

## LEGISLATIVE BILL 782

Approved by the Governor June 10, 1993

Introduced by Lindsay, 9; Wesely, 26

AN ACT relating to persons in need of protection; to amend sections 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2620.01, 30-2625, 30-2626, 30-2627, 30-2628, 30-2630, 30-2633, 30-2634, 30-2636, 30-2637, 30-2639, and 30-2643, Reissue Revised Statutes of Nebraska, 1943, and sections 30-3404, 30-3407 to 30-3409, 30-3412, 30-3413, 30-3422 to 30-3424, 30-3429, and 30-3432, Revised Statutes Supplement, 1992; to require a bond for certain appeals in guardianship proceedings; to provide duties for the State Court Administrator; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to provide for appointment of an attorney, a temporary guardian, and a temporary conservator; to provide for an expedited hearing; to change provisions relating to the power of attorney for health care; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-2730, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2730. (1) In cases involving a money judgment or a judgment for the possession of specified personal property, no appeal shall operate as a supersedeas unless the appellant within thirty days after the rendition of the judgment deposits with the clerk of the county court a cash bond or an undertaking with at least one good and sufficient surety approved by the court. In cases involving a money judgment, the bond or undertaking shall be in the amount of the judgment, costs, and estimated interest pending appeal and conditioned that the appellant shall pay the judgment, interest, and costs adjudged against him or her on appeal. In cases involving a judgment for the possession of specified personal property, the bond or undertaking shall be in an amount at least double the value of the property and conditioned that the appellant shall pay all costs and damages adjudged against him or her on appeal and deliver the property in accordance with the judgment on appeal.

(2) In appeals in matters arising under the Nebraska Probate Code except appeals pursuant to sections 30-2601 to 30-2661, the appeal shall be a supersedeas for the matter from which the appeal is specifically taken, but not for any other matter. In appeals pursuant to

sections 30-2601 to 30-2661, no appeal shall operate as a supersedeas unless the appellant within thirty days after the rendition of the judgment deposits with the clerk of the county court a bond or other security approved by the court in an amount and conditioned in accordance with sections 30-2640 and 30-2641.

(3) In appeals in cases of forcible entry and detainer, no appeal shall operate as a supersedeas unless the party appealing shall deposit an undertaking or cash bond in accordance with section 25-21,234.

(4) In appeals in criminal cases, the execution of judgment and sentence, other than any sentence to a period of confinement, shall be suspended during the appeal. Execution of a sentence to a period of confinement shall be suspended only if (a) the county court, in its discretion, allows the defendant to continue at liberty under the prior recognizance or bail or (b) the defendant enters into a written recognizance to the State of Nebraska, with surety or sureties approved by the county court or with a cash bond, filed with the clerk of the county court. The condition of the recognizance shall be that the defendant will prosecute the appeal without delay and abide and perform the judgment and sentence of the district court. Upon the filing of the notice of appeal, the county court shall fix the amount of the recognizance or cash bond, which shall be a reasonable amount. The cash bond shall be returned upon the fulfillment of the conditions of the bond.

(5) In appeals in cases under the Uniform Residential Landlord and Tenant Act, no appeal shall operate as a supersedeas of any writ of restitution ~~until~~ unless the defendant deposits an undertaking or cash bond in accordance with section 76-1447.

(6) In all other cases, perfection of an appeal shall not stay the proceedings.

(7) In any case, the district court, on motion after notice and hearing and upon such terms as justice shall require, may stay any order or judgment appealed from, order a renewal or additional surety of an undertaking, or order the amount of the undertaking or recognizance increased or decreased. The action of the district court shall be certified by the clerk to the clerk of the county court. In those cases in which the order or judgment appealed from was entered by a municipal court prior to July 1, 1985, the action of the district court shall be certified by the clerk to the clerk of the county court in the district in which the municipal court was located.

Sec. 2. That section 30-2201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2201. Sections 30-2201 to 30-2902 and sections 4 and 13 of this act shall be known and may be cited as the Nebraska Probate Code.

Sec. 3. That section 30-2220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2220. (a) If notice of a hearing on any petition is required and except for specific notice requirements as otherwise provided,

the petitioner shall cause notice of the time and place of hearing of any petition to be given to any interested person or his or her attorney if he or she has appeared by attorney or requested that notice be sent to his or her attorney. Notice shall be given:

(1) if ~~If~~ the identity and address of any person is known; (i) by mailing a copy thereof at least fourteen days before the time set for the hearing by certified, registered, or ordinary first-class mail addressed to the person being notified at the post office address given in his or her demand for notice, if any, or at his or her office or place of residence, if known; ; or (ii) by delivering a copy thereof to the person being notified personally at least fourteen days before the time set for the hearing; and

(2) ~~by~~ By publishing at least once a week for three consecutive weeks a copy thereof in a legal newspaper having general circulation in the county where the hearing is to be held, the last publication of which is to be at least three days before the time set for the hearing.

If the action pending on which notice is required is a guardianship or conservatorship action under sections 30-2601 to 30-2661, publication shall be required only if the identity or address of any person required to be served is not known and cannot be ascertained with reasonable diligence.

(b) The court for good cause shown may provide for a different method or time of giving notice for any hearing.

