 128 wards had 378 identified categories involving complex issues, almost an average of three complexities per individual, including cognitive impairment, mental health diagnosis, developmental disabilities, substance/alcohol abuse, medical conditions, history of criminal justice involvement, and/or history of Mental Health Board commitments.

From November 2015 through November 2016 the average hours per week per ward/protected person was 6.14 hours, with the lowest average - 4.67 hours per week - occurring from August through November. During this period, emergency appointments were suspended in Douglas County due to a reduction in individuals serving as Associate Public Guardians (see Associate Public Guardian Turnover below).

Thirty-five cases have been closed by the OPG. Eight wards/protected persons died while the OPG served as their guardian/conservator.

In accordance with the Public Guardianship Act's mandate that the OPG serve as guardian/conservator only for individuals for whom there is no other alternative, in the least restrictive manner and as a last resort, cases for which the OPG is nominated are screened by a Court Visitor or Guardian ad Litem to determine qualification under the Act and provide information on the individual's capacity. As a result of information gathered, eleven emergency cases and thirteen non-emergency cases were closed by the OPG. Additionally, two cases, initially nominated for full guardianship, were changed to limited guardianships. Court Visitor screening (see more information below and on page 38) resulted in sixteen percent of OPG cases closed either due to the guardianship petition being dismissed or an alternative guardian being identified. This screen resulted in correct utilization of OPG resources, identification of a

more appropriate guardian and protecting the freedom of individuals who should not have been placed under guardianships. See page 43 to page 48 for expanded ward data.

Adult Protective Services Cases Resulting in Office of Public Guardian Guardianships/Conservatorships

During the last year, 24 Adult Protective Services (APS) cases have resulted in Office of Public Guardian (OPG) guardianships. Five cases were due to financial exploitation; 12 cases involved medical, health, and/or safety concerns including self-neglect; and four cases were as a result of severe, pervasive mental illness, many having resulted in homelessness. Unfortunately, in five of these APS/OPG cases the ward subsequently died; highlighting the extreme vulnerability and critical nature of these APS/OPG cases.

Associate Public Guardian - Legal Counsels

The addition of Associate Public Guardian-Legal Counsels are a result of the passage of LB 934 (2016) introduced by Senator Colby Coash. Associate Public Guardian-Legal Counsels serve as both Associate Public Guardian and provide legal assistance for issues arising within the Office of Public Guardian (OPG) guardianships. This includes providing legal advice to inform OPG Associate Public Guardians' decision making and court actions that benefit OPG wards and protected persons, including motions to terminate and limit guardianships. From April through November 2016 the Deputy Public Guardian or APG-Legal Counsels attended 42 court hearings involving ward/protected persons' legal guardianship actions. Specific information regarding Associate Public Guardian-Legal Counsels' actions are available beginning on page 41.

Associate Public Guardian Turnover

One of this biggest challenges the Office of Public Guardian (OPG) has encountered this year has been personnel turn over. From August through November 2016, the OPG replaced five Associate Public Guardians (APGs). Half of the APGs in Douglas County, and the Eastern Service Area, were affected resulting in a four month abeyance of the OPG acceptance of Emergency/Temporary Guardianship - a hardship on OPG APGs who took on more cases, on private guardians/attorneys who stepped in to serve the emergencies, and the courts trying to serve vulnerable adults. We are pleased that by the end of December, all Associate Public Guardians will be hired and will have completed training, allowing for the reinstatement of accepting one emergency and two non-emergency guardianship/conservatorship cases per month per Associate Public Guardian across the state.

The Associate Public Guardian-Legal Counsels, the new Associate Public Guardians and information on all OPG staff can be found beginning on page 14.

Court Visitors

The Office of Public Guardian (OPG) has recruited and trained 23 volunteer Court Visitors, offering their services, at no charge, to courts providing coverage to 67 counties. Ten Court Visitors have been private attorneys who have completed the training and are available to serve as Court Visitors.

Additionally, fifty attorneys have been named as Guardians ad Litem (GAL) to cases where the OPG has been nominated to serve as guardian/conservator. The OPG has provided each of these GALs with a PowerPoint tutorial covering the topics from the six-hour live training segment of the Court Visitor Education curriculum. The forms necessary to complete the Court Visitor process are also provided to them (CC 16:2-93S, CC 16:2-93, CC 16:2-92). This provides the GAL with information to complete the Court Visitor/GAL Report form required by the Rules for appointing the OPG. The form was developed

by the Administrative Office of the Court in accordance with statutory requirements for Court Visitor evaluations, the areas of decision making potentially granted in guardianship, and the criteria required to be met to appoint the OPG.

Financial Processes

The goals of the systems implemented to administer and manage the Office of Public Guardian (OPG) have been to maximize and leverage the resources provided to effectively fulfill the mandate of the Public Guardianship Act in an efficient, transparent manner that reflects the highest degree of accountability for, and commitment to, the vulnerable adults, wards, and protected persons for whom the Public Guardian is responsible.

The OPG utilizes EMS software for personal, medical, and financial case management. EMS is a web based software solution which provides 24/7 database access from any computer, mobile device, or Smartphone via an internet connection and a web browser, giving OPG staff full access to client data.

All financial transactions related to wards' funds are handled out of the central Lincoln business office in order to maintain an adequate system of internal control. Union Bank and Trust (UBT) is the OPG bank and has done an extraordinary service to the OPG in the development of online processes that interact with EMS. The OPG issued approximately 170 checks from EMS in the first eleven months of 2016. The OPG is currently importing ACH (automated) transactions from the EMS system into UBT's Web Cash Manager application. This file allows transactions to be processed via ACH and provides a less expensive option than writing and mailing checks. Approximately 900 ACH transactions were processed in the first eleven months of 2016. UBT also offers an online bill pay option which has been used extensively to reduce the costs associated with checks, envelopes, and stamps. Approximately 1,090 bill pay checks have been issued in the first eleven months of 2016.

Organizational Collective Account

Supreme Court Rule §6-1433.03 has been implemented to allow the Office of Public Guardian (OPG) to utilize an organizational collective account at a bank for individuals for whom the Office of Public Guardian has been appointed as guardian and/or conservator. Because the OPG is fiduciary manager of the organizational collective account, no ward or protected person can access the account electronically. The account holds only the funds of wards and protected persons. These funds are not commingled with any other Office of Public Guardian funds and are separate and distinct from any other Office of Public Guardian accounts. The Office of Public Guardian has developed financial policies and procedures to include: individual ledgers for receipts and disbursements for each ward tracked by the EMS; safeguards so the organizational collective account disbursements are not made by the Associate Public Guardian (APG), only the Business Manager in Lincoln; and reconciliations of the budgeted expenditures to actual expenditures is completed by APGs.

Social Security

The Office of Public Guardian (OPG) completed its first application to become an organizational representative payee in November 2015 in a face-to-face interview at the Lincoln Social Security office. Since then, approximately 110 applications have been completed. The Social Security Administration (SSA) reviewed the OPG processes in August 2016. The SSA auditor reviewed a random sample beneficiary records and met with the OPG Business Manager, who provided an overall description of how the OPG organization operates, uses benefits, and keeps records as representative payee for Social

Security and Supplemental Security beneficiaries. At the completion of the Social Security audit the review was closed without any areas of deficiency.

Private Guardianship Education

Beginning January 2016, the Office of Public Guardian (OPG) began providing the education and certification required for newly appointed private guardians and conservators. The OPG has provided 107 Guardian/Conservator Education Classes in 2016 in 27 Nebraska communities. During 2016, 1182 new private guardians and/or conservators have been provided court ordered private guardian education.

Surveys were completed by participants after each guardianship class. Results showed that the percent of participants who “had a clear understanding of my financial responsibilities to my ward: (Neb. Rev. Stat. 30-4109 (6) (a))” went from 61% response of “probably true or definitely true” prior to the class to 94% after the class. Additionally, the percent of participants who “understood my duty to encourage my ward’s physical, financial, and personal independence, as much as possible: (Neb. Rev. Stat. 30-4109 (6) (b))” went from 62% response of “probably true or definitely true” prior to the class to 93% after the class. (More survey information found beginning on page 59).

Spanish Interpreters

Spanish interpreters were offered to Guardian/Conservator Education participants through the Statewide Language Access Coordinator, in the Nebraska State Court Administrator’s Office. Fifty-one (51) individuals were provided interpreters in 2016.

The Paradox of Guardianship: “Without guardianship, vulnerable individuals may languish unnecessarily in situations, suffer from lack of appropriate health care, or be subject to abuse and exploitation. Yet the very same institution of guardianship removes fundamental rights, restricting self-determination, freedom to choose, freedom to risk. It has been said to ‘unperson’ an individual, reducing her to the status of a child. Thus, guardianship can ‘empower’ and it can ‘unpower.’”
Guardianships of Adults, Achieving Justice, Autonomy and Safety, Mary Jo Quinn

INTRODUCTION

The Office of Public Guardian (OPG), in the 2015 Annual Report Introduction, reflected on the inherent – paradox - two faces of Guardianship described in the quote above. The 2015 Report Conclusion stated, “It is imperative, as we continue to implement the Office of Public Guardian, to keep in the forefront, and as a core value of the Public Guardian, the necessity to balance the tension inherent in the “two faces” of guardianship. We must continue to maximize the protection and minimize the oppression to the potentially incapacitated persons within the system by absolute commitment: to the rule of law, especially individual civil rights; to the quality of character and professionalism of those who serve in the system; and to the appropriately “right sizing” the intervention and services available. The Office of Public Guardian is dedicated to continuing to implement the Public Guardianship Act in a manner that both protects and serves vulnerable adults in Nebraska.”

Nebraska Revised Statute §30-4111 requires the Office of Public Guardian to report to the Chief Justice and the Legislature on the implementation of the Public Guardianship Act on, or before, January 1 of each year. The report is to include the number and types of guardianships and conservatorships for which the Public Guardian has been appointed, including full guardianships, limited guardianships, and temporary guardianships, the disposition of those appointments, the amount of guardianship and conservatorship fees charged and collected under the act, and the status of the waiting list for public guardianship and public conservatorship services (see page 43).

The 2016 OPG Annual Report provides an opportunity to reflect on how the OPG has fulfilled the above commitment through implementation of the Public Guardianship Act in the first full year of accepting appointments as Public Guardians and Public Conservators.

NEBRASKA'S OFFICE OF PUBLIC GUARDIAN

Nebraska's Office of Public Guardian (OPG) is the 50th of state public guardianship offices in the country and is one of only four public guardianship offices under the judicial branch.¹ The OPG is directly responsible to the Supreme Court Administrator.²

Public Guardian



The Supreme Court Administrator is responsible for appointing a director of the OPG known as the Public Guardian. The Public Guardian shall be an attorney hired based on a broad knowledge of human development, intellectual disabilities, sociology, and psychology and shall have business acuity and experience in public education and volunteer recruitment.³ The Supreme Court Administrator, with the confirmation by Nebraska Supreme Court, appointed Michelle J. Chaffee as Public Guardian in December 2014. Previous to appointment as Public Guardian, Ms. Chaffee was Legal Counsel for the Health and Human Services Committee at the Nebraska Legislature. As Legal Counsel for the Health and Human Services Committee she was involved in multiple issues involving social services including long term care, Medicaid, health care, developmental disabilities, behavioral health, legal processes and procedures and licensure. She worked with a wide array of professionals including state, local and county officials, the judiciary, County attorneys, private attorneys, provider networks, facility administrators, caregivers, social service advocates, as well as the individuals who depend on Nebraska social services to provide care and support- children, juveniles, individuals with disabilities, and the elderly. As Legal Counsel she supported the Health and Human Services Committee and Chairs, Senators Tim Gay and Kathy Campbell, as they designed policies and programs to serve vulnerable citizens of Nebraska.

Prior to the Legislature, Ms. Chaffee spent ten years in higher education administration. In addition to her experiences as Legal Counsel to the Health and Human Services Committee and in higher education administration, Ms. Chaffee practiced law and utilized her law degree in a variety of different state governmental agencies. She served in the Nebraska Legislature as Legislative Aide to Senators Gene Tyson and Mike Avery. During law school she interned for the Nebraska Attorney General's Office, in the Child Protection and Drug Enforcement Division. Additionally, as a Senior Law Clerk, she researched pre-

trial diversion guidelines for the Office of Juvenile Services in the Nebraska Crime Commission. Upon graduation from UNL College of Law, Ms. Chaffee served as an attorney at Legal Aid, focusing on representing the needs of indigent individuals in civil court. As an attorney in private practice, she specialized as a Guardian ad Litem representing the needs of abused and neglected children in Juvenile Court. Prior to attending law school, Ms. Chaffee served for a number of years as a 7-12th grade English and History teacher in Nebraska, Iowa, Missouri and Texas.

Under the Act, the Public Guardian responsibilities include: to assume all duties assigned by the Administrator of the Courts; to fulfill the duties and responsibilities of guardian/conservator for appointed individuals; administer public guardianship/conservatorship⁴; serve as staff to Council⁵; with advice from the Advisory Council on Public Guardianship⁶, recommend rules to the Supreme Court⁷; designate authority to act on her behalf to deputy and associates;⁸ and report to State Court Administrator, Chief Justice and Legislature on the implementation of the Act on or before January 1 each year⁹. A summary of the duties completed in 2016 are included in this report.

ADVISORY COUNCIL

The Office of Public Guardian (OPG) is assisted by an Advisory Council, appointed by the Administrator of the Courts¹⁰, to advise the Public Guardian on the administration of public guardianships and conservatorships.¹¹ Members of the Advisory Council, shall be comprised of individuals from a variety of disciplines who are knowledgeable in guardianship and conservatorship, and be representative of the geographical and cultural diversity of the state and reflect gender fairness¹². As required by the Act, the appointments of initial members of the Advisory Council were made within ninety days after January 1, 2015. Initial appointments were staggered terms of one, two or three years, as determined by the State Court Administrator; subsequent terms shall be for three years. In 2016 two new members were added to the Advisory Council.

The Advisory Council membership for 2016 included:

Corey R. Steel was appointed State Court Administrator on May 2, 2014, to oversee the administrative operations of the statewide court system. The State Court Administrator plans for statewide Judicial Branch needs, develops and promotes statewide administrative practices and procedures, oversees the operation of trial court programs and strategic initiatives, and serves as a liaison with other branches of government.

Representing the County Judge role is **Judge Susan Bazis**, Omaha. Susan Bazis was sworn in to be a Douglas County Court Judge in April of 2007. Prior to becoming a judge, Judge Bazis worked as a lawyer in the Omaha area for 13 years. Throughout her career as a lawyer, Judge Bazis handled criminal, civil, domestic and probate cases. As a judge, Judge Bazis handles criminal, civil, protection orders and probate cases. Judge Bazis currently is co-chair of the Nebraska Supreme Court Commission on Guardianships and Conservatorships.

The four attorney positions are held by Lisa Line, Ann Mangiameli, Michael McCarthy, and Kevin Ruser.

Lisa Line is a partner with Brodkey, Peebles, Belmont and Line in Omaha. Ms. Line's primary areas of practice includes Probate, Estate, and Trust Planning and Administration; and Administrative Law, including Social Security Disability, Medicare and Medicaid. She assists families through estate planning and asset transfer issues; working with families during the probate or trust administration process; acts as a Court appointed Special Administrator, Guardian ad Litem, or Guardian/Conservator in probate, trust or guardianship/conservatorship actions; represents individuals in the legal process to determine entitlement for benefits; works with families of individuals with disabilities through the estate planning process, which includes both third party special needs trusts and self-settled special needs trusts; and advises Bank Trustees in the administration of special needs trusts, approval of expenditures and reporting to various agencies.

Ann C. Mangiameli, JD, is the Managing Attorney of the Health, Education and Law Project at Legal Aid of Nebraska. The Project began in 2009 and includes eight hospitals, two ambulatory clinics and two community health centers. Ms. Mangiameli practices in the areas of Social Security Disability, Medicaid/Medicare and end of life planning. Her focus is on a holistic approach to medical care which improves client health by removing barriers to medical care and preventing poverty. Ms. Mangiameli

serves on the newly formed development council for Creighton University School of Law charged with developing a Health Law Certificate for law and health care students. She also serves on the Nebraska Families Collaborative Advisory Board. Ms. Mangiameli is a 1991 graduate of Creighton University School of Law.

Michael J. McCarthy is a partner in the North Platte law firm of McCarthy and Moore. He earned his undergraduate degree in 1972, and his law degree in 1975, both from the University of Nebraska at Lincoln. Immediately following his graduation he joined his father in the private practice of law in North Platte. Mike practices primarily in the areas of estate planning and probate, real estate, and corporate and business planning. Mike has served on the North Platte Board of Education, and served as the Board's President; the Great Plains Regional Medical Center Board of Directors, where he also served as the Board's Chair; the Board of Directors of the North Platte Area Chamber of Commerce and Development Corporation, where he served as Chairman; the Nebraska Commission on the Unauthorized Practice of Law, where he served as Chairman from 2008 to 2012; and he presently serves as the Chair Elect Designate of the House of Delegates on the Executive Council of the Nebraska State Bar Association.

