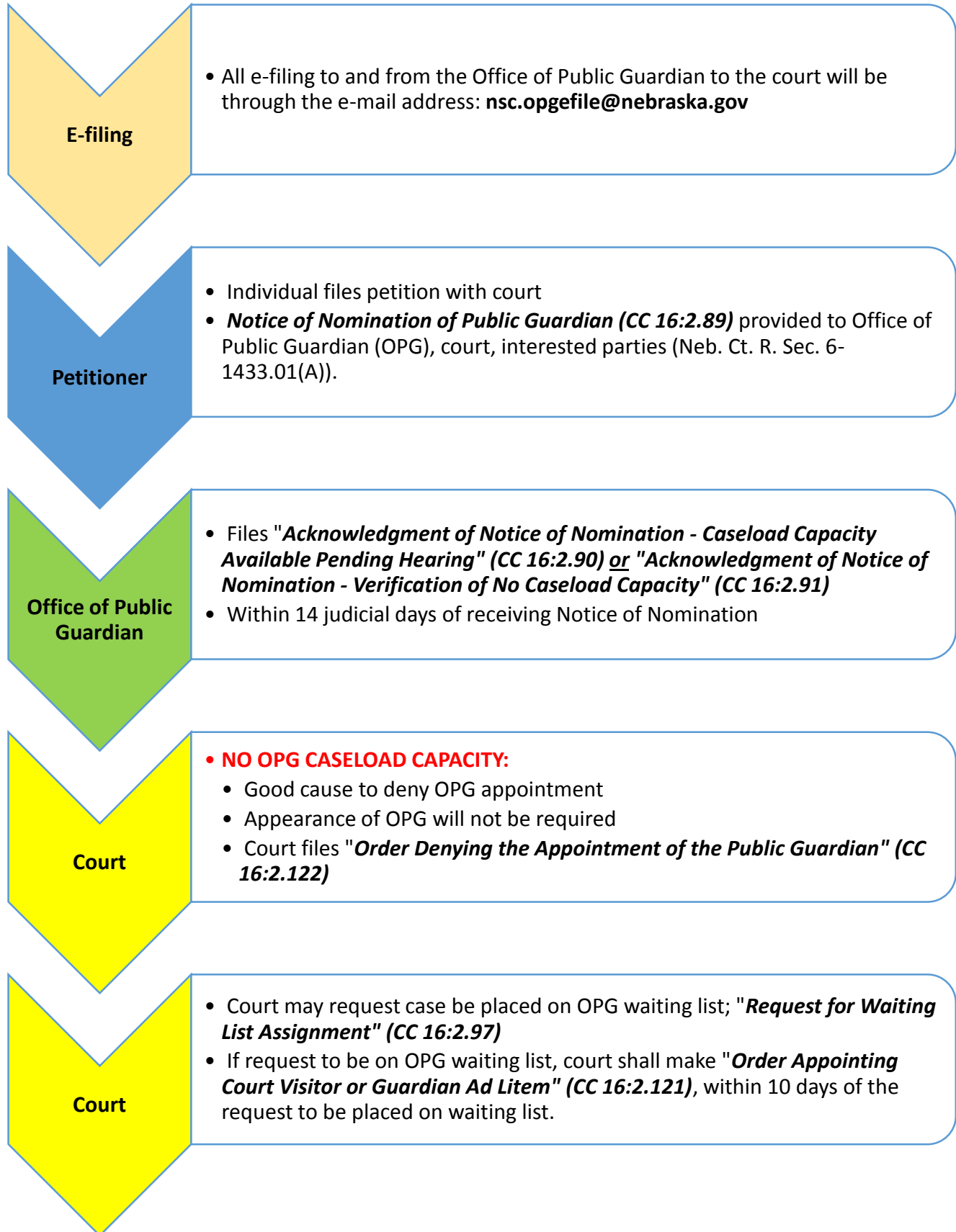
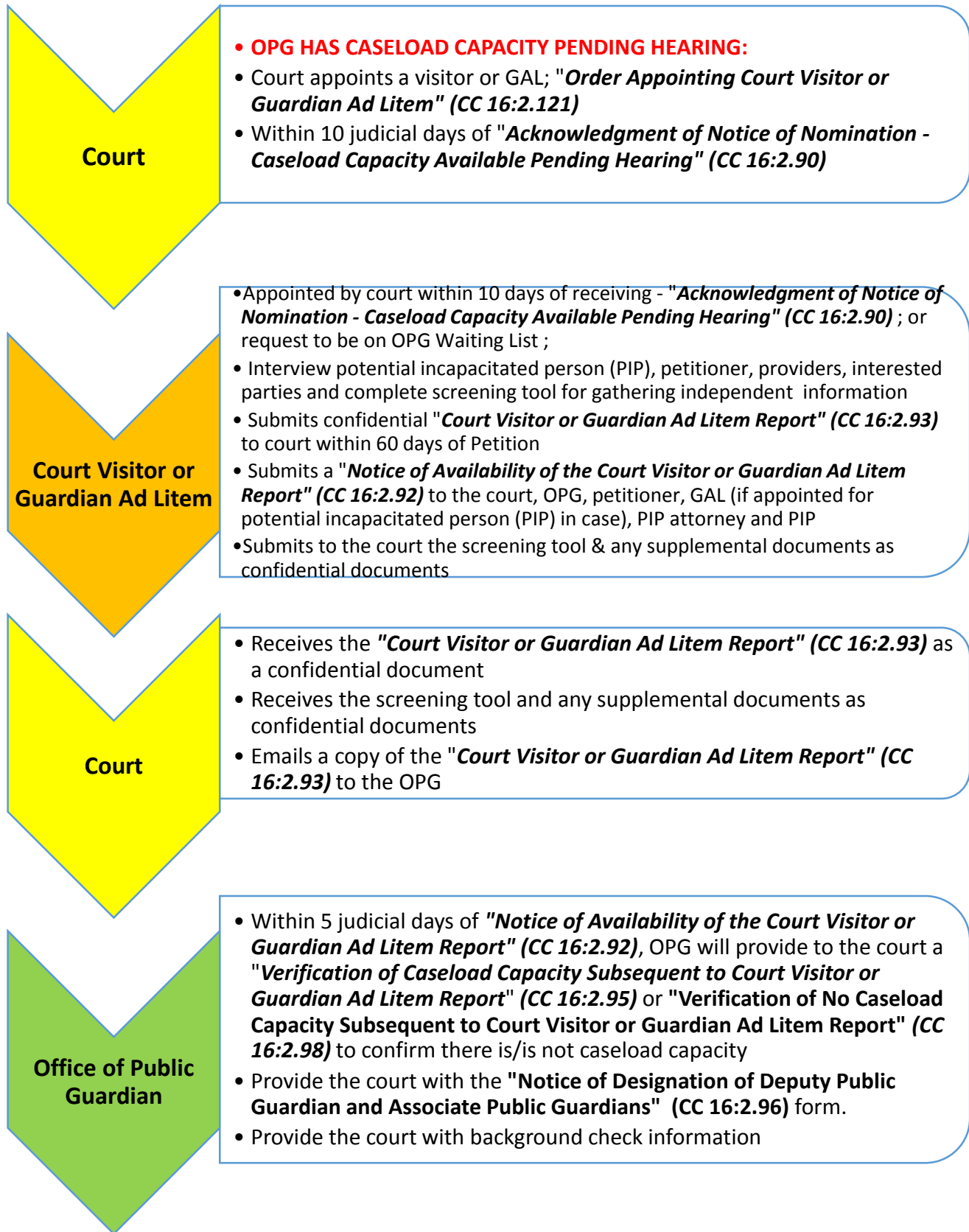