(c) Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding.

Sec. 4. The State Court Administrator shall approve training curricula for persons appointed as guardians and conservators. Such training curricula shall include, but not be limited to:

(1) The rights of wards under sections 30-2601 to 30-2661 specifically and under the laws of the United States generally;

(2) The duties and responsibilities of guardians;

(3) Reporting requirements;

(4) Least restrictive options in the areas of housing, medical care, and psychiatric care; and

(5) Resources to assist guardians in fulfilling their duties.

Sec. 5. That section 30-2619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2619. (a) ~~The allegedly-incapacitated~~ person alleged to be incapacitated or any person interested in his or her welfare may petition for a finding of incapacity and appointment of a guardian. The petition shall be verified and shall contain specific allegations with regard to ~~any~~ each of the areas as provided under section 30-2619.01 in which the petitioner claims that the ~~allegedly-incapacitated~~ person alleged to be incapacitated lacks sufficient understanding to make or communicate responsible decisions concerning his or her own person. The allegations shall include a specific description of the functional limitations and physical and mental condition of the person alleged to be incapacitated

with the specific reasons prompting the request for guardianship, the steps taken to find less restrictive alternatives to guardianship, the specific guardianship powers being requested, and the qualifications of the individual being proposed to serve as guardian.

(b) Upon the filing of a petition, the court shall set a date for hearing on the issues of incapacity and unless the ~~allegedly incapacitated~~ person alleged to be incapacitated has retained counsel of his or her own choice or has otherwise indicated a desire for an attorney of his or her own choice, ~~it~~ the court may appoint an attorney to represent him or her in the proceeding. The court may appoint a guardian ad litem to advocate for the best interests of the person alleged to be incapacitated. ~~who shall have the powers and duties of a guardian ad litem.~~

(c) The person alleged to be incapacitated may be examined by a physician appointed by the court. The physician who shall submit his or her report in writing to the court and may be interviewed by a visitor, if so appointed pursuant to sections 30-2619.01 and 30-2624, sent by the court.

(d) The person alleged to be incapacitated is entitled to be present at the hearing in person; and ~~is entitled~~ to see and hear all evidence bearing upon his or her condition. He or she is entitled to be present by counsel, to compel the attendance of witnesses, to present evidence, and to cross-examine witnesses, including the court-appointed physician and the visitor appointed by the court pursuant to sections 30-2619.01 and 30-2624, and to appeal any final orders or judgments. The issue may be determined at a closed hearing only if the person alleged to be incapacitated or his or her counsel so requests.

Sec. 6. That section 30-2620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2620. The court may appoint a guardian for the specific areas as requested in the verified petition if it is satisfied by clear and convincing evidence that the person for whom a guardian is sought is incapacitated and that the appointment is necessary or desirable as ~~a~~ means of the least restrictive alternative available for providing continuing care or supervision of the person of the incapacitated person alleged to be incapacitated in each such area. If the court determines that a less restrictive alternative is available, the court shall not appoint a guardian and may dismiss the proceeding or enter any other appropriate order.

The guardian shall be delegated only those powers which the court finds necessary by clear and convincing evidence to compensate for the lack of capacity of the ward to manage for himself or herself, and the ward shall retain all other powers not specified in the court's order. The court ~~may~~ shall, at the time of appointment, ~~or later,~~ specify the authorities and responsibilities which the guardian and ward, acting together, ~~or singly,~~ shall have with regard to:

(1) Selecting the ward's place of abode within or without this state;

- (2) Arranging for medical care for the ward;
- (3) Protecting the personal effects of the ward;
- (4) Giving necessary consent, approval, or releases on behalf of the ward;
- (5) Arranging for training, education, or other habilitating services appropriate for the ward;
- (6) Applying for private or governmental benefits to which the ward may be entitled;
- (7) Instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform such duty, if no conservator has been appointed;
- (8) Entering into contractual arrangements on behalf of the ward, if no conservator has been appointed; and
- (9) Receiving money and tangible property deliverable to the ward and applying such money and property to the ward's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no conservator has been appointed, or requesting the conservator to expend the ward's estate by payment to third persons to meet such expenses.

~~If the court does specify such authorities and responsibilities, the~~ The specifications shall be endorsed upon the letters of appointment of the guardian; and shall be treated as specific limitations upon the general powers, rights, and duties accorded by law to the ward. Notwithstanding such specifications, the ward shall be deemed competent for purposes of retaining an attorney for the sole purpose of challenging the guardianship, the terms of the guardianship, or the actions of the guardian on behalf of the ward. ~~guardian. Alternatively, the court may dismiss the proceeding or enter any other appropriate order.~~

Sec. 7. That section 30-2620.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2620.01. The reasonable fees and costs of an attorney, a guardian ad litem, a physician, and a visitor appointed by the court for the person alleged to be incapacitated shall be allowed, disallowed, or adjusted by the court and may be paid from the estate of the ward if the ward possesses an estate; or, if not, shall be paid by the county in which the proceedings are brought or by the petitioner as costs of the action. An action under sections 30-2601 to 30-2661 may be initiated or defended in forma pauperis in accordance with sections 25-2301 to 25-2310. The court may assess attorney's fees and costs against the petitioner upon a showing that the action was frivolous in accordance with sections 25-824 to 25-824.03.