Kevin Ruser is the Director of Clinical Programs at the College of Law and teaches in the Civil Clinic and the Immigration Clinic. He also co-administers the Litigation Skills Program of Concentrated Study. He is a member of the Nebraska State Bar Association, the American Bar Association, the Clinical Section of the Association of American Law Schools, and the Clinical Legal Educators Association. Mr. Ruser began his role on the Advisory Council for the Office of Public Guardian in January 2016. He is currently a member of the Nebraska Supreme Court Self-Represented Litigants Committee and has been a member of the Robert Van Pelt American Inn of Court. He also serves on the boards of directors of various non-profit corporations.

Patricia Cottingham fills the role as Intellectual and Developmental Disabilities expert on the Council. She has worked in the IDD field for over 20 years and serves on several Human and Legal Rights committees for providers of services to this population. Ms. Cottingham is an adjunct instructor in the Human Services Department at Southeast Community College in Lincoln.

Bruce Cudly represents individuals with developmental disabilities. Mr. Cudly has worked for over 35 years in the Developmental Disability provider system in the State, and is currently the Director of Organizational Supports for Region V Services, providing supports to nearly 1000 individuals in Southeast Nebraska. He has been involved with guardianship issues for many years, meeting with Individual Program Planning teams to address individual needs for guardianship, and areas where responsible members of the community could be recruited to help provide this support for those who have no one interested or qualified. Mr. Cudly is the co-author of the UNL-Extension guardianship training curriculum, a member of the Supreme Court Commission on Guardianships and Conservatorships, and a member of the Human and Legal Rights Committee for the Beatrice State Developmental Center's Bridges program.

Russ Leavitt is among the original 11 members of the Public Guardian Advisory Council selected by the Supreme Court Administrator to assist and support the Public Guardian in the early, arduous process of

implementing the law by creating policies and procedures, and filtering the many logistical issues as the Public Guardian and her staff, worked toward and achieved operational ability. As one of the At-Large members of the Council he will be serving his second appointment. Russ also continues to serve on the Supreme Court Commission on Guardianship and Conservatorship, and serves on three subcommittees (Executive, Public Guardian and Protection of Vulnerable Adults) as part of this commission. Mr. Leavitt is a graduate of Creighton University, BSBA, with a Major in Accounting. He is the Chief Executive Officer of Finance and Technology and Co-owner at General Service Bureau and Early Out Services, Omaha NE.

Julie Masters, PhD, is professor and chair of the department of gerontology at the University of Nebraska Omaha. She also is the Terry Haney Chair of Gerontology. Dr. Masters teaches courses on death and dying on the Omaha and Lincoln campuses. In addition, she oversees the activities of the department on the Omaha, Lincoln and online campuses. In addition to her research on end of life planning, Dr. Masters conducts research on healthy aging, caregiving and aging inmates.

Dennis P. McNeilly, SJ, PsyD, is a clinical geropsychologist and professor of psychiatry in the University of Nebraska Medical School's Department of Psychiatry in Omaha, NE, where he also serves as the Section Chief for Geriatric Psychiatry and the Assistant Dean for Continuing Education. Dr. McNeilly's clinical practice and research interests include problem gambling in older adults, victimization of older adults, and the assessment and treatment of depression and dementia in older adults. Dr. McNeilly is a past President of the National Council on Problem Gambling, and past Chair of the Nebraska State Committee on Problem Gambling. He currently serves on the Nebraska Psychological Association's Ethics Committee, and previously served on the editorial board of Academic Psychiatry. Dr. McNeilly is also a member of the Creighton University Jesuit Community.

Darla Schiefelbein, Clerk Magistrate, Platte County Court represents an At Large Member of the Advisory Council. She graduated from Wayne State College in 1981, with a Bachelor's of Science degree in Human Services Counseling and Sociology. Ms. Schiefelbein began employment with the Nebraska Department of Health and Human Services from 1981-1994 working in several caseload areas: Food Stamps, Aid to Dependent Children, Aid to the Aged, Blind and Disabled and preparing home studies for Adoption and Foster Care. She was appointed as Clerk Magistrate of the Platte County Court in 1994 until the present. Ms. Schiefelbein supervises six staff in the court and is responsible for the court caseload and progression. She also audits Guardian/Conservator cases for Sarpy and Hall Counties. Ms. Schiefelbein was appointed to the Nebraska Supreme Court Commission on Guardianships and Conservatorships in 2012. In 2013 she was selected to be one of three Guardian/Conservator Specialists for the state; serving as a resource for county court staff in Nebraska. The goals of the specialists are to work to insure uniformity among the courts and to improve process and forms used for Guardianships and Conservatorships.

The Advisory Council has been invaluable in assisting the OPG in developing policies and protocols to carry out the intent of the Public Guardianship Act. The statute requires the Council to meet four times a year. This dedicated group has met its statutory requirements through quarterly meetings throughout the year to provide thoughtful, insightful guidance to the OPG. Many members have also made their expertise available on an ongoing basis to the OPG outside of these regularly scheduled meetings. During 2016 the Council received updates on and offered feedback regarding the OPG financial

management of the funds of wards and protected persons, new and ongoing OPG policies and procedures, personnel strategies for newly created and ongoing positions within the OPG, Court Visitor screening and report statistics, court rules, medical ethics, implementation of public guardianship and conservatorship processes, collective account court rules, guardian and conservator education, and communication with court personnel. The 2017 meetings of the Advisory Council are scheduled for March, June, September, and December.

OFFICE OF PUBLIC GUARDIAN MULTI-DISCIPLINARY TEAM

The OPG staff, outlined in statute, includes the Public Guardian as Director of the Office, a Deputy Director and a multidisciplinary staff including Associate Public Guardians, Associate Public Guardian Legal Counsels, a Business Manager, an Education and Outreach Coordinator and two Administrative Assistants.



The **Deputy Public Guardian, Marla Fischer-Lempke**, was hired in January 2015.¹³ Ms. Fischer-Lempke received her Juris Doctor from the University of Nebraska, College of Law in 2004 and was licensed to practice law in Nebraska that same year. Since that time, she has held several positions and years of experience in advocating for and with people with disabilities and their families. Prior to coming to the Office of Public Guardian, Marla served as an Assistant Ombudsman with the Nebraska Office of Public Counsel where she addressed concerns of Nebraskans who experienced individual and systemic difficulties with programs administered by the Nebraska Department of Health and Human Services. Before Marla was with the Office of Public Counsel, she was the Executive Director for The Arc of Nebraska for five years. In this position, she provided support to thirteen local Arc chapters across Nebraska; provided advocacy in written and verbal testimony on proposed legislation within the Nebraska Unicameral in collaboration with other disability organizations; and provided information, ideas on problem solving, and action on statewide issues affecting the lives of people with developmental disabilities. In 2012, Marla joined the Nebraska Supreme Court Commission on Guardianships and Conservatorships. Marla was also the Public Information Attorney with Disability Rights Nebraska for four years, where she gained experience in developing informational materials for people with disabilities, family members, and interested citizens. She also provided several successful trainings on various topics pertinent to the lives of people with disabilities. She is experienced in the areas of individual and systems level advocacy and has successfully collaborated with other organizations and agencies on many occasions.

Linda Kallhoff
*Education and Outreach
Coordinator*



Linda was hired as the Education and Outreach Coordinator in June of 2015. Linda received her Bachelors of Arts Degree in Medical Social Services from Mount Marty College in Yankton South Dakota. Linda served as the Social Services Director for Saint Anthony's Hospital in O'Neill Nebraska, where she developed the hospital's first Social Service Department. She served in a Social Services position with Region IV Office of Developmental Disabilities, where she coordinated agency, medical, and other generic services for individuals using Region IV as their service provider. Linda went on to serve Region IV/NorthStar as an Area Director in their O'Neill, Bloomfield, Fremont, and Columbus area programs for 35 years. She focused her leadership efforts on transitioning from congregate, segregated services to community based services designed around each customer's goals, preferences, and support needs. In addition to area program administration, Linda developed curriculum and taught Person-Centered thinking and practices to all new NorthStar employees throughout the 22 counties of northeast Nebraska. During her career in the Intellectual Disabilities field, she served on boards for the Nebraska Association of Community Professionals (ACP), Nebraska Association of Persons Supporting EmploymentFirst (APSE), and Region IV Developmental Disabilities Council. Linda has presented on Person-Centered issues to statewide conferences through ACP, APSE, Nebraska People First, American Association of Intellectual and Developmental Disabilities, and at transition conferences for students who use Special Education Services through their local school districts.

Peggy Graham
Business Manager



Peggy attended college at the University of Nebraska-Kearney and graduated in 2006 with a BS in Business Administration with an emphasis in finance. She moved to Lincoln in 2008 and worked as an auditor with the Nebraska State Auditor's office from June 2008 to December 2014. She started working for the Supreme Court Finance Office in December 2014 and transitioned to the Business Manager position with the Office of Public Guardian in June 2015.

Kristin Williams
Administrative Assistant



Kristin was hired in January 2015. She received her bachelor's degree in Family Science with minors in Sociology and Psychology from the University of Nebraska – Lincoln. Kristin's experience includes direct support for juvenile sex offenders at DHHS's Whitehall Campus and administrative support in a cancer treatment center. Kristin feels that the diversity of her past positions has helped shape her personal and professional abilities.

Jacey Gale
Administrative Assistant for Intake



Jacey was hired in December 2015. Jacey attended Doane College and graduated with a bachelor's degree in Business Administration with an emphasis in Human Resources. Jacey's work experience includes working at the Lancaster County Court in the Probate Department, specifically with guardianships and conservatorships.

The Associate Public Guardians (APG) and Associate Public Guardian - Legal Counsels (APG-LC) provide direct guardianship and conservatorship services to wards and protected persons. The Public Guardianship Act limits guardianships/conservatorships to an average of twenty incapacitated individuals¹⁴ per multi-disciplinary team member. The APG and APG-LC have vast experience in a wide variety of social services and legal professions, strengthening the knowledge and skills of the Office of Public Guardian (OPG) team. The APG professional backgrounds include service coordination and direct service for individuals with developmental disabilities, counseling for individuals with mental health issues, administration of a specialized care facility for individuals with Alzheimer's, case management provision within Adult Protective Services, and professional educators. The APG-LC, in addition to serving as direct guardians and conservators for wards and protected persons appointed to the Office of Public Guardian, also provide legal representation for the OPG within the scope of the guardianship and conservatorship actions. This may include court actions to transfer cases to appropriate venues, change a guardianship from full to limited, terminate guardianships, or move to a successor guardian.

Sophia Alvarez

*Associate Public Guardian
Senior Legal Counsel*



Sophia grew up in Ft. Worth, Texas where she received a Bachelor of Science in Biology from Texas Woman's University in 1998. Sophia earned a Master of Science in Plant Breeding and Genetics from the University of Nebraska - Lincoln in 2001, and then worked as the Assistant Director for the UNL Upward Bound Math/Science Project. Sophia completed her JD at UNL - College of Law in 2006. During law school, Sophia clerked at Disability Rights Nebraska helping to draft the Law in Brief series and working on a grassroots voting rights campaign for people with disabilities. After graduating from the College of Law, Sophia worked at various private firms and Legal Aid in the areas of family law, juvenile law, criminal law, consumer law, Social Security law, and landlord/tenant law. Sophia's long held passion for public interest law has led her to this position with the Office of Public Guardian.

Brad Brake

Associate Public Guardian



Brad Brake originally grew up on a farm in southwest Minnesota. He attended college at Hamline University in St. Paul, MN where he majored in sociology/religious studies. During his time at Hamline, he worked at an after school program for Karen children. After graduating in 2010, Brad moved to Omaha, Nebraska in order to work on policy and development with the Nebraska Synod, ELCA. After that, he moved to Lincoln to attend law school at UNL. While at UNL, he worked at various nonprofits that included the ACLU and Nebraskans for Civic Reform. He graduated in May 2015 and began his next adventure with the Office of Public Guardian.

Janelle Cantu

Associate Public Guardian



Janelle Cantu graduated with a Bachelor's degree from the University of Nebraska at Omaha in 2001 with a major in Sociology, and holds a certificate from Boston University's Center for Aging and Disability Education and Research. Janelle was hired with the Department of Health and Human Services' Children and Family Services as an Economic Services Worker where she managed caseloads with individuals receiving food stamps, ADC, childcare, Medicaid and other economic services. Janelle was on the pilot team for the development of the new call center for AccessNebraska. She moved on to DHHS' Division of Developmental Disabilities and worked as a services coordinator, and managed a caseload of individuals with intellectual disabilities. She helped to transition individuals from the Beatrice State Developmental Center into the community. She also worked with individuals that were court ordered, by a board of mental health petition (BMHP), into the Division's custody. Janelle acted as a guardian for the individuals under the BMHP. Janelle also worked with Eastern Nebraska Office on Aging as a services coordinator for individuals over 65 years of age.

Jena Davenport

Associate Public Guardian



Jena is a rural Nebraska native who began her career in human services working with aging adults in a memory care setting. She attended Nebraska Wesleyan University in Lincoln and earned her Bachelor's Degree in Social Work and Sociology/Anthropology. Jena went on to attend the University of Nebraska - Omaha and earned her Master's Degree in Social Work. She completed graduate clinical hours providing family therapy at the Munroe Meyer Institute and worked with grandparents raising their grandchildren at Nebraska Children's Home Society. Jena's professional experience includes working with clients experiencing homelessness, substance abuse, mental health diagnoses, and interpersonal violence. She worked in the Intellectual Disability field for 7+ years in multiple roles, most recently as a Developmental Disability Community Coordination Specialist for the Nebraska Department of Health and Human Services. Jena is honored to serve individuals through her role with the Office of Public Guardian.

Chelsea Egenberger

Associate Public Guardian



Chelsea Egenberger is a Lincoln native who obtained her bachelors in Social Work from the University of Nebraska - Omaha in 2009. She moved to Minneapolis where she worked in residential and day center programs for adults who lived with mental illness. During this time she continued her education at the University of Minnesota graduating with her masters in Social Work in 2012. Since then Chelsea has found a passion working in both the Clubhouse and Assertive Community Treatment (ACT) team models. Returning to Nebraska in 2015, Chelsea has sought to be a voice in her community to advocate for awareness and reform. She is excited to bring her commitment to social justice and mental health recovery to her role at the Office of Public Guardian.

Jordan Harvey

Associate Public Guardian



Jordan attended the University of Nebraska at Omaha and received a bachelor's degree in psychology. She graduated with a Master's in Clinical Counseling from Bellevue University. Jordan's previous work experience includes working with uninsured individuals and assisting them with applying for state and federal programs, such as Medicaid and Social Security Disability. During her graduate internship, she provided counseling services for adults, children and families. Jordan has many years of case management experience and working with area agencies on obtaining resources for clients.

Alicia Husted

Associate Public Guardian



Alicia Husted, also known as Ali, grew up in Cortland, NE, a small town south of Lincoln. She attended the University of Nebraska at Kearney and received a bachelor's degree in psychobiology, with minors in health science and criminal justice. The majority of her experience has been within the field of developmental disabilities. Alicia started working in college at an Intermediate Care Facility for persons with Intellectual Disabilities. She then moved to providing community based services residentially and then as a Program Trainer for vocational services. Alicia moved back to the Lincoln area after college, briefly working in assisted living before taking a position with DHHS as a Developmental Disabilities service coordinator. She thoroughly enjoyed working in that position for the next 5 years until taking the position as Associate Public Guardian.

Kylie Joyce

Associate Public Guardian



Kylie Joyce was born and raised in Bassett, Nebraska. She received her Bachelor's degree in Social Work from the University of Nebraska - Kearney and her Master's in Clinical Social Work from the University of Nebraska - Omaha. While attending school in Kearney, she worked as a direct support professional in residential settings with adults and children with developmental disabilities. Her professional experience includes working in rural mental health and substance abuse treatment as an emergency community support worker, as a case manager within a hospital setting providing assessment and therapy in an inpatient psychiatric unit, and for the past 10 years has worked with DHHS as a Developmental Disabilities Service Coordinator. She is excited to join the team at the Office of Public Guardian, to continue her service in the public sector, serving the citizens of Nebraska.

Jim Kozisek

Associate Public Guardian



Jim Kozisek was born and raised in David City, Nebraska. He received his Bachelor's Degree from Concordia University in K-12 Physical Education, with a minor in health and a coaching endorsement. Jim taught and coached in schools in Denver, Council Bluffs, Lincoln, and David City for 7 years. He then worked for Omni Behavioral Health as a School Liaison in Columbus, integrating behavioral needs children back into the classroom. In 2000, Jim took a job with the Department of Health and Human Services as an Adult Protective and Safety Investigator, and case manager for 12 years serving seven counties in east central Nebraska. He then took a job with the Department of Health and Human Services as a Service Coordinator serving individuals with developmental disabilities in the David City and Columbus areas until he began with the Office of Public Guardian. Jim loves working with vulnerable adults in both independent and residential settings - assuring their needs are met and they have the very best life possible. Jim has been on numerous committees throughout the years in east central Nebraska that dealt with program ethics and vulnerable adult policy writing, and he's also conducted numerous trainings on vulnerable adults. Jim looks forward to working with vulnerable adults as the Associate Public Guardian of the Northeast Service Area of Nebraska.

