

## Guardianship Responsibilities To The Court

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The relationship between a Guardian and a Ward is a legal one and applicable laws and court rules must be followed. This NebGuide, the second in a series of seven, discusses legal Guardianship.

Guardianship is a court-appointed relationship granting the Guardian certain powers and duties. Guardians have many ongoing responsibilities both to the Ward and to the Court.

### Responsibilities to the Court

First, this is a legal relationship. As such, the Guardian has to follow the law and the Court rules that apply to Guardians.

When appointed, the Guardian will receive a document titled “Letters of Guardianship.” This document should be safeguarded as it will be needed to prove the power to act on behalf of the Ward.

At the time of appointment, the Guardian may have to be bonded to manage funds and other properties if the Ward has sufficient assets to require it. If the amount of the bond initially posted is found to be insufficient to cover the assets, the Guardian must notify the Court and increase the amount of the bond. The Guardian also must return to Court to seek approval of the payment of fees to herself/himself.

Within 90 days of appointment, the Guardian is required to file a complete inventory of the estate of the Ward. If this is not completed within the required timeline, the Court may send the Guardian a notice to show cause as to why this has not been filed and the Guardian will need to appear in Court and explain the lack of action.

Annually, no later than 30 days after the anniversary of the Guardian’s appointment, a complete accounting of the administration of the Ward’s assets must be filed with the Court. This must be accompanied by proof that the Guardian is in possession of the assets of the Ward. **It is important that these assets never be commingled with those of the Guardian.** The Guardian must keep a record of income received and amounts paid on behalf of the Ward.

Annually, at the anniversary of appointment, the Guardian must complete a report of her/his activities on behalf of the Ward and a report on the Ward’s condition. If this report is not filed within 30 days of the anniversary of appointment, the Guardian will receive a notice to show cause from the Court and will have to appear in Court to explain the inaction.

The Court continues to have oversight of all Guardianships/Conservatorships. These reports provide the Court with the information needed to see that the Ward and her/his assets remain supported

and protected by the actions of the Guardian/Conservator. Forms for these reports are available from the Court.

### References

- National Guardianship Association. (1998). *A Model Code of Ethics for Guardians*. Tucson, AZ: NGA. Nebraska Advocates Services. (1996). *Developmental Disability Law: A Manual for Nebraska Advocates*. Lincoln, NE: NGA. National Guardianship Association. (2003). *Standards of Practice*. Tucson, AZ: NGA. Nebraska Revised Statutes, Article 26, Section 30-2601-2661.

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