Sec. 8. That section 30-2625, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2625. (a) In a proceeding for the appointment or removal of a guardian of an incapacitated a person alleged to be incapacitated or the removal of a guardian of a ward other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of hearing shall be given to each of the following:

(1) ~~the~~ The ward or the person alleged to be incapacitated and his or her spouse, parents, and adult children;

(2) ~~any~~ Any person who is serving as ~~his-or-her~~ guardian or conservator of the ward or who has ~~his-or-her~~ care and custody of a person alleged to be incapacitated; and

(3) ~~in-case~~ If no other person is notified under subdivision (1) of this subsection, at least one of ~~his-or-her~~ the closest adult relatives of the ward or person alleged to be incapacitated, if any can be found.

(b) Notice which is appropriate to the circumstances of the ward or person alleged to be incapacitated shall be served personally at least fourteen days prior to the hearing on the alleged-incapacitated ward or person; alleged to be incapacitated and his or her spouse and parents if they can be found within the state. Appropriate notice shall include, but not be limited to, reading aloud, braille, sign language, large print, facilitated communication, or the use of other accommodations within reason to provide notice based on the allegations specified in the petition and any other known attributes of the ward or person alleged to be incapacitated. Notice to the spouse and parents, if they cannot be found within the state, and to all other persons except the alleged incapacitated ward or person alleged to be incapacitated shall be given as provided in section 30-2220. Waiver of notice by the person alleged to be incapacitated ~~is-not~~ shall not be effective unless he or she attends the hearing and the court finds upon questioning the person alleged to be incapacitated that the waiver was made personally, intelligently, knowingly, understandingly, and voluntarily, or his-or-her waiver of notice is confirmed in an interview with the visitor or such notice is waived by a guardian ad litem. Representation of the alleged incapacitated person by a guardian ad litem is not necessary.

(c) In addition to notifying him or her of the filing of the petition and the time and place of the hearing on the petition, the notice required to be served upon the allegedly-incapacitated person alleged to be incapacitated shall list the following rights of the person:

(1) The right to ~~have~~ request the appointment of an attorney; appointed;

(2) The right to present evidence in his or her own behalf;  
and

(3) The right to ~~request that the power of the guardian, if appointed, be limited by the court~~ compel attendance of witnesses;

(4) The right to cross-examine witnesses, including the court-appointed physician;

(5) The right to appeal any final order; and

(6) The right to request a hearing closed to the public.

The court may require that the notice contain such other matters as the court may deem appropriate.

Sec. 9. That section 30-2626, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2626. (a) If ~~an-incapacitated~~ a person alleged to be

incapacitated has no guardian and an emergency exists, the court may; ~~pending notice and hearing;~~ exercise the power of a guardian or appoint enter an ex parte order appointing a temporary guardian—If to address the emergency. In the letters of temporary guardianship, the court shall specify the powers and duties of the temporary guardian limiting the powers and duties to those necessary to address the emergency.

(b) When the court takes action to exercise the powers of a guardian or to appoint a temporary guardian under subsection (a) of this section, an expedited hearing shall be held within ten days, excluding weekends and judicial holidays as defined in section 25-2221, of the signing of the court order exercising the powers of guardian or appointing a temporary guardian. At such hearing, the petitioner shall have the burden of showing by the preponderance of the evidence that temporary guardianship continues to be necessary to address the emergency situation. Unless the person alleged to be incapacitated has counsel of his or her own choice, the court may appoint an attorney to represent the person alleged to be incapacitated at such hearing as provided in section 30-2619.

(c) Notice of the expedited hearing shall be served as provided in section 30-2625, except that the notice shall be given at least twenty-four hours prior to the expedited hearing.

(d) At the expedited hearing, the court may render a judgment authorizing the temporary guardianship to continue beyond the original ten-day period. The judgment shall prescribe the specific powers and duties of the temporary guardian in the letters of temporary guardianship and shall be effective for a single ninety-day period. For good cause shown, the court may extend the temporary guardianship for another ninety-day period.

(e) The temporary guardianship shall terminate at the end of the ninety-day period in which the temporary guardianship is valid or at any time prior thereto if the court deems the circumstances leading to the order for temporary guardianship no longer exist or if a hearing pursuant to section 30-2619 has been held during the ninety-day period.

(f) If the court denies the request for the ex parte order, the court may, in its discretion, enter an order for an expedited hearing pursuant to subsections (b) through (e) of this section.

(g) If the petitioner requests the entry of an order of temporary guardianship pursuant to subsection (a) of this section without requesting an ex parte order, the court may hold an expedited hearing pursuant to subsections (b) through (e) of this section.

(h) If a person has been previously found to be incapacitated and an appointed guardian is not effectively performing his or her duties and the court further finds that the welfare of the incapacitated person requires immediate action, it may, with or without notice, appoint a temporary guardian for the incapacitated person for a specified period not to exceed ~~six months.~~ ninety days at which time the court shall conduct a hearing pursuant to section 30-2619. A temporary guardian appointed pursuant to this subsection has only the powers and



duties specified in the previously appointed guardian's letters of guardianship, and the authority of any permanent guardian previously appointed by the court is suspended so long as a temporary guardian has authority. The ward may request a review of the decision to replace the permanent guardian with the temporary guardian.