Peng Li

*Associate Public Guardian
Legal Counsel*



In 2013, Peng graduated with a Bachelor's degree from the University of Nebraska - Omaha. He studied political science and French. In the fall of 2013, Peng started law school at the University of Nebraska - College of Law. During law school, Peng participated in the Black Law Student Organization, Innocents Project, Mediation, and Arbitration competitions. He interned at The Mediation Center and completed the mediation training in 2015. He also worked as a Legal Aid for the Nebraska Department of Labor for one year. In August of 2016, Peng passed the Nebraska Bar exam. He is passionate about his new role and serving his clients at the Office of Public Guardian.

JoAnn Maurer

*Associate Public Guardian
Legal Counsel*



Originally from Des Moines, Iowa, JoAnn graduated from the University of Nebraska - Omaha with a Bachelor's degree with a focus on Gerontology and Public Administration, and graduated summa cum laude. JoAnn received her law degree from Creighton University in 2007. JoAnn's interest in serving people with guardianship and conservatorship needs first arose from personal experiences with a family member. JoAnn has experience assisting families to plan for the special needs of their children - including guardianships, special needs trust, transitioning after high school, and accessing public benefits. Throughout her career, JoAnn has demonstrated a commitment to public service. Most summer weekends, JoAnn can be found camping near the Platte River.

Michelle Moore

Associate Public Guardian



Michelle Moore was born and raised in Ogallala, Nebraska. She attended the University of Nebraska at Kearney and received her Bachelor of Arts in Education for Elementary and Early Childhood Education. She went on to teach preschool for several years, which eventually led up to teaching elementary school for 10 years in North Platte, Nebraska. During that time, Michelle worked on her Master's Degree in Curriculum and Instruction from Doane College and received her degree in 2008. Most recently, she's been employed at the Nebraska Department of Health and Human Services, working as a Child and Family Services Specialist in the Kearney, Nebraska office. Michelle was with Child Protective Services for 2 ½ years before moving over to Adult Protective Services for her final six months with the department. Michelle has been with the Office of Public Guardian since June of 2015 and is honored to work with Nebraska's vulnerable adults as an Associate Public Guardian.

Stacy Rotherham

Associate Public Guardian



Stacy Rotherham was born and raised in the Scottsbluff/Gering area. She received her Bachelor of Arts in Kinesiology from the University of Northern Colorado. Stacy has worked in long term care for over 12 years as the Director of Alzheimer’s Care, Certified Dementia Practitioner, and Certified Dementia Care Manager. She has loved being able to work and help those with Alzheimer’s and other Dementias, and looks forward to being able to help other vulnerable adults as the Associate Public Guardian for the Panhandle.

Annette Scarlett

Associate Public Guardian



Annette Scarlett has a degree in Criminal Justice and Special Education. She has been working in the field of Developmental Disabilities since she was 16 years old and has worked at all levels, including the state level as a Services Coordinator for over 9 years. She also has managed a 6-bed nursing facility for those with intellectual disabilities and was a Services Coordinator for the Office on Aging for close to two years. Her latest experience was as an extended family home provider to a 24-year-old male with developmental disabilities. She is guardian and conservator for three others on a private basis, including a family member with developmental disabilities. Annette’s passion is advocating for the rights of others when they are no longer able to do so for themselves.

Danielle Schunk

*Associate Public Guardian
Legal Counsel*



Danielle Schunk, also known as Ellie, grew up in Omaha, Nebraska. She graduated from UNO with a Bachelor’s in Secondary Education and a Bachelor’s in Speech Communication. Danielle taught language arts and coached speech for two years. In the fall of 2011, she moved to Lincoln and started Law School at UNL. Danielle focused mainly on family law while in school, but was also very involved with the Women’s Law Caucus, Nebraska Family Law Organization, and Student Ambassadors. After graduating, Danielle took the Nebraska Bar Exam and began practicing with a small personal injury firm in Omaha. Ultimately she knew she wanted to work in the public sector, which is what brought her to her current position.

Erin Wiesen

Associate Public Guardian



Erin Wiesen is a native Nebraskan who received her Bachelor of Arts in Applied Psychology and Human Services from College of Saint Mary in Omaha, Nebraska. She went on to receive a Master of Human Services from Concordia University in Seward, Nebraska, with a focus on Leadership and Management. Erin has spent her entire professional career engaged in case management and advocacy work; she has extensive experience in areas of developmental disabilities, mental health, substance abuse, homelessness, and employment readiness. Erin is honored to be a part of the Office of Public Guardian, where she can continue to serve vulnerable persons across Nebraska.

DUTIES OF THE OFFICE OF PUBLIC GUARDIAN

The Public Guardianship Act, Neb. Rev. Stat. §§ 30-4101 through 30-4118, outlines the responsibilities and duties of the Office of Public Guardian. The duties of the Public Guardian can be characterized by: responsibility for equitable appointment process (provided by the Court Visitor Program); direct service as public guardians and public conservators; maximizing resources and implementing effective financial and organizational management practices; facilitating model and best practices for services to wards and protected persons; providing education, support and education to all guardians and conservators in the state; and enhancing opportunity for recruitment of successor guardians/conservators in the private sector¹⁵.



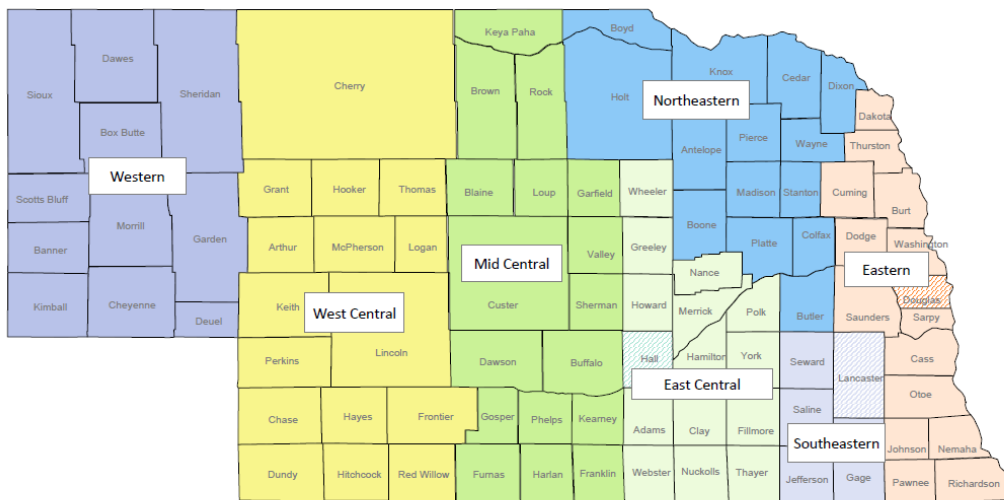
The duties of the Office of Public Guardian include:

- Provide immediate response when guardian/conservator needed in emergency situation- Neb. Rev. Stat. § 30-4105(1)
- Provide an option upon resignation, removal, or discharge of guardian/conservator so no lapse in service- Neb. Rev. Stat. § 30-4105(2)
- Provide equal access and protection for all individuals in need of guardianship or conservatorship services- Neb. Rev. Stat. § 30-4105(3)

- Provide public education to increase awareness of duties of guardians/conservators- Neb. Rev. Stat. § 30-4105(4)
- Encourage more people to serve as private guardians/conservators- Neb. Rev. Stat. § 30-4105(4)
- Recruit members of public and family to serve as guardians or conservators- Neb. Rev. Stat. § 30-4105(5)
- Provide adequate training and support to enhance [guardian/conservator] success- Neb. Rev. Stat. § 30-4105(5)
- Act as resource to guardians/conservators for education, information, and support- Neb. Rev. Stat. § 30-4105(6)
- Safeguard the rights of individuals by supporting least restrictive manner possible and full guardianship only as last resort- Neb. Rev. Stat. § 30-4105(7)
- Model the highest standard of practice for guardians/conservators to improve performance of all guardians/conservators in state- Neb. Rev. Stat. § 30-4105(8)
- Develop a uniform system of reporting and collecting statistical data- regarding guardianship/conservatorship- Neb. Rev. Stat. § 30-4109(1)
- Develop and adopt standard of practice and code of ethics for public guardianship/conservatorship services- Neb. Rev. Stat. § 30-4109(2)
- Prepare a biennial budget for the implementation of the act- Neb. Rev. Stat. § 30-4109(3)
- Develop guidelines for sliding scale of fees for public guardians/conservators- Neb. Rev. Stat. § 30-4109(4)
- Maintain a curricula for training of private and successor guardians/conservators- Neb. Rev. Stat. § 30-4109(5)
- Maintain training programs statewide to offer training curricula for interested parties- Neb. Rev. Stat. § 30-4109(6)
- Guardian and conservator understand disabilities and fiduciary needs of ward/protected person- Neb. Rev. Stat. § 30-4109(6)(a)
- Helping a guardian encourage independence by ward as appropriate- Neb. Rev. Stat. § 30-4109(6)(b)
- Helping a guardian with plans/reports and conservator with accounting/reports- Neb. Rev. Stat. § 30-4109(6)(c)
- Advise a guardian/conservator on ways to secure rights, benefits, and services entitled by ward/protected person- Neb. Rev. Stat. § 30-4109(6)(d)
- Promote public awareness of need and responsibilities of guardianship/conservatorship- Neb. Rev. Stat. § 30-4109(7)
- Apply for and receive funds from public and private sources for purpose of act- Neb. Rev. Stat. § 30-4109(8)
- Once appointed, the office shall make reasonable effort to locate a successor guardian/conservator- Neb. Rev. Stat. § 30-4114(1)
- Provide appropriate and high-quality care and support including timely decision-making
- Serve wards through a multidisciplinary team through ward caseload distribution taking into consideration issues of complexity of case, geographic location, availability of auxiliary support and voluntary services, professional expertise, etc.

- May accept an appointment as guardian/conservator not to exceed average of twenty individuals per each member of the multidisciplinary team- Neb. Rev. Stat. § 30-4115 (2)
- Upon reaching the maximum the Public Guardian shall not accept appointments and ...Shall notify the State Court Administrator that the maximum has been reached- Neb. Rev. Stat. § 30-4115(3)
- Has all powers and duties of guardian in sections 30-2626 and 30-2628; and all powers and duties of a conservator in section 30-2646, 30-2647, 30-2653 through 30-2657- Neb. Rev. Stat. § 30-4116(1)(a)
- If proposed that a ward/protected person be placed outside of their home, the Public Guardian will visit the facility- Neb. Rev. Stat. § 30-4116(2)(c)
- The Public Guardian shall monitor the ward/protected person and his or her care on a continuing basis- Neb. Rev. Stat. § 30-4116(2)(c)
- Maintain personal contact with ward/protected person- Neb. Rev. Stat. § 30-4116(2)(c)
- Public Guardian shall maintain a written record of each visit- Neb. Rev. Stat. § 30-4116(2)(c)
- Public Guardian shall maintain periodic contact with all individuals, agencies, public or private, providing care or related service to the ward or protected person- Neb. Rev. Stat. § 30-4116(2)(c)

OFFICE OF PUBLIC GUARDIAN NEBRASKA SERVICE AREAS



The counties of Hall, Lancaster and Douglas are shared between multiple Associate Public Guardians as a part of their Service Areas.
Updated 11/22/2016

Panhandle: Scottsbluff/Gering - Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scottsbluff, Sheridan, Sioux;

West Central: North Platte - Arthur, Chase, Cherry, Dundy, Frontier, Grant, Hayes, Hitchcock, Hooker, Keith, Lincoln, Logan, McPherson, Perkins, Red Willow, Thomas;

Mid Central: Kearney - Blain, Buffalo, Brown, Custer, Dawson, Franklin, Furnas, Garfield, Gosper, Hall*, Harlan, Keya Paha, Kearney, Loup, Phelps, Rock Sherman, Valley;

East Central: Grand Island/Hastings - Adams, Clay, Fillmore, Greely, Hall, Hamilton, Howard, Nance, Merrick, Nuckolls, Polk, Thayer, Webster, Wheeler, York;

Northeastern: Norfolk - Antelope, Boone, Boyd, Butler, Cedar, Colfax, Dixon, Holt, Knox, Madison, Pierce, Platte, Stanton, Wayne;

Southeastern: Lincoln - Gage, Jefferson, Lancaster*, Saline, Seward;

Eastern : Omaha, South Sioux City, Falls City - Burt, Cass, Cuming, Dakota, Dodge, Douglas*, Johnson, Nemaha, Otoe, Pawnee, Richardson, Sarpy, Saunders, Thurston, Washington.

**Shared counties within Service Areas by multiple Associate Public Guardians*

Offices

There are currently two office locations for the Office of Public Guardian (OPG). One office is in west Omaha and houses four Associate Public Guardians (APGs) and three Associate Public Guardian – Legal Counsels (APG-LCs) that serve the Eastern area of the state. Three APGs and one APG-LC share Lancaster County and the four surrounding counties. They are located in the OPG main office in the State Capitol in Lincoln. All other APGs work from home offices located in their Service Areas.

PUBLIC GUARDIANSHIP AND PUBLIC CONSERVATORSHIP NOMINATION AND APPOINTMENT

Office of Public Guardian Court Rules

The Office of Public Guardian, in consultation with its Advisory Council, and in conjunction with the Forms, Court Rules and Statutes Subcommittee of the Commission on Guardianships and Conservatorships, worked together to develop and submit proposed amendments to the Uniform County Court Rules of Practice and Procedure and two new rules in accordance with Neb. Rev. Stat. § 30-4110 (2014).

In creating the Office of Public Guardian, it became apparent that the Office of Public Guardian may need to follow a somewhat different process from that of the current appointment process of private guardians and conservators. As such, rules were developed to ensure the intent of the legislature was kept intact in both the creation and implementation of the Office. The development of the rules was in keeping with the following intent language:

The Legislature intends that establishment of the Office of Public Guardian will provide services for individuals when no private guardian or private conservator is available. The Legislature also finds that alternatives to full guardianship and less intrusive means of intervention should always be explored, including, but not limited to, limited guardianship, temporary guardianship, conservatorship, or the appointment of a payee. It is the intent of the Legislature to provide a public guardian or public conservator only to those individuals whose needs cannot be met through less intrusive means of intervention.¹⁶

Nebraska Supreme Court Rules were amended to address this intent under §§ 6-1441 and 6-1443 and specific to Office of Public Guardian implementation were created under §§ 6-144.01 and 6-1443.02.

Interested Person and Due Process

These rules followed statutory guidance and ensured that the Public Guardian is considered an interested person.¹⁷ Additionally, the court rules were written to safeguard due process for potential wards and protected persons for whom the Office of Public Guardian may be nominated. In addition to statutory guidance, the Office of Public Guardian also looked to National Probate Code Standards to ensure a proper evidentiary hearing brings forth the required clear and convincing evidence to demonstrate that guardianship is needed and, when the Public Guardian is nominated, to ensure “necessity.”¹⁸

The Office of Public Guardian looked to existing Nebraska Court Visitor and Guardian ad Litem statutes to shape its role in following due process and in the statutory requirement that the Office of Public Guardian is serving when a person’s “needs cannot be met through less intrusive means of intervention.”¹⁹

Rule Addition: Financial Accountability: Organizational Collective Account

In recognition that the Office of Public Guardian “shall model the highest standard of practice for guardians and conservators to improve the performance of all guardians and conservators in the state,”

it became apparent that the Office of Public Guardian needed to take steps to amend the court rules to allow for the creation and utilization of an organizational collective account.²⁰

It is the opinion of the Office of Public Guardian that, due to the multiple wards and protected persons the Office of Public Guardian will be serving, and the oversight required of those multiple individuals, an organizational collective account is preferred to multiple, separate, individual ward/protected persons' accounts. An organizational collective account provides the highest security under current electronic banking practices for wards and protected persons; protecting against wards and protected persons from accessing funds through "on-line banking" features available to individual bank accounts. Additionally, the organizational collective account allows the Office of Public Guardian to centralize wards' and protected persons' financial processes so that Associate Public Guardians, who provide the direct personal care and decision making for wards and protected persons, have no access to any of the wards/protected persons' funds. Finally, the organizational collective account centralization provides for the segregation of financial duties and processes requiring different individuals to complete different actions so no one Office of Public Guardian staff member has access to wards' and protected persons' funds.