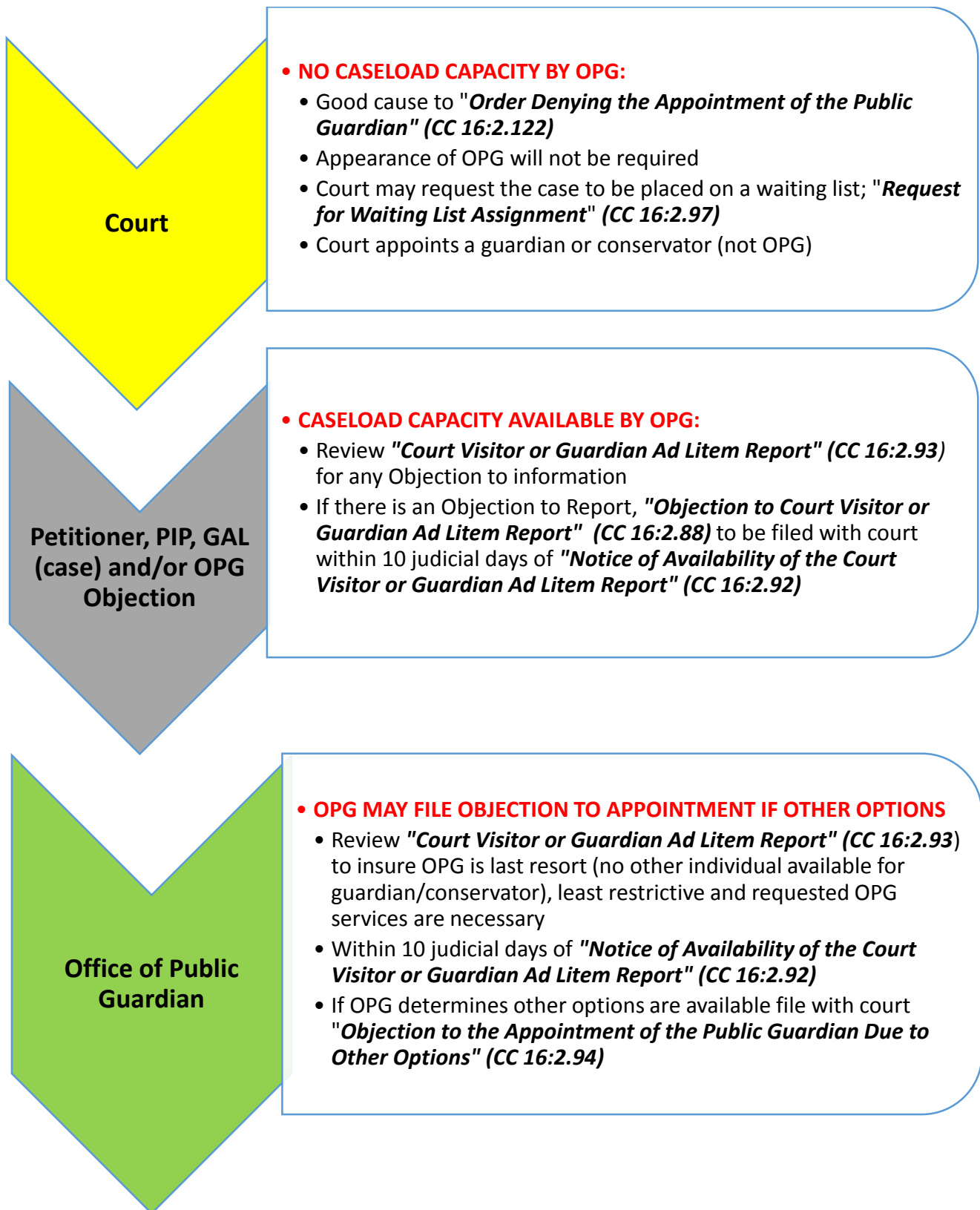
Nebraska Public Guardian Nomination Process



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Court

• 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.