(i) A temporary guardian may be removed at any time. A temporary guardian shall make any report the court requires. In other respects the provisions of ~~this code~~ the Nebraska Probate Code concerning guardians apply to temporary guardians.

Sec. 10. That section 30-2627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2627. (a) Any competent person or a suitable institution may be appointed guardian of ~~an incapacitated~~ a person alleged to be incapacitated, except that it shall be unlawful for any agency providing residential care in an institution or community-based program, or any owner, part owner, manager, administrator, ~~or~~ employee, or any spouse of an owner, part owner, manager, administrator, or employee of any nursing home, room and board home, ~~convalescent home residential care facility, domiciliary facility,~~ or institution engaged in the care, treatment, or housing of any person physically or mentally handicapped, infirm, or aged to be appointed guardian ~~or conservator~~ of any such person residing, being under care, receiving treatment, or being housed in any such home or institution within the State of Nebraska. Nothing in this subsection shall prevent the ~~allegedly incapacitated person's~~ spouse, adult child, parent, or ~~other~~ relative of the person alleged to be incapacitated from being appointed guardian or prevent the guardian officer for one of the Nebraska veterans homes as provided in section 80-304.01 from being appointed guardian or conservator for the person alleged to be incapacitated. It shall be unlawful for any county attorney or deputy county attorney appointed as guardian for a person alleged to be incapacitated to circumvent his or her duties or the rights of the ward pursuant to the Nebraska Mental Health Commitment Act by consenting to inpatient or outpatient psychiatric treatment over the objection of the ward.

(b) Persons who are not disqualified under subsection (a) of this section and who exhibit the ability to exercise the powers to be assigned by the court have priority for appointment as guardian in the following order:

(1) ~~a~~ A person nominated most recently by either of the following methods:

(i) ~~a~~ A person nominated by the incapacitated person in a power of attorney or a durable power of attorney; or

(ii) ~~a~~ A person nominated by an attorney in fact who is given power to nominate in a power of attorney or a durable power of attorney executed by the incapacitated person;

(2) ~~the~~ The spouse of the incapacitated person;

(3) ~~an~~ An adult child of the incapacitated person;

(4) ~~a~~ A parent of the incapacitated person, including a



person nominated by will or other writing signed by a deceased parent;

(5) ~~any~~ Any relative of the incapacitated person with whom he or she has resided for more than six months prior to the filing of the petition;

(6) ~~a~~ A person nominated by the person who is caring for him or her or paying benefits to him or her.

(c) When appointing a guardian, the court shall take into consideration the expressed wishes of the allegedly incapacitated person. The court, acting in the best interest of the incapacitated person, may pass over a person having priority and appoint a person having lower priority or no priority. With respect to persons having equal priority, the court shall select the person it deems best qualified to serve.

(d) In its order of appointment, unless waived by the court, the court shall require any person appointed as guardian to successfully complete within three months of such appointment a training program approved by the State Court Administrator. If the person appointed as guardian does not complete the training program, the court shall issue an order to show cause why such person should not be removed as guardian.

(e) The court may require a guardian to furnish a bond in an amount and conditioned in accordance with the provisions of ~~section~~ sections 30-2640 and 30-2641.

Sec. 11. That section 30-2628, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2628. (a) A guardian of an incapacitated person has ~~the same powers, rights;~~ only the powers specified in the letters of guardianship based on the court's specific findings of incapacity. With regard to those specified powers, the guardian of an incapacitated person has the same rights and duties respecting his or her ward that a parent has respecting his or her unemancipated minor child, except that a guardian is not liable to third persons for acts of the ward solely by reason of the parental relationship. In particular, and without qualifying the foregoing, a guardian ~~has~~ may be delegated the following powers and duties, except as may be modified by order of the court:

(1) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, he or she is entitled to custody of the person of his or her ward and may establish the ward's place of abode within or without this state. When establishing the ward's place of abode, a guardian shall make every reasonable effort to ensure that the placement is the least restrictive alternative. A guardian shall authorize a placement to a more restrictive environment only after careful evaluation of the need for such placement and, to the extent feasible, after a professional evaluation or assessment that such placement is in the best interest of the ward. All such placements shall be subject to judicial review upon the request of any interested party.

(2) If entitled to custody of his or her ward, he or she shall make provision for the care, comfort, and maintenance of his or her ward and, whenever appropriate, arrange for his or her training and education.

Without regard to custodial rights of the ward's person, he or she shall take reasonable care of his or her ward's clothing, furniture, vehicles, and other personal effects and commence protective proceedings if other property of his or her ward is in need of protection.

(3) A guardian may give any consents or approvals that may be necessary to enable the ward to receive medical, psychiatric, or other professional care, counsel, treatment, or service. When making such medical or psychiatric decisions, the guardian shall consider and carry out wishes made by the ward prior to incompetency to the extent allowable by law. Notwithstanding this provision or any other provision of the Nebraska Probate Code, the ward may consent to the release of financial, medical, and other confidential records.