The use of an organizational collective account by the Office of Public Guardian required the amendment to existing rules and the adoption of new rules because financial processes and documentation is different than the process and documentation utilized by individual bank accounts, of which the then current rules addressed. The amended and new rules provide the framework for financial oversight by the court, including annual reports and financial documentation, of each individual ward's and protected person's funds, utilizing the organizational collective account, the Office of Public Guardian financial management system (EMS) software, and the centralized Office of Public Guardian financial process. The amendment and new rules require the system to track each individual ward or protected person's funds; and the Office of Public Guardian process requires monthly reconciliation between the ward and protected person's individual budget and the actual expenditures and receipts. Finally, the amendment and new rules require annual oversight of the Office of Public Guardian organizational collective account by the State Court Administrator, with assistance of the Advisory Council, allowing an audit to be conducted at any time; and mandating an independent audit every three years.²¹

Forms

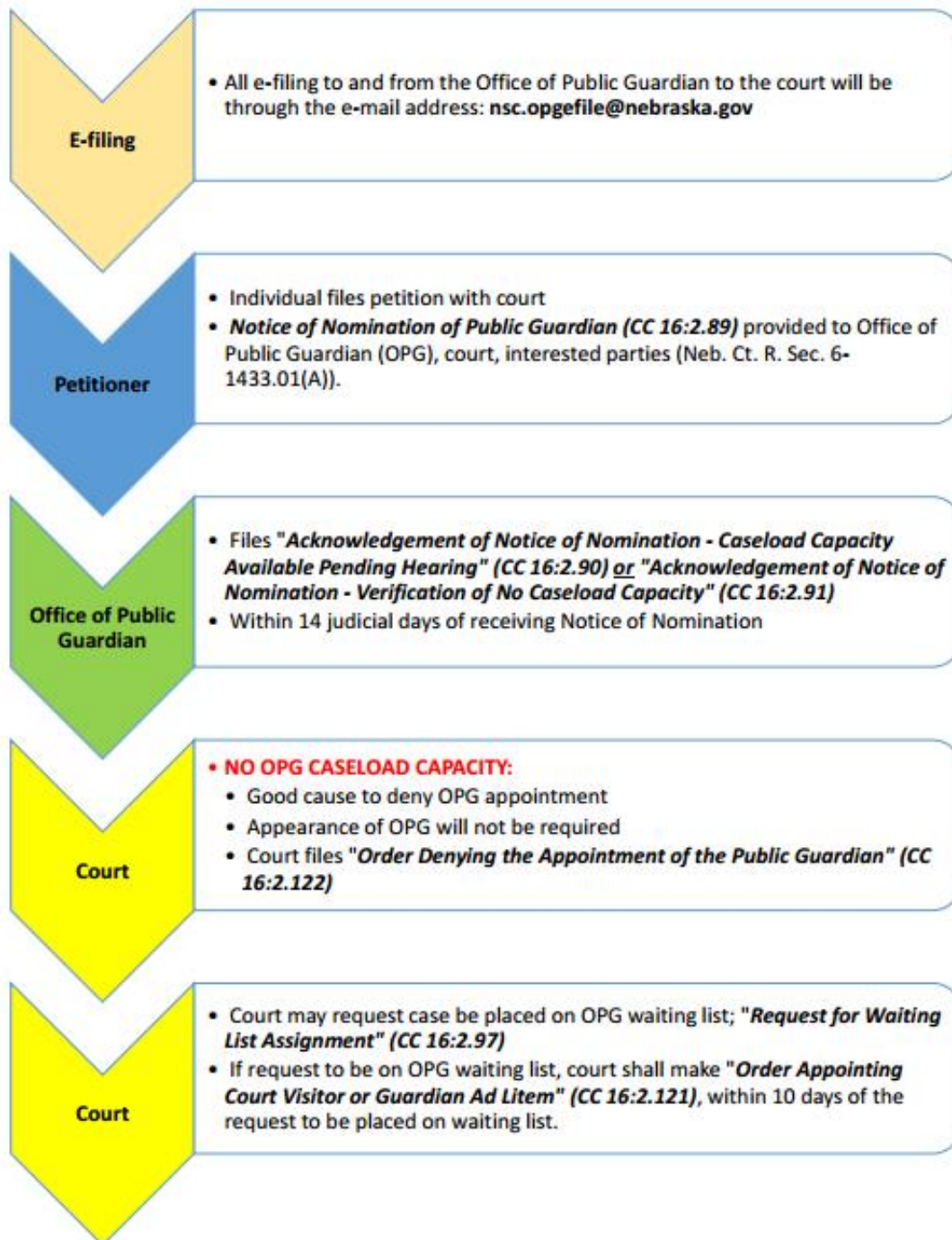
The Public Guardian; Trial Court Services of the Administrative Office of the Courts, especially the Forms Coordinator, Christina Werner; Forms, Court Rules, and Statutes Subcommittee of the Commission on Guardianships and Conservatorships; and the Guardianship and Conservatorship Specialists worked together to develop and provide the Court Forms required to process the nomination and appointment process of the Public Guardian. A court form for Court Visitor/GAL Reports when the Office of Public Guardian (OPG) is appointed was developed by the Administrative Office of the Courts, as required by the rules, in accordance with statutory requirements for Court Visitor evaluations, the potential areas of decision making potentially granted in guardianship and the criteria required to appoint the OPG.

Intake Process-Flowchart

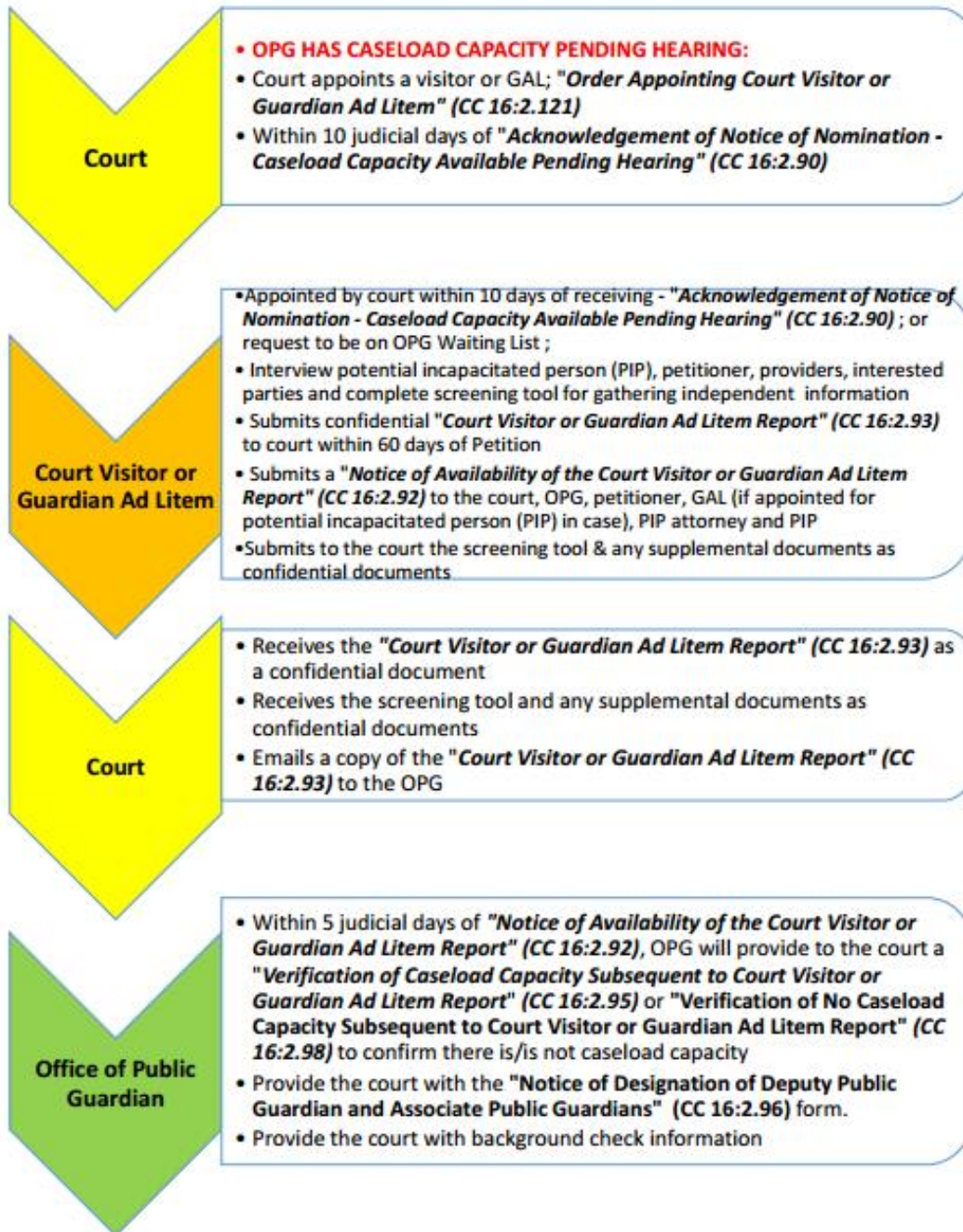
The flowchart below offers a visual format to the Public Guardian nomination process. This flowchart was widely distributed to all clerk magistrates and county judges to assist in understanding the nomination, appointment, and acceptance process for cases in which the Public Guardian is nominated.

Flowcharts for both non-emergency (CC 16:2.221) and emergency (CC 16:2.222) cases were developed. Both flowcharts are accessible in electronic format as forms on the Supreme Court website.

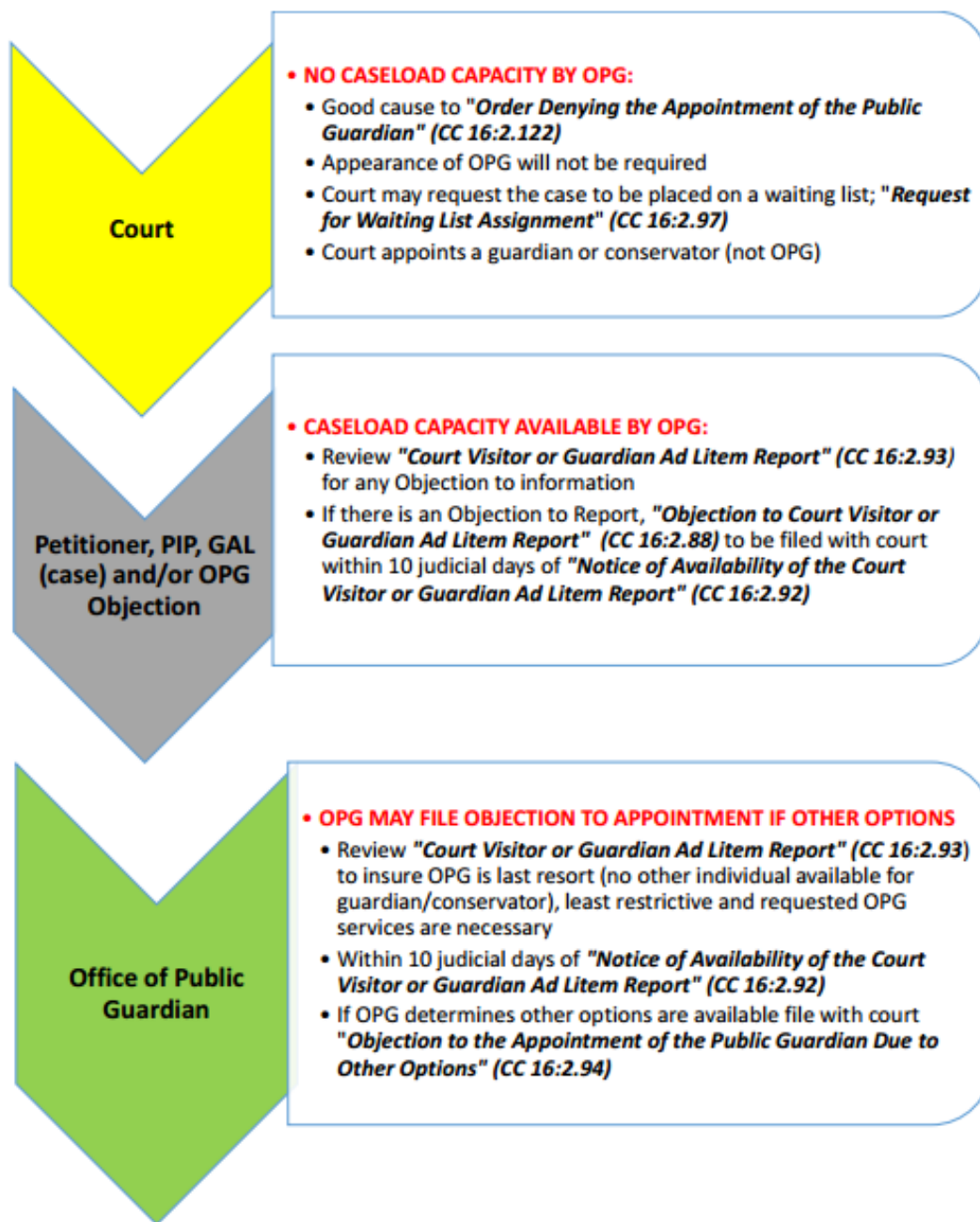
Nebraska Public Guardian Nomination Process



Nebraska Public Guardian Nomination Process



Nebraska Public Guardian Nomination Process



Nebraska Public Guardian Nomination Process



• HEARING

- Scheduled between 70-90 days after petition;
- Court to review:
 - If petition is for initial PIP capacity, court will make determination of need for g/c;
 - If petition is for a successor g/c, court shall determine appropriateness of g/c;
- Court to determine whether Public Guardian is appropriate:
 - If OPG has no caseload capacity, good cause exists for the denial of OPG appointment; and the appearance of OPG shall no longer be required.
 - If OPG has no caseload capacity, the court may request for PIP to be placed on waiting list;
 - If OPG has caseload capacity (or OPG has no caseload capacity but court request to be placed on waiting list is pending) and OPG Objects to Appointment due to Other Options Available, court is to determine if other options are available and if good cause exists to deny OPG appointment;
 - If OPG has caseload capacity and OPG does not Object to Appointment (or court determines, despite Objection to the Appointment, that the appointment meets statutory and court rule requirements), the court may appoint the Public Guardian as a guardian or conservator. In addition to the statutory requirements, the order of appointment shall provide:
 - 1) Proper notice has been given to the OPG;
 - 2) The petitioner has acted in good faith and due diligence to identify a guardian or conservator who would serve in the best interest of the alleged incapacitated person;
 - 3) The appointment of the Public Guardian is necessary and does not exceed the caseload limitations as set forth by statute;
 - 4) The visitor or guardian ad litem report has provided supporting evidence that no person is available for appointment as guardian or conservator, all options available to support the individual in the least restrictive manner possible has been explored, and guardianship is a last resort; **and**
 - 5) There is no other alternative than to appoint the Office of Public Guardian.

COURT VISITORS

“Court visitors serve as the eyes and ears of probate courts, making an independent assessment of the need for guardianship/conservatorship.” National Probate Standards Commentary 3.3.4 Court Visitor

Nebraska statutes allow the use of Court Visitors and/or Guardians ad Litem when appointing guardians and/or conservators for potential protected persons/wards.²² Utilization of a Court Visitor or Guardian ad Litem as an independent screener, when the Office of Public Guardian is nominated, complies with the Public Guardianship Act requirement that the guardianship/conservatorship is necessary, the extent of the powers of the guardian/conservator are necessary, and there is no one else to serve for the potential ward in this capacity but the Office of Public Guardian.²³ Specifically, Court Visitors and Guardians ad Litem acquire information that assists the court in determining necessity of the guardianship of conservatorship and, if necessary, the appropriate level of guardianship/conservatorship (limited vs. full). Court Visitors and Guardians ad Litem may also identify for the court less restrictive alternatives to guardianship or conservatorship are more appropriate. Accessing this information at the forefront of a case will tailor a proper level of service to the person and will ensure greater efficiency within the Office of Public Guardian itself. Accordingly, in order to comply with the requirements of the Public Guardianship Act, court rules require the appointment of a Court Visitor or a Guardian ad Litem whenever the Office of Public Guardian is nominated for appointment. Throughout the last year, the Office of Public Guardian has implemented a program for recruiting, screening, and training of volunteer Court Visitors and assisted in the education of appointed Guardians ad Litem to assist the Office of Public Guardian in complying with the Public Guardianship Act. Specifically these efforts have helped to ensure that the appointment of the Public Guardian will only occur when “least restrictive”, as a “last resort” and as a “necessary service”.

