

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 985**

Introduced by DeBoer, 10; Bosn, 25; Hughes, 24; Rountree, 3.

Read first time January 12, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend
- 2 sections 30-2628 and 30-2655, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to guardians and conservators; and to
- 4 repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 30-2628, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           30-2628 (a) Except as limited by section 30-2620, a guardian of an  
4 incapacitated person has the same powers, rights, and duties respecting  
5 the guardian's ward that a parent has respecting the parent's  
6 unemancipated minor child, except that a guardian is not liable to third  
7 persons for acts of the ward solely by reason of the parental  
8 relationship. In particular, and without qualifying the foregoing, a  
9 guardian has the following powers and duties, except as may be specified  
10 by order of the court:

11           (1) To the extent that it is consistent with the terms of any order  
12 by a court of competent jurisdiction relating to detention or commitment  
13 of the ward, a guardian is entitled to custody of the person of his or  
14 her ward and may establish the ward's place of abode within this state  
15 or, with court permission, outside of this state. When establishing the  
16 ward's place of abode, a guardian shall make every reasonable effort to  
17 ensure that the placement is the least restrictive alternative. A  
18 guardian shall authorize a placement to a more restrictive environment  
19 only after careful evaluation of the need for such placement. The  
20 guardian may obtain a professional evaluation or assessment that such  
21 placement is in the best interest of the ward.

22           (2) If entitled to custody of his or her ward, a guardian shall make  
23 provision for the care, comfort, and maintenance of his or her ward and,  
24 whenever appropriate, arrange for the ward's training and education.  
25 Without regard to custodial rights of the ward's person, a guardian shall  
26 take reasonable care of his or her ward's clothing, furniture, vehicles,  
27 and other personal effects and commence protective proceedings if other  
28 property of his or her ward is in need of protection.

29           (3) A guardian may give any consents or approvals that may be  
30 necessary to enable the ward to receive medical, psychiatric,  
31 psychological, or other professional care, counsel, treatment, or

1 service. When making such medical or psychiatric decisions, the guardian  
2 shall consider and carry out the intent of the ward expressed prior to  
3 incompetency to the extent allowable by law. Notwithstanding this  
4 provision or any other provision of the Nebraska Probate Code, the ward  
5 may authorize the release of financial, medical, and other confidential  
6 records pursuant to sections 20-161 to 20-166.

7 (4) If no conservator for the estate of the ward has been appointed,  
8 a guardian shall, within thirty days after appointment, prepare and file  
9 with the appointing court a complete inventory of the ward's estate  
10 together with the guardian's oath or affirmation that the inventory is  
11 complete and accurate so far as the guardian is informed. The guardian  
12 shall mail a copy thereof by first-class mail to the ward, if the ward  
13 can be located and has attained the age of fourteen years, and to all  
14 other interested persons as defined in section 30-2601. The guardian  
15 shall file with the court a certificate of mailing showing that copies  
16 were sent to all interested persons by first-class mail along with a form  
17 to send back to the court that indicates if such person wants to continue  
18 receiving notifications about the proceedings. The guardian shall keep  
19 suitable records of the guardian's administration and exhibit the same on  
20 request of any interested person. To the extent a guardian, who has not  
21 been named a conservator, has possession or control of the ward's estate,  
22 the guardian shall file with the court an updated inventory every year  
23 along with a certificate of mailing showing that copies were sent to all  
24 interested persons and, if a bond has been required, to the bonding  
25 company by first-class mail.

26 (5) If no conservator for the estate of the ward has been appointed,  
27 a guardian may:

28 (i) Institute proceedings to compel any person under a duty to  
29 support the ward or to pay sums for the welfare of the ward to perform  
30 such person's duty;

31 (ii) Receive money and tangible property deliverable to the ward and

1 apply the money and property for support, care, and education of the  
2 ward; but a guardian may not use funds from his or her ward's estate for  
3 room and board which the guardian or the guardian's spouse, parent, or  
4 child has furnished the ward unless a charge for the service is approved  
5 by order of the court made upon notice to at least one of the next of kin  
6 of the ward, if notice is possible. A guardian must exercise care to  
7 conserve any excess for the ward's needs; and

8 (iii) Exercise a settlor's powers with respect to revocation,  
9 amendment, or distribution of trust property when authorized by a court  
10 acting under the authority of subsection (f) of section 30-3854. In  
11 acting under the authority of subsection (f) of section 30-3854, the  
12 court shall proceed in the same manner as provided under subdivision (3)  
13 of section 30-2637.

14 (6) A guardian is required to report the condition of his or her  
15 ward and of the estate which has been subject to the guardian's  
16 possession or control, at least every year and as required by the court  
17 or court rule. The court shall receive from any interested person, for a  
18 period of thirty days after the filing of the guardian's report, any  
19 comments with regard to the need for continued guardianship or amendment  
20 of the guardianship order. If the court has reason to believe that  
21 additional rights should be returned to the ward or assigned to the  
22 guardian, the court shall set a date for a hearing and may provide all  
23 protections as set forth for the original finding of incapacity and  
24 appointment of a guardian.

25 (7) If a conservator has been appointed, all of the ward's estate  
26 received by the guardian in excess of those funds expended to meet  
27 current expenses for support, care, and education of the ward must be  
28 paid to the conservator for management as provided in the Nebraska  
29 Probate Code, and the guardian must account to the conservator for funds  
30 expended.

31 (b) Any guardian of one for whom a conservator also has been

1 appointed shall control the custody and care of the ward and is entitled  
2 to receive reasonable sums for the guardian's services and for room and  
3 board furnished to the ward as agreed upon between the guardian and the  
4 conservator if the amounts agreed upon are reasonable under the  
5 circumstances. The guardian may request the conservator to expend the  
6 ward's estate by payment to third persons or institutions for the ward's  
7 care and maintenance.

8 (c) Nothing in subdivision (a)(3) of this section or in any other  
9 part of this section shall be construed to alter the decisionmaking  
10 authority of an attorney in fact designated and authorized under sections  
11 30-3401 to 30-3432 to make health care decisions pursuant to a power of  
12 attorney for health care.

13 (d) A guardian shall not accept an appointment as a guardian for an  
14 individual if the guardian serves as a guardian or conservator for twenty  
15 individuals.

16 **Sec. 2.** Section 30-2655, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 30-2655 (a) The court may, at the time of appointment or later,  
19 limit the powers of a conservator otherwise conferred by sections 30-2653  
20 and 30-2654, or previously conferred by the court, and may at any time  
21 relieve the conservator of any limitation. If the court limits any power  
22 conferred on the conservator by section 30-2653 or 30-2654, the  
23 limitation shall be endorsed upon the conservator's letters of  
24 appointment.

25 (b) A conservator shall not change a protected person's place of  
26 abode to a location outside of the State of Nebraska without court  
27 permission.

28 (c) A conservator shall not accept an appointment as a conservator  
29 for an individual if the conservator serves as a guardian or conservator  
30 for twenty individuals.

31 **Sec. 3.** Original sections 30-2628 and 30-2655, Reissue Revised

1 Statutes of Nebraska, are repealed.