(4) If no conservator for the estate of the ward has been appointed, he or she may:

(i) ~~institute~~ Institute proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform his or her duty;

(ii) ~~receive~~ Receive money and tangible property deliverable to the ward and apply the money and property for support, care, and education of the ward; but he or she may not use funds from his or her ward's estate for room and board which he or she, his or her spouse, parent, or child ~~have~~ has furnished the ward unless a charge for the service is approved by order of the court made upon notice to at least one of the next of kin of the ward, if notice is possible. He or she must exercise care to conserve any excess for the ward's needs.

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

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

(b) Any guardian of one for whom a conservator also has been appointed shall control the custody and care of the ward, and is entitled to receive reasonable sums for his or her services and for room and board furnished to the ward as agreed upon between him or her and the conservator, provided the amounts agreed upon are reasonable under the circumstances. The guardian may request the conservator to expend

the ward's estate by payment to third persons or institutions for the ward's care and maintenance.

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

Sec. 12. That section 30-2630, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2630. Upon petition and after notice and hearing in accordance with the provisions of this part, the court may appoint a conservator or make other protective order for cause as follows:

(1) Appointment of a conservator or other protective order may be made in relation to the estate and property affairs of a minor if the court determines is satisfied by clear and convincing evidence that a minor owns money or property that requires management or protection which cannot otherwise be provided, has or may have business affairs which may be jeopardized or prevented by his or her minority, or that funds are needed for his or her support and education and that protection is necessary or desirable to obtain or provide funds.

(2) Appointment of a conservator or other protective order may be made in relation to the estate and property affairs of a person if the court determines is satisfied by clear and convincing evidence that (i) the person is unable to manage his or her property and property affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, ~~advanced age~~, chronic use of drugs, chronic intoxication, confinement, or lack of discretion in managing benefits received from public funds, detention by a foreign power, or disappearance; and (ii) the person has property which will be wasted or dissipated unless proper management is provided, or that funds are needed for the support, care, and welfare of the person or those entitled to be supported by him or her and that protection is necessary or desirable to obtain or provide funds.

Sec. 13. (a) If a person alleged to be in need of protection under section 30-2630 has no conservator and an emergency exists, the court may exercise the power of a conservator or enter an emergency protective order appointing a temporary conservator to address the emergency. The court shall specify the powers and duties of the temporary conservator, limiting the powers and duties to those necessary to address the emergency.

(b) When the court takes action to exercise the powers of a conservator or to appoint a temporary conservator under subsection (a) of this section, an expedited hearing shall be held within ten days, excluding weekends and judicial holidays as defined in section 25-2221, of the signing of the emergency protective order exercising the powers of conservator or appointing a temporary conservator. At such hearing, the petitioner shall have the burden of showing by the preponderance of the evidence that temporary conservatorship continues to be necessary to

address the emergency situation. Unless the person alleged to be in need of protection has counsel of his or her own choice, the court shall appoint an attorney to represent the person at such hearing as provided in section 30-2636.

(c) Notice of the expedited hearing shall be served as provided in section 30-2634, except that the notice shall be given at least twenty-four hours prior to the expedited hearing.

(d) At the expedited hearing, the court may render a judgment authorizing the temporary conservatorship to continue beyond the original ten-day period. The judgment shall prescribe the specific powers and duties of the temporary conservator in the letters of temporary conservatorship and shall be effective for no longer than a single ninety-day period. For good cause shown, the court may extend the temporary conservatorship for another ninety-day period.

(e) The temporary conservatorship shall terminate at the end of the ninety-day period in which the temporary conservatorship is valid or at any time prior thereto if the court deems the circumstances leading to the order for temporary conservatorship no longer exist or if a hearing pursuant to section 30-2636 has been held during the ninety-day period.

(f) If the court denies the request for the ex parte order, the court may, in its discretion, enter an order for an expedited hearing pursuant to subsections (b) through (e) of this section.

(g) If the petitioner requests the entry of an order of temporary conservatorship pursuant to subsection (a) of this section without requesting an ex parte order, the court may hold an expedited hearing pursuant to subsections (b) through (e) of this section.

(h) A temporary conservator may be removed at any time. A temporary conservator shall make any report the court requires. In other respects the provisions of the Nebraska Probate Code concerning conservators apply to temporary conservators.

Sec. 14. That section 30-2633, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2633. (a) The person to be protected, any person who is interested in his or her estate, property affairs, or welfare including his or her parent, guardian, or custodian, or any person who would be adversely affected by lack of effective management of his or her property and property affairs may petition for the appointment of a conservator or for other appropriate protective order.

(b) The petition shall set forth, to the extent known, the interest of the petitioner; the name, age, residence, and address of the person to be protected; the name and address of his or her guardian, if any; the name and address of his or her nearest relative known to the petitioner; a general statement of his or her property with an estimate of the value thereof, including any compensation, insurance, pension, or allowance to which he or she is entitled; and the reason why specific allegations regarding the necessity of the appointment of a conservator or other protective order. The allegations shall include a specific description

of the functional limitations and physical and mental condition of the person to be protected, the specific reasons prompting the request for conservatorship or a protective order, the steps taken to find less restrictive alternatives to conservatorship or a protective order, the specific powers being requested for the conservatorship or protective order, and, if is necessary, if the appointment of a conservator is requested, the petition also shall set forth the name and address of the person whose appointment is sought, and the basis of his or her priority for appointment, and his or her qualifications to serve as conservator.