Court Visitor Education

The Office of Public Guardian (OPG) orients new Court Visitors in the use of the Court Visitor screening tool (CC 16:2-93S) and the Court Visitor or Guardian Ad Litem Report form (CC 16:2-93). Additionally, prior to serving as a volunteer Court Visitor, each volunteer completes a series of education events. The first is a set of 12 online modules with test-out quizzes covering:

MODULE	TOPIC
#1	Introduction to Guardianship
#2	Guardianship Authority
#3	Surrogate Decision Making
#4	Conditions of Potentially Incapacitated Persons, or Wards
#5	Living Arrangements of Potentially Incapacitated Persons
#6	Common Problems
#7	Abuse, Neglect, Self-Neglect, Sexual and Financial Exploitation
#8	The Interview – Inquire and Observe
#9	Effective Communication
#10	Community Resources
#11	Directory of Legal and Medical Terms
#12	Court Visitor Screening Tool

In addition to the 12 modules, each Court Visitor recruit also completes approximately 6 hours of classroom education covering the Court Visitor Process:

MODULE	TOPIC
#1	Court Visitor Appointment
#2	Preparation for Interviews and Information Gathering
#3	Guidelines for Setting up and Conducting Interviews
#4	Purpose of the Visitor Screen (CC 16:2-93S)
#5	Overview of the Visitor Screen and General Instructions for Completing each Section
#6	Identify Information required in each of the 15 sections of the Visitor Screen: <ul style="list-style-type: none"> • Mental Status/Cognitive Functioning • Consistency of Choices with Values, Patterns and Preferences • Selecting Place of Abode • Arranging for Medical Care • Protecting Personal Effects and Risk of Harm • Giving Necessary Consents, Approvals or Releases • Appropriate Habilitation Services and Arranging for Training, Education • Applying for Private or Public Benefits • Instituting Proceedings • Entering into Contractual Agreements • Receiving Money and Tangible Property • Applying Money and Property to Expenses • Recommendations as to Other Appropriate Candidates/Info on Less Restrictive Supports • Anticipated Duration of Guardianship/Conservatorship; Info on Appropriate Limitations; Means to Enhance Capacity • Legal Rights
#7	Alternatives: <ul style="list-style-type: none"> • Advance Directives • Representative/ Protective Payee, Veteran’s Admin Fiduciary • Powers of Attorney • Conservatorship • Limited Guardianship • Supported Decision Making
#8	Conflict of Interest
#9	Conversion of CC 16:2-93S information to CC 16:2-93 document
#10	Filing the Report with the Court
#11	Notice of Availability of the Court Visitor or GAL form (CC 16:2-92)
#12	Permission to Withdraw from a Case once Appointed by the Court
#13	Recordkeeping and Recording of Time Spent per Case

Court Visitor Education - Guardians ad Litem/Attorneys

The Office of Public Guardian (OPG) continues to collaborate with Nebraska Bar Association and Judicial Branch Education to offer Continuing Legal Education (CLE) credits for attorneys who complete both the online and live Court Visitor Education offered by the OPG. Attorneys who agree to serve as a volunteer Court Visitor on a court case where the OPG has been nominated for appointment, have received 11 CLE credits for a \$25 processing fee. Attorneys who chose to charge courts for this service, were assessed \$175.00.

- Ten (10) private attorneys have completed the training and are available to serve as Court Visitors.
- Fifty (50) attorneys have been named as Guardians Ad Litem to cases where the OPG has been nominated to serve as guardian/conservator. The OPG has provided each of these GALs with a PowerPoint tutorial covering the topics outlined above from the 6 hour live training segment of the Court Visitor Education curriculum. The forms necessary to complete the Court Visitor process are also provided. (CC 16:2-93S, CC 16:2-93, CC 16:2-92)

Screening Tool and Court Visitor Report Forms

The screening tool and volunteer Court Visitor forms provide information for judges to consider in ascertaining what expertise might be needed to determine a person's capacity. The categories of capacity that may be at issue include: medical condition, cognition, everyday functioning, values and preferences, risk and level of supervision, and means to enhance capacity.²⁴

Without outside information to advise the court, it would be difficult to precisely pinpoint what level of intervention may be needed and whether the appointment of the Office of Public Guardian (OPG) is necessary, or if necessary, to what extent. In addition to assisting in providing information regarding capacity, Court Visitor screening information also assists to "identify the [proposed ward's/proposed protected person's] wants, needs, and values".²⁵ The Court Visitor Screening Tool utilized by Voluntary Court Visitors who are trained by the OPG, uses the statutory language for topics of decision-making that appear on the Letters of Guardianship and Conservatorship.²⁶ This ensures that the screening tool provides information specific to the types of decisions a potentially incapacitated person may require assistance by statute. Mirroring the language used in the statute and Letters is meant to assist the court in determining exactly what level of support is needed, who the best person to provide the support is, and the appropriate duration for the support.

The **Visitor or Guardian ad Litem Report when the Public Guardian is Nominated to be Appointed form** was developed, with the assistance of the Advisory Council, in compliance with:

Neb. Ct. R. § 6-1433.01 (E) "The visitor or guardian ad litem report shall comply with Neb. Rev. Stat. § 30-2619.03, and to assist the Office of Public Guardian fulfill its duties mandated by the Public Guardianship Act, the report will include a standard form approved by the State Court Administrator's Office to include information required by Neb. Rev. Stat. § 30-2619.01" and Neb. Ct. R. § 6-1433.02 (H). "An appointed visitor and/or guardian ad litem is to conduct an evaluation of the allegations of incapacity and whether there is an appropriate private guardian and/or private conservator to serve in the case. The visitor or guardian ad litem shall provide a written report to the court, on a form approved by the State Court Administrator's Office, and allow for the filing of responses to the report" in accordance with Neb. Rev. Stat. §§ 30-2619 through 30-2619.04.

Volunteer Court Visitor Data

The Office of Public Guardian (OPG) has recruited and trained 23 individuals who currently offer their service to courts. Neb. Rev. Stat. § 30-2624 states, “The court shall maintain a current list of persons trained in or having demonstrated expertise in the areas of mental health, intellectual disability, drug abuse, alcoholism, gerontology, nursing and social work for the purpose of appointing a suitable visitor.” Upon completing the Court Visitor education process, new Court Visitors have indicated the courts throughout the state where they are willing to serve. This list and contact information has been made available to Clerk Magistrates across the state. The chart below identifies where each Court Visitor is located, and which counties they are willing to serve. Their field of expertise is also identified.

CV willing to serve	CV Located	Online Module Completed	Classroom Education Date(s)	CV Background in:
Sarpy	Bellevue	2016/01/04	2016/01/05 and 2016/01/12	Law, Nursing, Developmental Disabilities
Adams, Clay, Nuckolls	Hastings	2015/10/04	2015/10/14	Nursing, Mental Health, Gerontology, Intellectual Disabilities, Developmental Disabilities
Adams, Hall, Clay, Webster	Hastings	2015/10/06	2015/10/07	Gerontology
Red Willow, Hitchcock, Dundy, Chase, Hayes, Frontier, Keith, Perkins, Lincoln, Logan, McPherson, Arthur, Thomas, Hooker, Grant, Cherry, Garden, Deuel, Morrill, Cheyenne, Kimball, Franklin, Kearney	Hayes Center	2015/10/28	2015/11/10	Alcoholism
Harlan, Furnas, Franklin, Phelps, Kearney, Buffalo	Huntley	2015/11/04	2015/10/21	Intellectual Disabilities, Developmental Disabilities
Cherry, Holt, Boyd, Keya Paha, Brown, Rock, Blaine, Loup, Garfield, Custer, Valley, Sherman, Dawson, Buffalo, Gosper, Phelps, Kearney, Furnas, Harlan, Franklin	Kearney	2016/7/1	2016/7/12	Social Work, Intellectual Disability, Developmental Disability
Buffalo	Kearney	2016/05/05	2016/05/05	Law
Lancaster	Lincoln	2015/09/17	2015/09/18	Law, Gerontology

Lancaster	Lincoln	2016/09/18	2016/09/19 and 2016/09/27	Nursing
Madison, Stanton, Platte, Pierce, Wayne	Norfolk	2015/09/12	2015/09/16	Social Work, Mental Health, Drug Abuse, Alcoholism
Douglas, Sarpy, Washington	Omaha	2015/11/06	2015/12/01 and 2015/12/08	Social Work, Mental Health, Gerontology
Douglas, Sarpy	Omaha	2016/03/20	2016/03/23 and 2016/03/30	Law
Douglas	Omaha	2016/04/21	2016/04/21 and 2016/04/27	Gerontology
Douglas	Omaha	2015/10/28	2015/10/29 and 2015/11/03	Law
Douglas	Omaha	2015/11/03	2015/10/29 and 2015/11/03	Law
Douglas, Sarpy	Omaha	2016/04/01	2016/04/21 and 2016/04/27	Law
Douglas, Sarpy	Omaha	2016/07/19	2016/04/21 and 2016/04/27	Law
Douglas, Sarpy, Washington, Cass, Saunders, Dodge	Omaha	2016/01/11	2015/12/01 and 2015/12/08	Law, Gerontology, Intellectual Disabilities, Developmental Disabilities
Douglas	Omaha	2016/04/24	2016/05/10 and 2016/05/17	Social Work, Mental Health, Gerontology, Intellectual Disability, Developmental Disabilities
Douglas, Sarpy	Omaha	2015/09/17	2015/10/02	Social Work, Mental Health, Gerontology, Developmental Disabilities, Drug Abuse, Alcoholism
Sarpy, Cass, Otto, Douglas, Nemaha	Papillion	2016/03/29	2016/03/23 and 2016/03/30	Law
Johnson, Nemaha, Richardson, Pawnee, Gage, Otoe	Tecumseh	2016/06/01	2016/06/30, 2016/06/21	Law
Adams, Hall	Wood River Juniata	2015/10/05	2015/10/07	Social Work, Mental Health, Drug Abuse, Alcoholism

ASSOCIATE PUBLIC GUARDIAN-LEGAL COUNSEL

The addition of Associate Public Guardian-Legal Counsels are a result of the passage of LB 934 (2016) introduced by Senator Colby Coash. Associate Public Guardian-Legal Counsels serve as both Associate Public Guardian and provide legal assistance for issues arising within the Office of Public Guardian (OPG) guardianships. This includes providing legal advice to inform OPG Associate Public Guardians' decision making and court actions that benefit OPG wards and protected persons, including motions to terminate and limit guardianships.

The Public Guardian, Deputy Public Guardian and Associate Public Guardian-Legal Counsels will act in compliance with Neb. Rev. § 30-4104 "(3) An associate public guardian legal counsel shall be an attorney licensed to practice law in Nebraska. The deputy public guardian shall be an attorney licensed to practice law in Nebraska unless the State Court Administrator directs otherwise" and "(4) Legal representation provided by the Public Guardian, deputy public guardian, and associate public guardian legal counsel shall be limited to representing the Public Guardian and his or her designees in the roles and responsibilities of a court-appointed guardian or conservator in accordance with the Public Guardianship Act."

Legal Action Data (April 2016 – November 2016)

Associate Public Guardian-Legal Counsel and the Deputy Public Guardian attended 43 court hearings regarding actions involving ward and protected persons under Public Guardianship Act.

Type of Motions drafted or responded to:

- Motion for GAL or Attorney Fees (to be paid by the County or the ward or unclear in the Motion)
- Motion to Continue
- Motion for Psychological Evaluation
- Motion to Proceed IFP
- Request by alleged incapacitated person to Appoint Counsel
- Motion to Make More Definite and Certain
- Motion to Dispose or Sell Automobile (Mobile Home)
- Motion to Withdraw as Counsel
- Motion to Withdraw as Guardian ad Litem
- Motion to Dismiss
- Motion to Attend Hearing by Phone
- Motion to Terminate Guardianship/Conservatorship

Types of legal advice to Associate Public Guardians:

- Complaint procedure against hospitals and facilities
- How to respond to attorneys, Judges, Court Visitors
- Case specific discussion for drafting Associate Public Guardian (and other advocates) affidavits
- General information as to court procedures and legal terminology
- Review and discussion of contracts on behalf of the wards
- Case specific discussion for drafting of demand letters on behalf of the wards
- Case specific discussion to determine when in need of outside legal counsel and to make a request to Director of the Office of Public Guardian

- Case specific discussion to determine if it is necessary to obtain a protection order on behalf of the wards
- Case specific discussion for steps to take leading to dismissal or objection to Office of Public Guardian appointment (and Court Visitor Report)

ANNUAL REPORT DATA

The Public Guardianship Act requires the Office of Public Guardian (OPG) to “Report to State Court Administrator, Chief Justice and Legislature on the implementation of the Act on or before January 1 each year.”²⁷

The following information is current as of November 30, 2016. (*The statute states “appointed”, the data includes nominations and appointments currently being served in the OPG Pilot program that began November 9, 2015.)

Number and types of guardianships/conservatorship OPG has been appointed*

Full guardianships-77 non-emergency nominations

Full conservatorship-1 non-emergency nomination

Full guardianship/conservatorship-23 non-emergency nominations

Limited guardianship-2

Limited conservatorship-0

Limited guardianship/conservatorship-0

Temporary guardianship/conservatorship-56 appointments via emergency nomination (40 guardian and 16 guardian/conservator)

Disposition of appointments

Nominated-192

Appointed-72 current non-emergency guardian and/or conservatorships, 56 emergency guardian and/or conservatorships

Termination of Wards/Protected Person’s Guardianship/Conservatorship-24

Termination of OPG- Successor Guardian/Conservator appointed-0

Transferred Cases

22 cases have been successfully transferred to the county in which the protected person resides, 1 transfer case is currently pending.

Fees

Charged-\$0

Collected- \$0

(Qualifying fees under the OPG Sliding Scale policy will be requested during ward Annual Reports- no Annual Reports have yet been filed.)

Status of waiting list for services

Waiting list- 0

Current General Conditions of Wards/Protected Persons

As of November 30, 2016, there were 125 open cases in the Office of Public Guardian (OPG). Of those, 114 were permanent/ongoing appointments and 11 were temporary appointments. Twenty-nine cases were in a “pending” status, meaning there had been a non-emergency nomination for the OPG to serve an individual, but the OPG had not yet been appointed by the court to serve the person. There were also 35 cases closed and eight cases in which the ward or protected person had passed away. Over the past

year, the OPG has served four individuals whose primary language was not English. Two individuals speak Spanish, one person speaks Arabic and one person speaks Vietnamese. This has required the use of interpreters to ensure the OPG is meeting the needs of these individuals.

The following chart depicts a snapshot of data as of November 30, 2016. Specifically, this data tracks general conditions of people served by the OPG without specifying diagnoses as well as any involvement with the criminal justice system or commitment by the Mental Health Board. In cases in which the OPG has been nominated but not yet appointed (non-emergency) there may be limited information available, thus the “unknown” category is utilized in those instances.

Because a ward or protected person may experience more than one type of category or condition, one will note that the totals under categories and conditions do not add up to the total number of wards/protected persons served within each quarter. Instead, all categories and conditions which a ward/protected person experiences are indicated.

Categories of Experiences/Conditions	Number of individuals with this condition as of November 30, 2016*		
	*includes both open and pending cases (158 total)		
	Non-Emergency* *includes both open and pending cases (147 total)	Emergency* *includes only open temporary cases (11 total)	Total
Cognitive Impairment	84	9	93
Mental Health Diagnosis	97	8	105
Developmental Disabilities	33	0	33
Substance/Alcohol Abuse	27	6	33
Medical Condition	48	7	55
Unknown	14	0	14
History of Criminal Involvement	25	4	29
History of Mental Health Board Commitment	15	1	16
Totals	343	35	378

Non-Emergency and Emergency Nominations by County

The information below lists data gathered for both non-emergency and emergency Office of Public Guardian (OPG) nomination cases. The cases are for nominations received from November 16, 2015 through November 30, 2016.

Non-Emergency Cases

The Office of Public Guardian (OPG) has been nominated for a total of 114 non-emergency cases so far. As of November 30, 2016, 72 non-emergency appointments have been made to the OPG and 29 non-emergency cases are pending appointment. Thirteen non-emergency cases have been dismissed. Two cases were able to be immediately accepted until they were transferred. One case was not able to be accepted at all because the person for whom the OPG was nominated resided outside of Nebraska’s borders.

The following table represents the 101 non-emergency appointments and pending appointments by county. The status of the type of nomination (full vs. limited, guardianship, conservatorship, or both guardianship and conservatorship).

County	Full	Limited	Guardianship	Conservatorship	Both Guardianship and Conservatorship
Adams	3		2		1
Box Butte	1		1		
Buffalo	1		1		
Dakota	1		1		
Dawes	1		1		
Douglas	38	2	30	1	7
Dodge	4		3		1
Hall	4		4		
Harlan	2				2
Kearney	1		1		
Lancaster	17		13		4
Lincoln	2				2
Madison	4		2		2
Merrick	2		2		
Nance	1				1
Pierce	1		1		
Sarpy	1		1		
Saunders	2		1		1
Scotts Bluff	4		3		1

Sheridan	1		1		
Webster	6		6		
York	2		2		
Totals	101	2	77	1	23

Emergency Cases

As of November 30, 2016, the Office of Public Guardian (OPG) has been nominated for a total of 77 emergency cases so far and, as a result, has been appointed as temporary guardian and/or conservator in 56 of those emergency cases, 43 of which have gone on to become permanent appointments. Eleven emergency cases have been dismissed. Ten non-emergency cases were not accepted due to capacity limitations.

The following table represents the 56 emergency nominations/temporary appointments by county. The status of the type of nomination (guardianship, conservatorship, or both guardianship and conservatorship) is depicted in the chart. Emergency appointments are limited to address the emergency situation.

County	Temporary Guardianship	Temporary Conservatorship	Temporary Guardianship and Conservatorship
Adams			1
Box Butte			1
Buffalo	1		
Dakota			2
Dodge			1
Douglas	18		2
Hall	2		1
Lancaster	14		2
Madison	2		1
Otoe			1
Red Willow			1
Sarpy	1		
Scottsbluff	2		1
Seward			1
Wayne			1
Total	40		16

Successor Private Guardians

To date, the Office of Public Guardian (OPG) has had no successor private guardians per se. However, in one case, the OPG had been appointed as temporary guardian. In working the case, the OPG learned there was a significant other in the person's life who was willing and able to become the guardian. However, the willing private guardian needed support to be able to take on that role. The OPG worked with the court who allowed time for the OPG to work with the potential private guardian to ensure the

potential guardian was able to successfully complete the required background checks. The potential guardian also attended the required guardianship training prior to appointment. At the status hearing the OPG and potential guardian were present to share information about the completed background checks and training. The judge then dismissed the OPG from the case and appointed the private guardian as the permanent guardian for the individual.

