

AMENDMENTS TO LB 157

(Amendments to E & R amendments, ER6)

Introduced by Coash

1 1. Insert the following new sections:

2 Sec. 30. Section 30-2210, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 30-2210 Except as otherwise provided in this code, this
5 code applies to (1) the affairs and estates of decedents, missing
6 persons, and persons to be protected, domiciled in this state,
7 (2) the property of nonresidents located in this state or property
8 coming into the control of a fiduciary who is subject to the laws
9 of this state, (3) incapacitated persons and minors in this state,
10 except as provided in the Nebraska Uniform Adult Guardianship and
11 Protective Proceedings Jurisdiction Act, and (4) survivorship and
12 related accounts in this state.

13 Sec. 31. Section 30-2211, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 30-2211 (a) To the full extent permitted by the
16 Constitution of Nebraska, the court has jurisdiction over all
17 subject matter relating to (1) estates of decedents, including
18 construction of wills and determination of heirs and successors of
19 decedents, and estates of protected persons; and (2) protection
20 of minors and incapacitated persons, except as provided in the
21 Nebraska Uniform Adult Guardianship and Protective Proceedings
22 Jurisdiction Act.

1 (b) The court has full power to make orders, judgments,
2 and decrees and take all other action necessary and proper to
3 administer justice in the matters which come before it.

4 Sec. 36. Section 30-2618, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 30-2618 ~~The~~ Unless otherwise provided in the Nebraska
7 Uniform Adult Guardianship and Protective Proceedings Jurisdiction
8 Act, the venue for guardianship proceedings for an incapacitated
9 person is in the place where the incapacitated person resides
10 or is present, or where property is located if he or she is
11 a nonresident. If the incapacitated person is admitted to an
12 institution pursuant to order of a court of competent jurisdiction,
13 venue is also in the county in which that court sits.

14 Sec. 40. Section 30-2629, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 30-2629 (a) ~~The~~ Unless otherwise provided in the Nebraska
17 Uniform Adult Guardianship and Protective Proceedings Jurisdiction
18 Act, the court where the ward resides has concurrent jurisdiction
19 with the court which appointed the guardian, or in which acceptance
20 of a testamentary appointment was filed, over resignation, removal,
21 accounting, and other proceedings relating to the guardianship.

22 (b) ~~If~~ Unless otherwise provided in the Nebraska Uniform
23 Adult Guardianship and Protective Proceedings Jurisdiction Act,
24 if the court located where the ward resides is not the court
25 in which acceptance of appointment is filed, the court in which
26 proceedings subsequent to appointment are commenced shall in all
27 appropriate cases notify the other court, in this or another

1 state, and after consultation with that court determine whether to
2 retain jurisdiction or transfer the proceedings to the other court,
3 whichever may be in the best interest of the ward. A copy of any
4 order accepting a resignation or removing a guardian shall be sent
5 to the court in which acceptance of appointment is filed.

6 (c) Any action or proposed action by a guardian may be
7 challenged at any time by any interested person.

8 Sec. 42. Section 30-2632, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 30-2632 Venue Unless otherwise provided in the Nebraska
11 Uniform Adult Guardianship and Protective Proceedings Jurisdiction
12 Act, venue for proceedings under this part is:

13 (1) In the place in this state where the person to be
14 protected resides whether or not a guardian has been appointed in
15 another place; or

16 (2) If the person to be protected does not reside in this
17 state, in any place where he or she has property.

18 2. On page 20, line 3, after the period insert "If the
19 incapacitated person does not have a conservator and has real
20 property or an interest in real property in Nebraska, the guardian
21 shall file in every county where such property is located as
22 required by section 25-2708."; in line 9 strike "any" and insert
23 "every"; and in line 10 after "located" insert "as required by
24 section 25-2708".

25 3. On page 21, lines 16 and 17, strike the new matter and
26 insert "and sections 5 to 27, 33, and 34 of this act".

27 4. On page 30, line 16, after "meaning" insert "of

1 interested person"; and in lines 26 and 27, strike "or concerned
2 individual".

3 5. On page 31, line 7, after the period insert "Any
4 interested person that submits an affidavit under this section in
5 bad faith, or submits an affidavit under this section that lacks
6 a factual basis as determined by the court, shall be ordered to
7 pay the opposing party reasonable attorney's fees and costs."; in
8 line 8 before "A" insert "(1)"; in line 12, strike "the following
9 checks and reports" and insert "a national criminal history record
10 check through a process approved by the State Court Administrator
11 and a report"; in line 13 strike "reports" and insert "report"; in
12 line 14 after "court" insert "(a) for good cause shown by affidavit
13 filed simultaneously with the petition for appointment or (b)";
14 in line 16 strike the semicolon and insert an underscored period;
15 strike lines 17 through 24; in line 25 before "An" insert "(2)"; in
16 line 26 strike "reports have" and insert "report has"; and in line
17 27 strike "reports" and insert "report".

18 6. On page 32, line 2, strike "reports or checks" and
19 insert "report or national criminal history record check"; and
20 strike beginning with "Reports" in line 6 through line 7.

21 7. On page 39, line 17, strike "checks and reports" and
22 insert "check or report" and strike "32" and insert "34".

23 8. On page 41, lines 24 and 25, strike ", by certified
24 mail, return receipt requested, and".

25 9. On page 45, line 24, after "requires" insert ", except
26 that a temporary conservator shall not be required to provide the
27 national criminal history record check and report under section 34

1 of this act".

2 10. On page 49, lines 12 and 13, strike "31 and 32" and
3 insert "33 and 34"; strike line 16 and insert "30-1601, 30-2209,
4 30-2210, 30-2211, 30-2601, 30-2613, 30-2618, 30-2620, 30-2626,
5 30-2628, 30-2629,"; and in line 17 after the first comma insert
6 "30-2632,".

7 11. Renumber the remaining sections accordingly.