Sec. 15. That section 30-2634, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2634. (a) ~~On a petition~~ In a proceeding for appointment of a conservator or other protective order, ~~the notice of hearing shall be given to each of the following:~~

(1) ~~The person to be protected and his or her spouse, or, if none, his parents, must and adult children;~~

(2) ~~Any person who is serving as guardian or conservator or who has care and custody of the person to be protected; and~~

(3) ~~If no other person is notified under subdivision (1) of this subsection, at least one of the closest adult relatives of the person to be protected, if any can be found.~~

(b) ~~Notice appropriate to the circumstances of the person to be protected shall be served personally with notice of the proceeding at least fourteen days before the date of hearing on the person to be protected and his or her spouse and parents if they can be found within the state, or; if they the spouse and parents cannot be found within the state, they must be given notice in accordance with section 30-2220. Appropriate notice shall include, but not be limited to, reading aloud, braille, sign language, large print, facilitated communication, or the use of other accommodations within reason to provide notice based on the allegations specified in the petition and any other known attributes of the person to be protected.~~

(b) (c) ~~If petitioners are the natural parents; or if petitioner is a surviving natural parent; or a parent who has been given sole and exclusive custody of the minor in a legal proceeding, petitioners or petitioner may waive notice to parents; and may also waive notice to the minor, if the minor be is under the age of fourteen years. Waiver of notice by the person alleged to be incapacitated is not to be protected shall not be effective unless he or she attends the hearing or his waiver of notice is confirmed in an interview with the visitor or such notice is waived by a guardian ad litem and the court finds upon questioning the person to be protected that the waiver was made personally, intelligently, knowingly, understandingly, and voluntarily. The court may, in its discretion, direct that notice be given as provided in section 30-2220 or in any other manner and to any other persons as the court may determine.~~

(e) (d) ~~Notice of a petition for appointment of a conservator or other initial protective order, and of any subsequent hearing, must be given to any person who has filed a request for notice~~

under section 30-2635 and to interested persons and other persons as the court may direct. Except as otherwise provided in subsections (a) and (b) of this section, notice shall be given in accordance with section 30-2220.

(e) In addition to notifying him or her of the filing of the petition and the time and place of the hearing on the petition, the notice required to be served upon the person to be protected shall list the following rights of the person:

- (1) The right to request the appointment of an attorney;
- (2) The right to present evidence in his or her own behalf;
- (3) The right to compel attendance of witnesses;
- (4) The right to cross-examine witnesses, including the court-appointed physician;
- (5) The right to appeal any final order; and
- (6) The right to request a hearing closed to the public.

The court may require that the notice contain such other matters as the court may deem appropriate.

Sec. 16. That section 30-2636, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2636. (a) Upon receipt of a petition for appointment of a conservator or other protective order because of minority, the court shall set a date for hearing on the matters alleged in the petition. If, at any time in the proceeding, the court determines that the interests of the minor are or may be inadequately represented, it the court may appoint an attorney to represent the minor, giving consideration to the choice of the minor if he or she is fourteen years of age or older. A lawyer appointed by the court to represent a minor has the powers and duties of a guardian ad litem.

(b) Upon receipt of a petition for appointment of a conservator or other protective order for reasons other than minority, the court shall set a date for hearing. Unless the person to be protected has counsel of his or her own choice, the court may appoint a lawyer an attorney to represent him who then has the powers and duties of a guardian ad litem or her in the proceeding. The court may appoint a guardian ad litem to advocate for the best interests of the person to be protected. If the alleged disability is mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, or chronic intoxication, the court may direct that the person to be protected be examined by a physician designated by the court, preferably a physician who is not connected with any institution in which the person is a patient or is detained. The court may send a visitor to interview the person to be protected. The visitor may be a guardian ad litem or an officer or employee of the court.

(c) After hearing, upon finding that a basis clear and convincing evidence exists for the appointment of a conservator or other protective order, has been established; the court shall make an appointment or other appropriate protective order.

Sec. 17. That section 30-2637, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2637. The court has the following powers which may be exercised directly or through a conservator ~~in~~ with respect to the estate and affairs of protected persons:

(1) While a petition for appointment of a conservator or other protective order is pending and after preliminary hearing and without notice to others, the court has power to preserve and apply the property of the person to be protected as may be required for his or her benefit or the benefit of his or her dependents.

(2) After hearing and upon determining that a basis for an appointment or other protective order exists with respect to a minor without other disability, the court has all those powers over the estate and affairs of the minor which are or might be necessary for the best interests of the minor, ~~his~~ the minor's family, and members of ~~his~~ the minor's household.