CASE MANAGEMENT DATA: Ward/Protected Person Hours Worked per Week

Date	Ward Cases	Monthly Hours	Weekly Average
November 2015	5	83	4.15
December 2015	21	676	8.04
January 2016	27	1553	18.48
February 2016	41	1852	11.29
March 2016	62	2224	7.17
April 2016	67	1899	7.09
May 2016	80	1977	6.17
June 2016	89	2003	5.62
July 2016	99	1769	4.46
August 2016	113	2015	4.46
September 2016	116	2368	5.10
October 2016	124	2513	4.05
November 2016	128	2720	5.31
Overall Averages	74	1819	6.15
Total		23652	

OFFICE OF PUBLIC GUARDIAN ADMINISTRATION AND MANAGEMENT SYSTEMS

The goals of the systems implemented to administer and manage the Office of Public Guardian have been to maximize and leverage the resources provided to effectively fulfill the mandate of the Public Guardianship Act in an efficient, transparent manner that reflects the highest degree of accountability for, and commitment to, the vulnerable adults, wards, and protected persons for whom the Public Guardian is responsible.

Administering the Office of Public Guardian requires continued problem solving and commitment toward implementing and improving the many systems that have been established in our first year of operation.

Case-Management Software (EMS System)

The Office of Public Guardian (OPG) utilizes EMS software for personal, medical, and financial case management. EMS is a web based software solution which provides 24/7 database access from any computer, mobile device, or Smartphone via an internet connection and a web browser, giving OPG staff full access to client data.

The EMS system allows the OPG to track all case notes and time spent on cases. The system holds all the personal, medical, and demographic information for wards, including addresses, important numbers and dates (e.g. SSN and date of birth, etc.), guardian status and ward status, insurance information, residence history, and support organizations (e.g. attorney and doctor's name), etc. The system allows the OPG to manage wards' finances, including receipts and disbursements, and maintain separate financial records (ledgers) for each ward using the organizational collective account. The OPG can export positive pay and ACH (automated) files from the EMS system to import into the bank.

SEM, the company who produces EMS software, offers the OPG the option to customize the application to meet our needs. The OPG has developed court forms, such as the initial inventory and annual accounting, which are populated with ward information in a court approved format, and extracted from the EMS system.

We continue to work with SEM developers to refine an ACH file export process, in an effort to reduce the need for checking writing and streamline the payment process. ACH is a computer-based clearing facility established to process electronic transactions (both debit and credit) between participating banks. Instead of using paper checks, ACH entries are transmitted electronically. Each ACH transaction settles in one to two days.

SEM representatives provide continued support to the OPG. An EMS Web Training Manual is provided to all employees and procedures specific to our office are continually updated by the Business Manager.

The OPG's goal is to allow SEM to provide to Nebraska private guardians the use of the unified software/finance/court process and forms under their subscription fee, approximately \$10 per ward per month. While not yet available to private guardians and private conservators, in the future this opportunity for software and case management should make the financial tracking and court reporting requirements much easier.

Centralized Finances

All financial transactions related to wards' funds are handled out of the central Lincoln business office in order to maintain an adequate system of internal control. The Public Guardian shall make deposits of checks or currency payable to the ward or the Office of Public Guardian (OPG), as the ward's guardian, as soon as possible. Receipts of checks will be carried out in the business office via a desktop check scanner. Whenever possible, recurring receipts (e.g. monthly Social Security benefits, VA benefits, etc.) will be set up as automatic (ACH) receipts into the Public Guardian's organizational collective bank account and funded to the protected person's account.

The Associate Public Guardian (APG) is responsible for investigating the facts and determining what disbursements should be made to pay claims and/or meet the needs of the ward. As required by court rules, the APG will provide the court with a budget for the ward. Additionally, the APG prepares a monthly budget and sends it to the Business Manager who processes payments via EMS check, ACH, or Union Bank and Trust (UBT) Bill Pay. The Business Manager records the receipts and disbursements in the EMS system. Each month, the APG reviews all disbursements recorded in the wards' ledgers and compares the disbursements to the original invoices to ensure the completeness and accuracy of charges to beneficiary accounts. In addition, the APG conducts a monthly reconciliation between each ward's proposed budget and actual receipts/disbursements.

The Business Manager performs a daily reconciliation between EMS, UBT, and Bill Pay to ensure all transactions are properly recorded. In addition, a monthly reconciliation between the EMS ledger and the organizational collective account bank statement will help to achieve the goals of completeness and accuracy.

Organizational Collective Account

After extensive research, the Office of Public Guardian opened an organizational collective bank account in 2015. Because the OPG is fiduciary manager of the organizational collective account, no protected person can access the account electronically.

Because there are no individual monthly bank account statements to provide for the annual report, the OPG sought a Supreme Court rule change.

Supreme Court Rule § 6-1433.03 allows the Office of Public Guardian to utilize an organizational collective account at a bank for individuals for whom the Office of Public Guardian has been appointed as guardian and/or conservator.

Under this rule, the account is appropriately titled to represent that the Office of Public Guardian holds the account in a fiduciary capacity on behalf of wards, incapacitated persons, protected persons, and/or minors who own the funds, but who shall have no access to the account. The account holds only the funds of wards, incapacitated persons, protected persons, and/or minors, and funds are not commingled with any other Office of Public Guardian funds and are separate and distinct from any other Office of Public Guardian accounts.

The interest earned on the organizational collective account is credited pro rata, net of pro rata bank fees and account costs, to the ward's, incapacitated person's, protected person's, and/or minor's individual ledger.

The Office of Public Guardian has developed financial policies and procedures to include:

- (1) an individual ledger for each ward, incapacitated person, protected person, and/or minor for which the Public Guardian holds funds. This ledger gives the name of the ward, incapacitated person, protected person, and/or minor; details all money received and paid out on behalf of the ward, incapacitated person, protected person, and/or minor, and shows the ward's, incapacitated person's, protected person's, and/or minor's balance following every receipt or payment;
- (2) disbursements from the ward's, incapacitated person's, protected person's, and/or minor's individual ledger shall not exceed the funds received from, or on behalf of, that individual;
- (3) documentation comparing, and reconciling if necessary, the monthly prospective budget of the ward, incapacitated person, protected person, and/or minor, managed by the Associate Public Guardian, to the individual ledger of the actual monthly expenditures administered by the Business Manager and disbursed from the ward's, incapacitated person's, protected person's, and/or minor's funds, shall be attached to the annual report for the ward, incapacitated person, protected person, and/or minor;
- (4) the Business Manager will complete the certificate of proof of possession form certifying the balance on deposit, in accordance with the organizational collective account individual ledger for the ward incapacitated person, protected person, and/or minor; the certified balance on deposit shall be verified by the documentation in (C)(3); and
- (5) the account is tracked electronically through a case management software accounting system maintained by the Office of Public Guardian. The software system is able to produce all financial reporting in a form that can be reproduced in printed hard copy for annual reporting to the court.

Because an organizational collective account is utilized by the Office of Public Guardian, job functions within the Office of Public Guardian are structured to require segregation of duties relating to the handling of account funds.

Union Bank and Trust (UBT)

Union Bank and Trust (UBT) has provided excellent service and support to the Office of Public Guardian (OPG).

The OPG issued approximately 170 checks from EMS in the first eleven months of 2016. The OPG continues to enter all EMS checks into UBT's online positive pay site. This notifies UBT of any checks that have been written from the collective account, and UBT will match the file against any checks presented for payment. When a check is presented to UBT for payment and it was not entered on the positive pay site, the bank will email a list of exception items to the Director, Deputy Director, and Business Manager, who will review the transactions before approving or denying the exceptions.

The OPG is currently importing ACH (automated) transactions from the EMS system into UBT's Web Cash Manager application. This file allows transactions to be processed via ACH and provide a less expensive option than writing and mailing checks. Approximately 900 ACH transactions were processed in the first eleven months of 2016.

UBT also offers an online bill pay option which has been used extensively to reduce the costs associated with checks, envelopes, and stamps. Approximately 1,090 bill pay checks have been issued in the first eleven months of 2016.

Social Security

The Office of Public Guardian (OPG) completed its first application to become an organizational representative payee in November 2015 in a face-to-face interview at the Lincoln Social Security office. Since then, approximately 110 applications have been completed. Applications are completed by the Associate Public Guardians, reviewed by the Business Manager, and faxed to the Social Security office in Lincoln. A representative from Social Security calls the OPG to verify all information in the application prior to approval. The OPG continues to work with key contacts in the Lincoln Social Security office to resolve issues related to Social Security applications and benefits.

The OPG was subject to a review by the Social Security Administration (SSA) in August 2016. The SSA auditor reviewed a random sample of five beneficiary records for the period July 1, 2015 to June 30, 2016. The auditor met with the OPG Business Manager, who provided an overall description of how our organization operates, uses benefits, and keeps records as representative payee for Social Security and Supplemental Security beneficiaries. The auditor discussed our reporting responsibilities, provided a listing of acceptable uses of benefits, and offered suggestions for improvement.

The auditor's requests for action were provided by the Business Manager and the review was closed without revealing any areas of deficiency.

Veterans Administration

The Office of Public Guardian has been named fiduciary payee for four individuals in 2016. Office of Public Guardian representatives met with Veterans Administration representatives in October 2016 to review processes and address concerns.

Income Tax Preparation

The Public Guardian prepared and filed 2015 federal and state income tax returns for two wards served by the Public Guardian. The Business Manager determined the necessity of filing tax returns for wards served by the Office of Public Guardian, computed any tax liability or refund due, and filed the completed returns to the IRS and Nebraska Department of Revenue.

U.S. Bank ReliaCard

The Office of Public Guardian (OPG) has applied for and received U.S. Bank ReliaCards for approximately 70 wards in 2016. The ReliaCard is a reloadable prepaid card which gives the OPG the ability to deposit funds to wards' and protected persons' cards through standard ACH (automated) funding. It reduces costs associated with paper checks, postage, reconciliation or replacement of lost checks, etc. Cardholders can access real-time account information by calling Cardholder Services or going online.

Because the program falls under the State's contract with U.S. Bank, it offers a no-cost option for providing personal needs allowances and funds to OPG's wards and protected persons.

Office of Public Guardian (OPG) Office/General Fund Finances

The Office of Public Guardian (OPG) Director and Business Manager monitor the OPG's office finances. Invoices are approved by the OPG Director before being sent to the Administrative Office of the Court Finance Office for payment. The Business Manager runs monthly general ledger reports from EnterpriseOne, the State's accounting system. The Business Manager and OPG Director review the general ledgers to ensure all receipts and disbursements are appropriate.

The Business Manager prepares journal entries for receipting payments from Nebraska Interactive, the event registration site vendor for private guardian education. Any checks or money orders received for event registration fees are forwarded to the finance office for prompt deposit. The Business Manager maintains an adequate tracking system to ensure payment is received for all event registrations.

Audit

The Public Guardian performs periodic audits of financial and bank records to ensure funds are not used for the benefit of someone other than the ward or protected person and loans of any type are not made from funds. This is completed during the monthly bank reconciliation, when the reconciler reviews all cleared checks on the bank statement for propriety and investigates any unusual transactions. In addition, the Business Manager periodically runs and reviews receipt/disbursement reports in the financial case management software and investigates any unusual transactions. At least every three years, an external audit of client financial records will be conducted. If the Public Guardian is audited by a governmental or funding entity, that audit may be considered to meet this requirement, as long as the entity is independent of the agency managers or Advisory Council.

Sliding Fee Policy

The Public Guardianship Act requires the Office of Public Guardian (OPG) to develop guidelines for sliding scale of fees for public guardians/conservators.²⁸ The Advisory Council and the OPG developed the following sliding fee policy:

Ward, within the Public Guardian Sliding Fee Scale document, means a minor, protected person or an incapacitated person.

All Public Guardian wards shall be evaluated by the OPG to determine fee eligibility. Evaluation of each ward's estate shall be done prior to the filing of the initial inventory in their case.

The Public Guardian shall petition the court with jurisdiction of the guardianship and/or conservatorship for assessment of fees.

The Public Guardian shall not petition for fees where financial hardship to the ward would result. Financial hardship means that the total value of liquid assets of a living ward would fall below \$5,000 or the ward's estate would otherwise be inadequate to provide or obtain care, assistance, education,

training, sustenance, housing, treatment or other goods or services vital to the wellbeing of the ward or his dependents, resulting in the risk of harm to the ward or the ward's dependents.

Liquid Assets means the portion of a ward's estate comprised of cash, negotiable instruments, or other similar property which is readily convertible to cash and has a readily ascertainable fixed value, including savings accounts, checking accounts, certificates of deposit, money market accounts, bonds, publicly traded stocks, or other negotiable securities, and mutual fund shares.

No fees for guardianship and conservatorship services shall be assessed on estates smaller than \$5,000. If the ward's estate is \$5,000 or more at any time during the month, the Public Guardian is entitled to their fee unless it would create a financial hardship for the ward.

Any time, based on exigent circumstances, the Public Guardian may petition the court for additional fees.

Fees shall not be assessed on income or support derived from Medicaid, Supplemental Security Income, or Public Aid. Income or support derived from Social Security and Medicare shall be subject to Public Guardian fee assessment unless the funds have been expressly earmarked for another purpose.

The Public Guardian may waive fees where no substantial guardianship and/or conservatorship services have been provided to the ward.

Notice of the Request for Fees shall be given to the ward and all interested persons at least 14 days prior to the hearing. The notice shall advise the ward that his/her estate will be charged for guardianship and/or conservatorship services.

All wards with liquid assets valued at five thousand dollars (\$5,000) or more on the date that the Office of Public Guardian is appointed shall be assessed a one-time case opening fee for establishment of the case by the Office of Public Guardian. The rate of the case opening fee shall be:

Opening fee for Guardianship\$100.00
Opening fee for Conservatorship\$200.00
Opening fee for Guardianship and Conservatorship\$300.00

Guardianship and Conservatorship Monthly fee based on Total Value of Liquid Assets shall be:

\$5,000 - \$9,999	\$40.00
\$10,000 - \$14,999	\$45.00
\$15,000 - \$19,999	\$50.00
\$20,000 - \$24,999	\$55.00
\$25,000 - \$29,999	\$60.00
\$30,000 - \$34,999	\$65.00
\$35,000 - \$39,999	\$70.00
\$40,000 - \$44,999	\$75.00
\$45,000 - \$49,999	\$80.00
\$50,000 - \$54,999	\$85.00

\$55,000 - \$59,999	\$90.00
\$60,000 - \$64,999	\$95.00
\$65,000 - \$69,999	\$100.00
\$70,000 - \$74,999	\$105.00
\$75,000 - \$79,999	\$110.00
\$80,000 - \$84,999	\$115.00
\$85,000 - \$89,999	\$120.00
\$90,000 - \$94,000	\$125.00
\$95,000 - \$99,000	\$130.00
\$100,000 and above	\$135.00

PRIVATE GUARDIAN/CONSERVATOR EDUCATION CLASSES

Beginning January 2016, the Office of Public Guardian (OPG) began providing the education and certification required for newly appointed private guardians and conservators. The Public Guardianship Act requires the OPG to maintain training programs for private guardians, successor guardians, and interested parties to insure successful guardians/conservators.²⁹

To fulfill these responsibilities, the OPG has:

- Provided 107 Guardian/Conservator Education Classes in 2016
- Provided Guardian/Conservator Education Classes in 27 Nebraska communities
- Trained 1,182 new Private Guardians and/or Conservators between 1/1/2016 and 11/30/2016³⁰

The Guardian/Conservator Education Classes cover the following topics:³¹

#1	Overview <ul style="list-style-type: none"> • Guardianship Proceedings • Types of Guardianship/Conservatorship
#2	Areas of Decision Making Granted to Guardians and/or Conservators
#3	Nebraska Guardianship/Conservatorship Flow Chart (CC 16:2.87) <ul style="list-style-type: none"> • Overview • Forms/Processes/Timelines
#4	Guardian/Conservator Conduct (Neb. Rev. Stat. § 30-4019(6)(b)) <ul style="list-style-type: none"> • Confidentiality • Interaction/Communication with Ward/Protected Person • Working Through Difficult Situations • Encouraging Ward/Protected Person’s Independence
#5	Decision Making <ul style="list-style-type: none"> • Substituted Judgement • Best Interest • Informed Consent • Medical Treatment Decision Making • Least Restrictive Alternatives
#6	Community Resources (Neb. Rev. Stat. § 30-4109(6)(d))
#7	Financial Responsibilities (Neb. Rev. Stat. § 30-4109(6)(a)) <ul style="list-style-type: none"> • Staying out of Trouble
#8	Rights of the Ward/Protected Person
#9	Annual Accounting Responsibilities (Neb. Rev. Stat. § 30-4109(6)(c)) <ul style="list-style-type: none"> • Annual Report on Condition of Ward/Protected Person • Annual Accounting • Updated inventory • Other contents of Packets • Packet Submission • Court’s review process • When follow-up is needed
#10	Termination of Guardianship/Conservatorships
#11	Partnering Opportunities with the Office of Public Guardian (Neb. Rev. Stat. § 30-4109(7))