(3) After hearing and upon determining by clear and convincing evidence that a basis for an appointment or other protective order exists with respect to a person for reasons other than minority, the court has, for the benefit of the person and members of his or her household, all the powers over his or her estate and affairs which he or she could exercise if present and not under disability; except the power to make ~~a will~~ or alter an estate plan. These powers include, but are not limited to, power to make gifts, to convey or release his or her contingent and expectant interests in property including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety, to exercise or release his or her powers as trustee, personal representative, custodian for minors, conservator, or donee of a power of appointment, to enter into contracts, to create revocable or irrevocable trusts of property of the estate which may extend beyond his or her disability or life, to exercise options of the disabled person to purchase securities or other property, to exercise his or her rights to elect options and change beneficiaries under insurance and annuity policies and to surrender the policies for their cash value, to exercise his or her right to an elective share in the estate of his or her deceased spouse, and to renounce any interest by testate or intestate succession or by inter vivos transfer.

(4) The court may exercise or direct the exercise of its authority to exercise or release powers of appointment of which the protected person is donee, to renounce interests, to make gifts in trust or otherwise exceeding twenty percent of any year's income of the estate, or to change beneficiaries under insurance and annuity policies, only if satisfied, after notice and hearing, that it is in the best interests of the protected person, and that he or she either is incapable of consenting or has consented to the proposed exercise of power.

(5) An order made pursuant to this section determining by clear and convincing evidence that a basis for appointment of a conservator or other protective order exists has no effect on the capacity of the protected person to make ~~a will~~ or alter an estate plan, to retain an attorney for purposes of challenging the conservatorship, the terms of the conservatorship, or the actions of the conservator, or for any other



purpose.

Sec. 18. That section 30-2639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2639. (a) The court may appoint an individual, or a corporation with general power to serve as trustee, as conservator of the estate of a protected person, except that it shall be unlawful for any agency providing residential care in an institution or community-based program or any owner, part owner, manager, administrator, employee, or spouse of an owner, part owner, manager, administrator, or employee of any nursing home, room and board home, residential care facility, domiciliary facility, or institution engaged in the care, treatment, or housing of any person physically or mentally handicapped, infirm, or aged to be appointed conservator of any such person residing, being under care, receiving treatment, or being housed in any such home or institution within the State of Nebraska. Nothing in this subsection shall prevent the spouse, adult child, parent, or other relative of the person in need of protection from being appointed conservator.

(b) Persons who are not disqualified under subsection (a) of this section and who exhibit the ability to exercise the powers to be assigned by the court have priority. — The following are entitled to consideration for appointment as conservator in the following order; listed:

(1) ~~a~~ A person nominated most recently by either of the following methods:

(i) ~~a~~ A person nominated by the protected person in a power of attorney or durable power of attorney; or

(ii) ~~a~~ A person nominated by an attorney in fact who is given power to nominate in a power of attorney or a durable power of attorney executed by the protected person;

~~(2) a conservator, guardian of property or other like fiduciary appointed or recognized by the appropriate court of any other jurisdiction in which the protected person resides;~~

~~(3) an individual or corporation nominated by the protected person if he or she is fourteen or more years of age and has, in the opinion of the court, sufficient mental capacity to make an intelligent choice;~~

~~(4) the~~ The spouse of the protected person;

~~(5) an~~ (3) An adult child of the protected person;

~~(6) a~~ (4) A parent of the protected person; or a person nominated by the will of a deceased parent;

~~(7) any~~ (5) Any relative of the protected person with whom he or she has resided for more than six months prior to the filing of the petition;

~~(8) a~~ (6) A person nominated by the person who is caring for him or her or paying benefits to him or her.

~~(b) A person in priority (2), (4), (5), (6), or (7) (c) When appointing a conservator, the court shall take into consideration the expressed wishes of the person to be protected. A person having priority~~

listed in subdivision (2), (3), (4), or (5) of subsection (b) of this section may nominate in writing a person to serve in his or her stead. With respect to persons having equal priority, the court is to shall select the one who is person it deems best qualified of these willing to serve. The court, for good cause acting in the best interest of the protected person, may pass over a person having priority and appoint a person having less lower priority or no priority.

(d) In its order of appointment, unless waived by the court, the court shall require any person appointed as conservator to successfully complete within three months of such appointment a training program approved by the State Court Administrator. If the person appointed as conservator does not complete the training program, the court shall issue an order to show cause why such person should not be removed as conservator.

Sec. 19. That section 30-2643, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2643. ~~If not otherwise compensated for services rendered, any visitor, lawyer, physician, conservator or special conservator appointed in a protective proceeding is entitled to reasonable compensation from the estate.~~ The reasonable fees and costs of an attorney, a guardian ad litem, a physician, a conservator, a special conservator, and a visitor appointed by the court for the person to be protected shall be allowed, disallowed, or adjusted by the court and may be paid from the estate of the protected person if the protected person possesses an estate or, if not, shall be paid by the county in which the proceedings are brought or by the petitioner as costs of the action. An action under sections 30-2601 to 30-2661 may be initiated or defended in forma pauperis in accordance with sections 25-2301 to 25-2310. The court may assess attorney's fees and costs against the petitioner upon a showing that the action was frivolous in accordance with sections 25-824 to 25-824.03.

Sec. 20. That section 30-3404, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3404. The power of attorney for health care shall (1) be in writing, (2) identify the principal, the attorney in fact, and the successor attorney in fact, if any, (3) specifically authorize the attorney in fact to make health care decisions on behalf of the principal in the event the principal is incapable, (4) show the date of its execution, and (5) be witnessed and signed by at least two adults, each of whom witnesses either the signing and dating of the power of attorney for health care by the principal or the principal's acknowledgment of the signature and date, or be signed and acknowledged by the principal before a notary public who shall not be the attorney in fact or successor attorney in fact.