	<ul style="list-style-type: none"> • Court Visitors • Successor Guardians
#12	Certificate of Completion
#13	Guardian/Conservator Survey

Guardian/Conservator Education Interpreter Usage

Spanish interpreters were offered to Guardian/Conservator Education participants through the Statewide Language Access Coordinator, in the Nebraska State Court Administrator's Office. Use of the interpreter service is highlighted below:

Date	County	Participants using Spanish interpreter	County Totals
5/16/2016	Adams	1	1
7/12/2016	Dakota	2	2
10/24/2016	Dawson	1	1
7/14/2016	Dodge	1	1
2/16/2016	Douglas	3	
4/20/2016	Douglas	2	
5/20/2016	Douglas	7	
8/17/2016	Douglas	4	
9/21/2016	Douglas	2	
11/16/2016	Douglas	7	25
4/14/2016	Hall	1	
10/13/2016	Hall	4	6
7/25/2018	Hall	1	
1/12/2016	Lancaster	1	
4/19/2016	Lancaster	1	
7/12/2016	Lancaster	5	
10/18/2016	Lancaster	3	
12/3/2016	Lancaster	4	14
5/17/2016	Madison	1	1
Total participants using Spanish Interpreters in 2016		51	51

Data Gathered from Guardian/Conservator Education Surveys

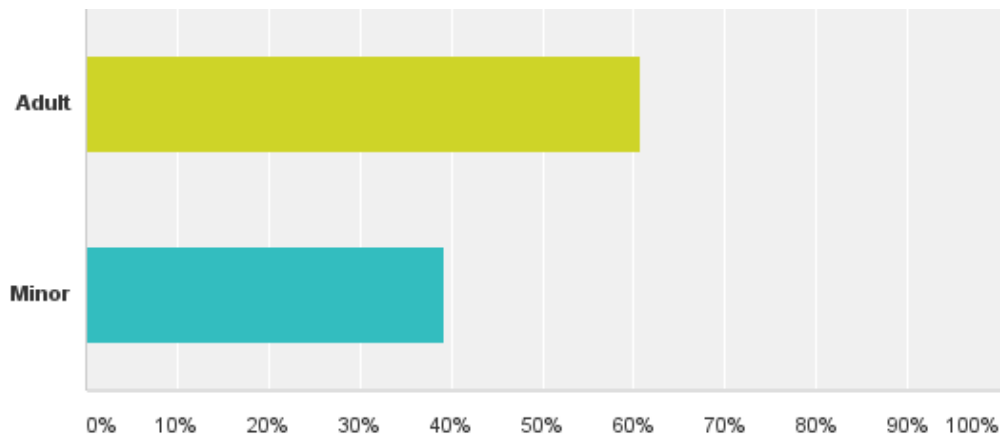
During Guardian/Conservator Education classes, each participant completed a survey gathering the following data:³²

#1	Date of Appointment
#2	County where petition was filed
#3	Guardianship/Conservatorship of adult or minor
#4	Type of Guardian or Conservatorship
#5	Specific responsibilities if not a full guardianship
#6	If serving as a full guardian, why not a lesser restrictive option?
#7	Number of interested persons
#8	Relationship of Ward/Protected Person to Guardian or Conservator
#9	Ward/Protected Person's Age
#10	Ward/Protected Person's Gender
#11	Personal Services provided to Ward/Protected Person prior to appointment
#12	Types of Advance Directives in place for Ward/Protected Person
#13	Co-Guardianship, Yes or No
#14	Any other person who considered serving as Guardian or Conservator
#15	Use of no-cost or low cost legal services to file initial petition
#16	Ward/Protected Person's current use of social support/social service programs
#17	Prior to class, Guardian/Conservator's familiarity with process
#18	Difficulty of process to become appointed
#19	What Guardian/Conservator wished they would have known about process before becoming a Guardian/Conservator
#20	Most Helpful information gained from class
#21	What will Guardian/Conservator do differently concerning the Guardian/Conservatorship after the class
#22	Suggestions to improve class
#23	Suggestions on convenience of class sites, times, frequency
#24	Understanding of financial responsibilities (Prior to and after class participation)
#25	Understanding duty to encourage Ward's physical, financial and personal independence (Prior to and after class participation)
#26	Understanding of responsibilities to Court re: filing of annual report, and notifying court of major changes in Ward/Protected Person's life (Prior to and after class participation)
#27	Understanding Ward/Protected Person's rights (Prior to and after class participation)
#28	Understanding Office of Public Guardian's role to assist Guardian/Conservator to full duties (Prior to and after class participation)
#29	Understanding what Guardian/Conservator provides to Ward/Protected Person, and need for more private Guardians/Conservators (Prior to and after class participation)
#30	Age of Guardian/Conservator
#31	Race or Ethnicity of Guardian/Conservator
#32	Gender of Guardian/Conservator
#33	Number of Wards/Protected Persons served by Guardian/Conservator
#34	Is Guardian/Conservator being paid to serve as Guardian/Conservator

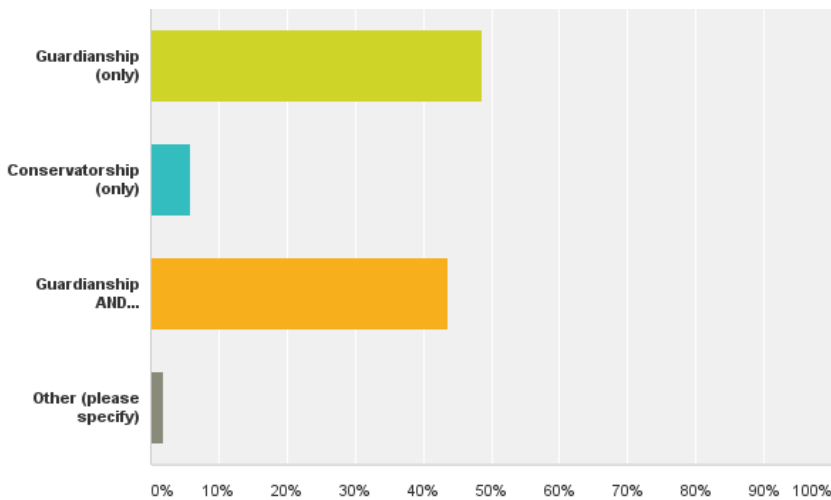
#35	Has Guardian/Conservator been paid to act as a representative payee for Ward/Protected Person
#36	How often will Guardian/Conservator interact with Ward/Protected Person on a face to face basis
#37	Does Guardian/Conservator have any specialize background pertaining to guardianship
#38	Interest in serving as Court Visitor
#39	Interest in serving as Successor Guardian

Data from Guardian/Conservator Surveys have been compiled in a Survey Monkey program. Information below has been collected from the Survey Monkey website.

- **Is your guardianship of an adult or of a minor?**

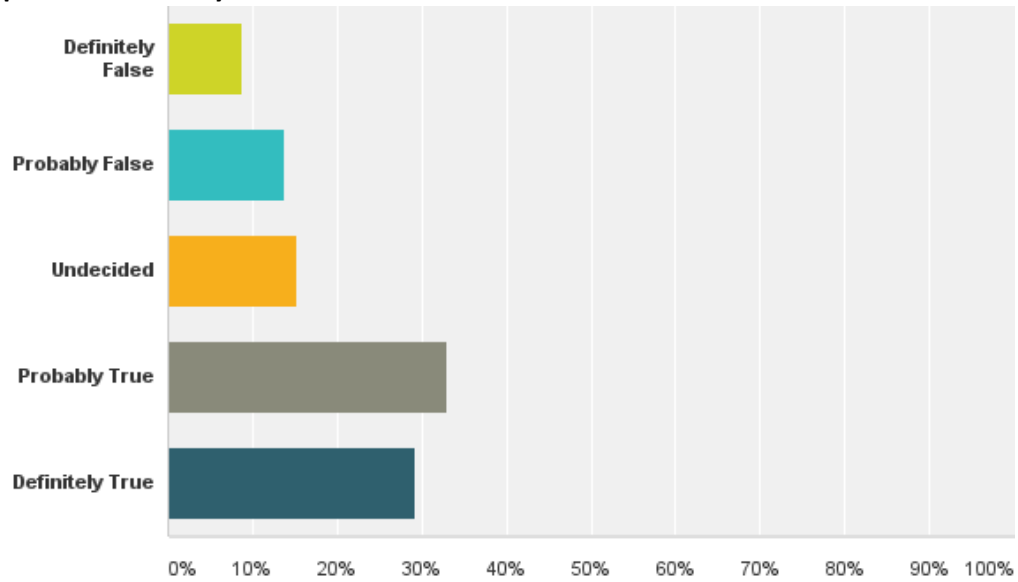


- **What type of guardianship/conservatorship were you appointed?**

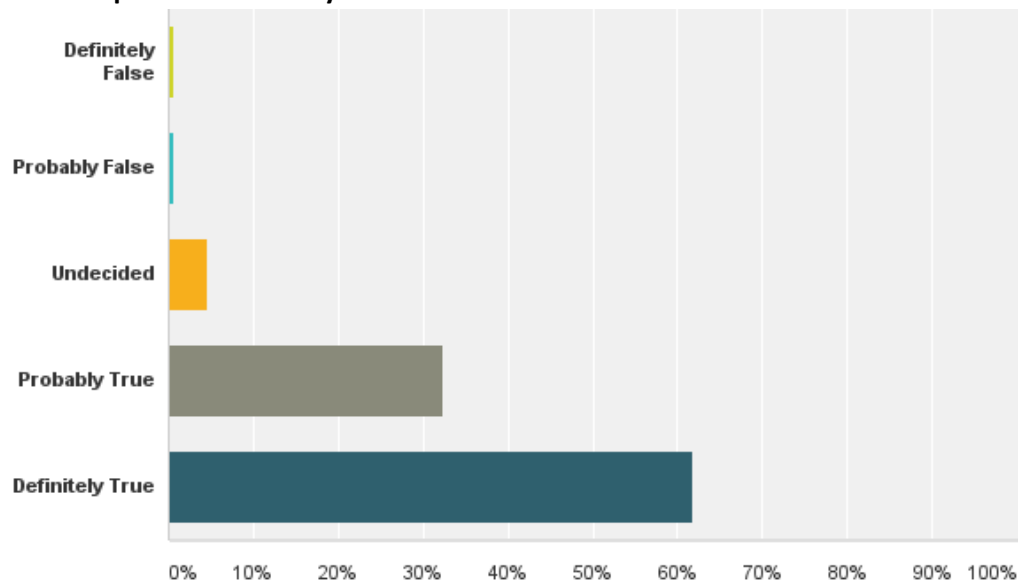


“Other” = Participants who had not yet filed or been appointed

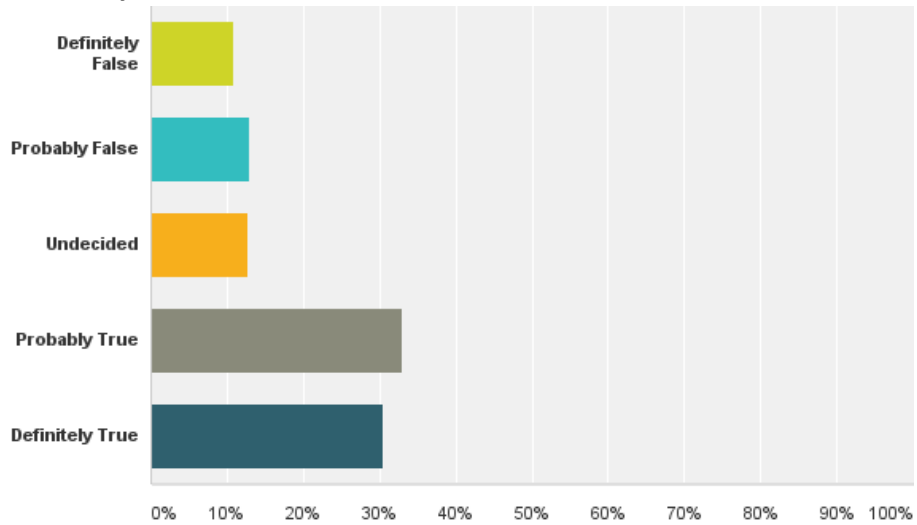
- Prior to the Guardian/Conservator Education class, I had a clear understanding of my financial responsibilities to my ward:³³



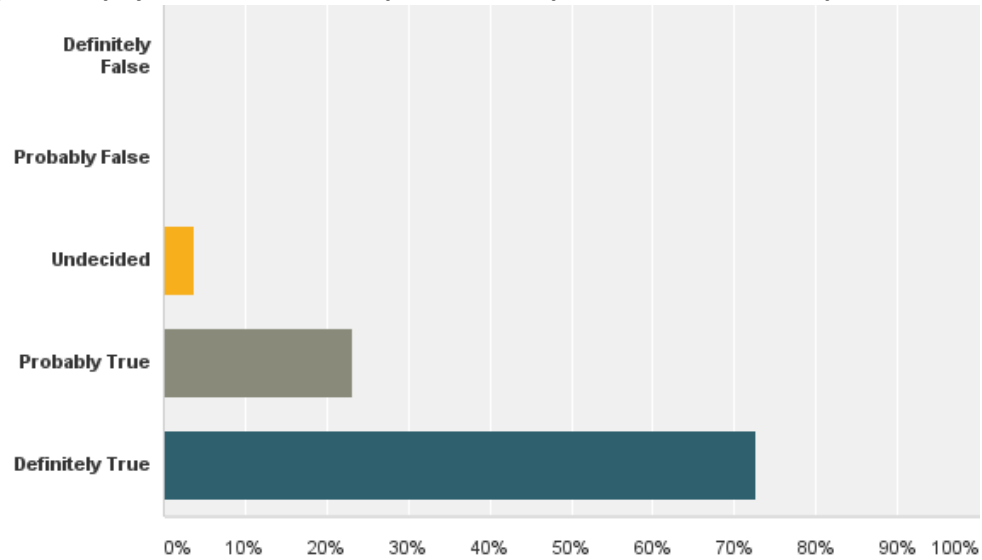
- AFTER taking the Guardian/Conservator Education class, I had a clear understanding of my financial responsibilities to my ward:³⁴



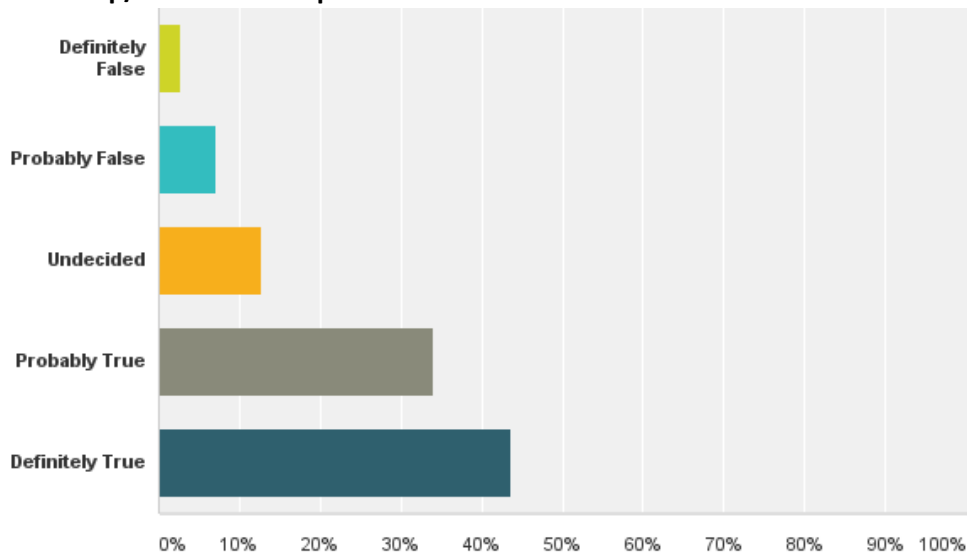
- Prior to the Guardian/Conservator Education class, I understood my responsibilities to the Court, including the filing of an annual report and notifying the Court of any major changes in the life of my ward:³⁵



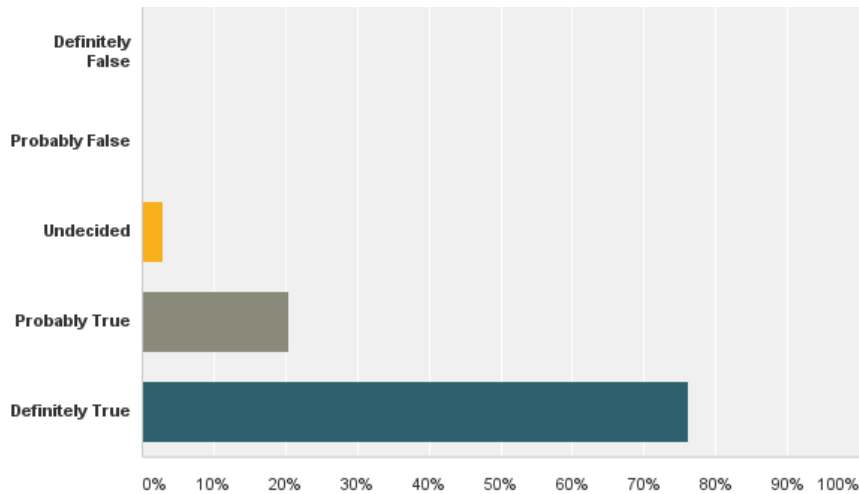
- AFTER taking the Guardian/Conservator Education class, I understood my duty to encourage my ward's physical, financial, and personal independence, as much as possible:³⁶



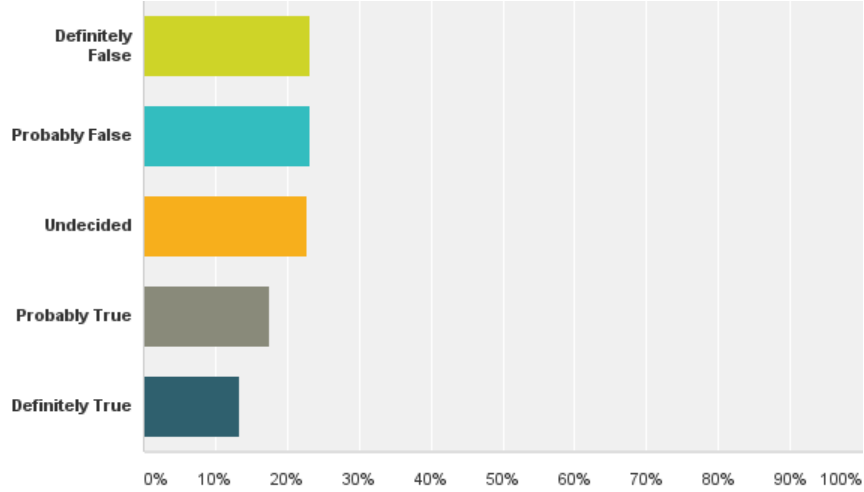
- **Prior to the Guardian/Conservator class, I understood that my ward retains certain rights and responsibilities, such as the right to counsel and the right to privacy, even while under a guardianship/conservatorship.³⁷**



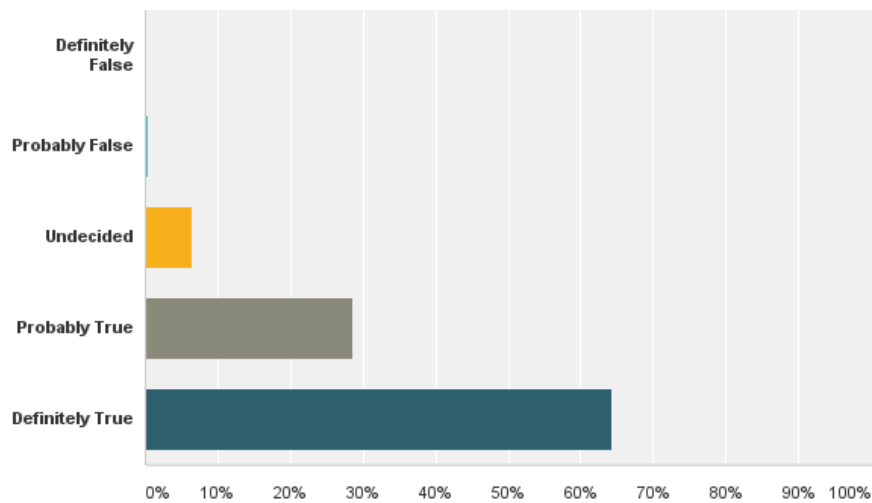
- **AFTER taking the Guardian/Conservator Education class, I understood that my ward retains certain rights and responsibilities, such as the right to counsel and the right to privacy, even while under a guardianship/conservatorship.³⁸**



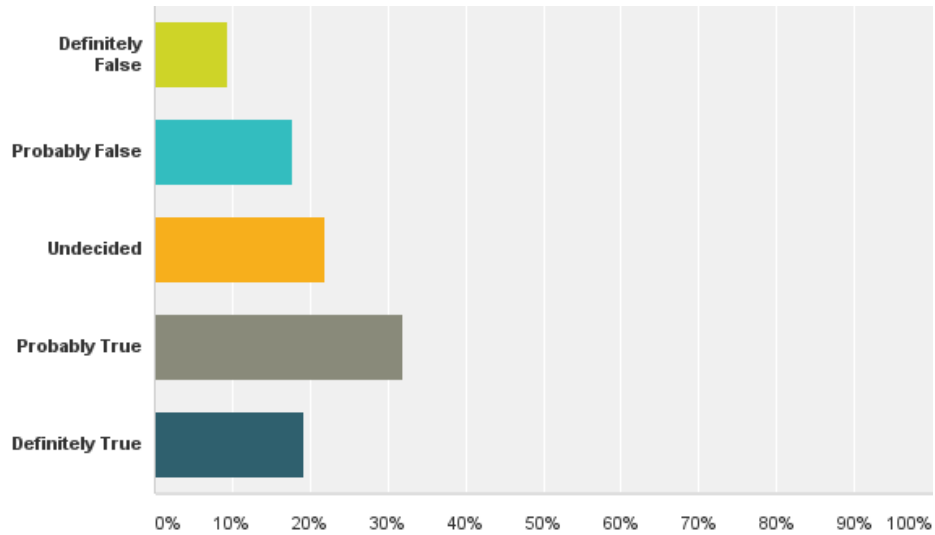
- **Prior to the Guardian/Conservator Education Class, I understood the role of the Public Guardian and how they can assist me in the fulfillment of my duties as a private guardian:**³⁹



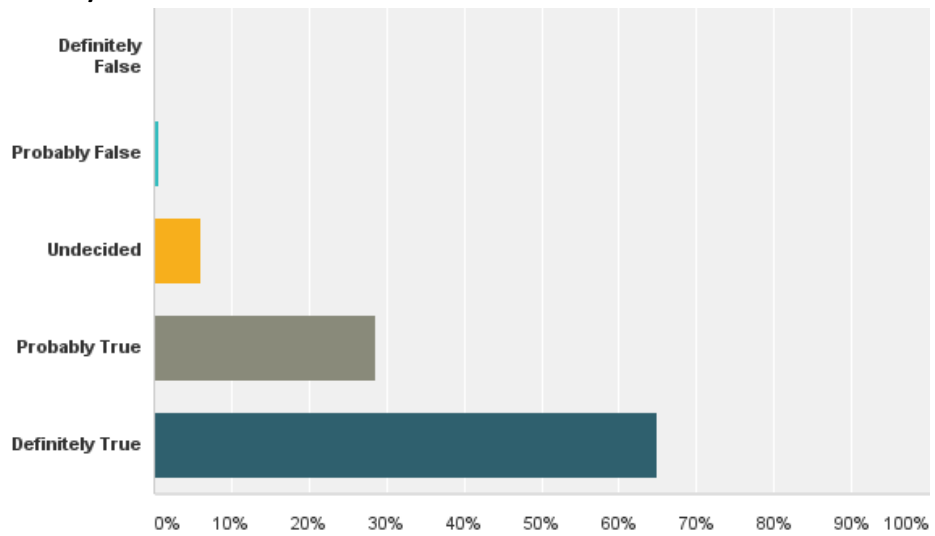
- **AFTER taking the Guardian/Conservator Education class, I understood the role of the Public Guardian and how they can assist me in the fulfillment of my duties as a private guardian:**⁴⁰



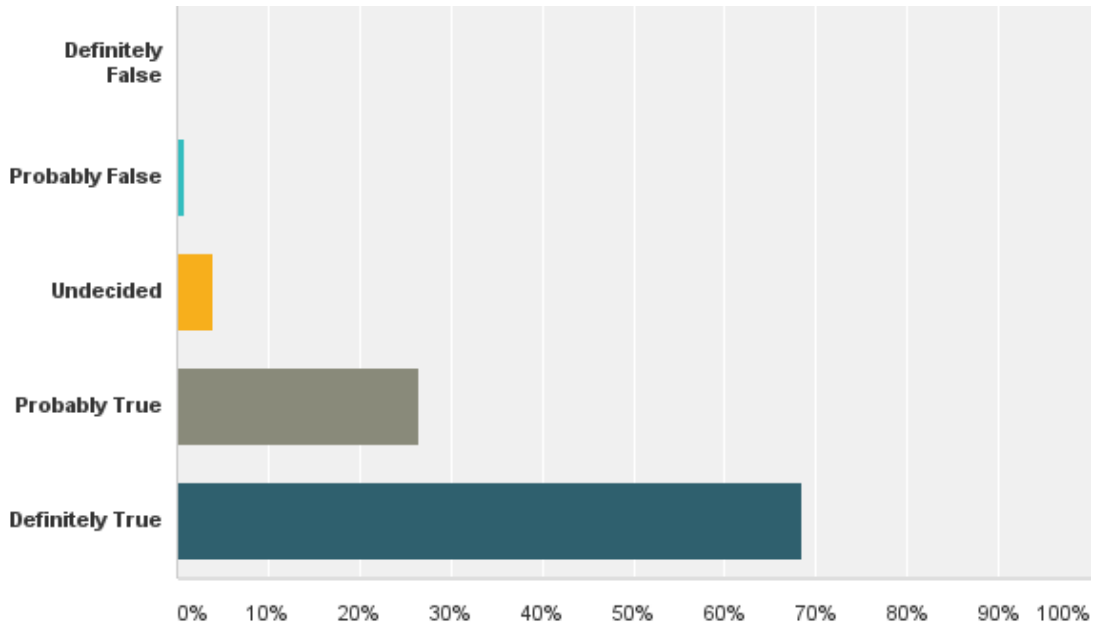
- **Prior to the Guardian/Conservator Education class, I had a clear understanding of what a guardian/conservator provides to their ward and the need for more private guardians/conservators:⁴¹**



- **AFTER taking the Guardian/Conservator Education class, I had a clear understanding of what a guardian/conservator provides to their ward and the need for more private guardians/conservators:⁴²**



- After taking the Guardian/Conservator class, I feel prepared to serve as guardian/conservator for my ward



Classes for Guardian and Conservator Education



The Office of Public Guardian provides Guardian and Conservator Education to meet Court Requirements for 2016

- **Schedule:** Training dates, sites, and times are located on the Office of the Public Guardian's website at <http://ne.gov/go/guardianeducation>
- Associate Public Guardians provide monthly education in the Office of Public Guardian service areas across the state. Each class is a 3 hour live session.

- **Registration:**

Online: <http://ne.gov/go/guardianeducation>

By phone: 402.471.2862

- **Fee:** \$35 per person

Electronic payment available with online registration

OR Mail payment option available AFTER phone registration to:
OPG Education, P.O. Box 98910, Lincoln NE 68509-8910

****Registration AND Payment required ONE Week prior to class date**

Contact the Office of Public Guardian at 402.471.2862 for limited English-proficient attendees

For more information on NE guardianship and conservatorship:

- Court forms, general information: <https://supremecourt.nebraska.gov/guardians-and-conservatorship>
- Office of Public Guardian: <http://ne.gov/go/publicguardian> or 402.471.2862
- Guardianship Education: <http://ne.gov/go/guardianeducation>



RECRUITMENT AND SUPPORT FOR SUCCESSOR GUARDIANS

The Public Guardianship Act requires the Public Guardian to “encourage more people to serve as private guardians/conservators” and to “recruit members of public and family to serve as guardians or conservators.”⁴³

Successor Guardian recruitment materials have been developed including:

- Successor Guardian fact sheet and leave behind flyer
- PowerPoint curriculum addressing Office of Public Guardian Partnering Opportunities/Successor Guardians and Court Visitors
- Successor Guardian recruit screening tool
- Successor Guardian interview tool

Successor Guardian Recruitment is addressed through two processes:

- Presentation in each Guardian/Conservator Education Class, highlighting need for private Guardians/Conservators, and request for feedback if new Guardian/Conservator expresses interest in the Successor Guardian/Conservator effort.
 - Forty-five (45) individuals requested and received more information about the successor guardian program.
- Presentations to service groups and organizations addressing the need for successor guardians and conservators, and offering opportunities to volunteer as successor guardians and conservators. Groups addressed in 2016 include:
 - American Association of Retired Persons
 - Lincoln Realtor’s Care volunteer Community Fair
 - Nebraska Developmental Disabilities Planning Council
 - Lincoln Homeless Coalition
 - New Americans Task Force
 - Region V Behavioral Health Systems
 - Region V Developmental Disabilities Council
 - UNL Gerontology Classes
 - Lincoln Area Agency on Aging – Aging Partners
 - Region IV Developmental Disabilities Council
 - Uni-Net Healthcare Network Clinic
 - UNL Government and Public Interest Information Fair

Additionally, the Office of Public Guardian has provided education to increase awareness of the duties of guardians and conservators.⁴⁴ In one effort, the Office of Public Guardian partnered with OMNI Behavioral Health Systems to develop and produce a training video for new Services Coordinators in the Department of Health and Human Services, Developmental Disabilities System.

Endnotes

¹ Neb. Rev. Stat. § 30-4104.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Neb. Rev. Stat. § 30-4104.

⁶ Neb. Rev. Stat. § 30-4108) (1).

⁷ Neb. Rev. Stat. § 30-4110.

⁸ Neb. Rev. Stat. § 30-4104.

⁹ Neb. Rev. Stat. § 30-4111.

¹⁰ Neb. Rev. Stat. § 30-4106.

¹¹ Neb. Rev. Stat. § 30-4108.

¹² Neb. Rev. Stat. § 30-4106.

¹³ Neb. Rev. Stat. § 30-4104.

¹⁴ Neb. Rev. Stat. § 30-4115.

¹⁵ Neb. Rev. Stat. §§ 30-4105 (5), 30-4109 (7).

¹⁶ Neb. Rev. Stat. § 30-4102.

¹⁷ Neb. Rev. Stat. § 30-4116 (2) (a).

¹⁸ Richard Van Duizend, *National Probate Court Standards* § 3.3.4, 49 – 50 (National Center for State Courts 2013).

- A. Probate courts should require a court appointee to visit with the respondent upon the filing of a petition to initiate a guardianship/conservatorship proceeding to:
 - (1) Explain the rights of the respondent and the procedures and potential consequences of a guardianship/conservatorship proceeding.
 - (2) Investigate the facts of the petition.
 - (3) Determine whether there may be a need for appointment of counsel for the respondent and additional court appointments.
- B. The visitor should file a written report with the court promptly after the visit.

¹⁹ Neb. Rev. Stat. § 30-4102.

²⁰ Neb. Rev. Stat. § 30-4105 (8).

²¹ Neb. Sup. Ct. R. §§ 6-1433.03 and 6-1433.04.

²² Neb. Rev. Stat. §§ 30-2619.01, 30-2619.02, 30-2619.03, 30-2619.04, 30-2620.01, and 30-2624.

²³ Neb. Rev. Stat. § 30-4102.

²⁴ *Id.*

²⁵ Mary Joy Quinn, *Guardianships of Adults: Achieving Justice, Autonomy, and Safety*, app. A, 256 (2005).

²⁶ Neb. Rev. Stat. § 30-2628.

²⁷ Neb. Rev. Stat. § 30-4111.

²⁸ Neb. Rev. Stat. § 30-4109 (4).

²⁹ Neb. Rev. Stat. § 30-4105 (5) Provide adequate training and support to enhance [guardian/conservator] success.

³⁰ Neb. Rev. Stat. § 30-4109 (6) Maintain training programs statewide to offer training curricula for interested parties.

³¹ Neb. Rev. Stat. § 30-4109 (5) Maintain a curricula for training of private and successor guardians/conservators.

³² Neb. Rev. Stat. § 30-4109 (1): Develop a uniform system of reporting and collecting statistical data- regarding guardianship/conservatorship.

³³ Neb. Rev. Stat. § 30-4109 (6) (a).

³⁴ *Id.*

³⁵ Neb. Rev. Stat. § 30-4109 (6) (c), (7).

³⁶ Neb. Rev. Stat. § 30-4109 (6) (b).

³⁷ Neb. Rev. Stat. § 30-4109 (6) (d).

³⁸ *Id.*

³⁹ Neb. Rev. Stat. § 30-4109 (6) (c).

⁴⁰ *Id.*

⁴¹ Neb. Rev. Stat. § 30-4109 (7).

⁴² *Id.*

⁴³ Neb. Rev. Stat. § 30-4105(4) and (5):

⁴⁴ Neb. Rev. Stat. § 30-4105 (4).



STATE OF
NEBRASKA
JUDICIAL BRANCH

Office of Public
Guardian

Michelle J. Chaffee, JD | Nebraska Public Guardian | Director, Office of Public Guardian
Nebraska Supreme Court | P.O. Box 98910 | Lincoln, NE 68509
T 402.471.2862 | F 402.471.2870 | michelle.chaffee@nebraska.gov | www.supremecourt.ne.gov