Sec. 21. That section 30-3407, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3407. At any time when the principal is not incapable, the attorney in fact may withdraw by giving notice to the principal. At any time when the principal is incapable, the attorney in fact may

withdraw by giving notice to the ~~attending physician~~ health care provider who shall cause the withdrawal to be made a part of the principal's medical records.

Sec. 22. That section 30-3408, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3408. (1) A power of attorney for health care executed on or after ~~January 1, 1993~~ the effective date of this act, shall be substantially in a form which complies with sections 30-3401 to 30-3432 and may be in the form provided in this subsection.

**POWER OF ATTORNEY FOR HEALTH CARE**

I appoint ....., whose address is ....., and whose telephone number is ....., as my attorney in fact for health care. I appoint ....., whose address is ....., and whose telephone number is ....., as my successor attorney in fact for health care. I authorize my attorney in fact appointed by this document to make health care decisions for me when I am determined to be incapable of making my own health care decisions. I have read the warning which accompanies this document and understand the consequences of executing a power of attorney for health care.

I direct that my attorney in fact comply with the following instructions or limitations: .....

I direct that my attorney in fact comply with the following instructions on life-sustaining treatment: (optional) .....

I direct that my attorney in fact comply with the following instructions on artificially administered nutrition and hydration: (optional) .....

I HAVE READ THIS POWER OF ATTORNEY FOR HEALTH CARE. I UNDERSTAND THAT IT ALLOWS ANOTHER PERSON TO MAKE LIFE AND DEATH DECISIONS FOR ME IF I AM INCAPABLE OF MAKING SUCH DECISIONS. I ALSO UNDERSTAND THAT I CAN REVOKE THIS POWER OF ATTORNEY FOR HEALTH CARE AT ANY TIME BY NOTIFYING MY ATTORNEY IN FACT, MY PHYSICIAN, OR THE FACILITY IN WHICH I AM A PATIENT OR RESIDENT. I ALSO UNDERSTAND THAT I CAN REQUIRE IN THIS POWER OF ATTORNEY FOR HEALTH CARE THAT THE FACT OF MY INCAPACITY IN THE FUTURE BE CONFIRMED BY A SECOND PHYSICIAN.

.....  
(Signature of person making designation/date)

**DECLARATION OF WITNESSES**

We declare that the principal is personally known to us, that the principal signed or acknowledged his or her signature on this power of attorney for health care in our presence, that the principal

appears to be of sound mind and not under duress or undue influence, and that neither of us nor the principal's attending physician is the person appointed as attorney in fact by this document.

Witnessed By:

.....  
(Signature of Witness/Date) (Printed Name of Witness)

.....  
(Signature of Witness/Date) (Printed Name of Witness)

OR

State of Nebraska,

) ss.

County of ..... )

On this ..... day of ..... 19... , before me, ....., a notary public in and for ..... County, personally came ....., personally to me known to be the identical person whose name is affixed to the above power of attorney for health care as principal, and I declare that he or she appears in sound mind and not under duress or undue influence, that he or she acknowledges the execution of the same to be his or her voluntary act and deed, and that I am not the attorney in fact or successor attorney in fact designated by this power of attorney for health care.

Witness my hand and notarial seal at ..... in such county the day and year last above written.

.....  
Seal

.....  
Signature of Notary Public

**WARNING TO PERSON EXECUTING A POWER OF ATTORNEY FOR HEALTH CARE**

~~This is an important legal document. It creates a power of attorney for health care. Before signing this document you should know these important facts:~~

~~(a) This document gives the person you designate as your attorney in fact the power to make health care decisions for you when you are determined to be incapable. Although not necessary and neither encouraged nor discouraged, you may wish to state instructions or wishes and limit the authority of your attorney in fact;~~

~~(b) Subject to the limitation stated in subdivision (d) of this document, the person you designate as your attorney in fact has a duty to act consistently with your desires as stated in this document or otherwise made known by you or, if your desires are unknown, to act in a manner consistent with your best interests. The person you designate in this document does, however, have the right to withdraw from this duty at any time;~~

~~(c) You may specify that any determination that you are incapable of making health care decisions must be confirmed by a second physician;~~

~~(d) The person you designate as your attorney in fact will not have the authority to consent to the withholding or withdrawal of life sustaining procedures or of artificially administered nutrition or~~

hydration unless you give him or her that authority in this power of attorney for health care or in some other clear and convincing manner;

(c) ~~This power of attorney for health care should be reviewed periodically. It will continue in effect indefinitely unless you exercise your right to revoke it. You have the right to revoke this power of attorney at any time while you are competent by notifying the attorney in fact or your health care provider of the revocation orally or in writing;~~

(f) ~~Despite any provisions in this power of attorney for health care, you have the right to make health care decisions for yourself as long as you are not incapable of making these decisions; and~~

(g) ~~If there is anything in this power of attorney for health care you do not understand, you should seek legal advice. This power of attorney for health care will not be valid for making health care decisions unless it is signed by two qualified witnesses who are personally known to you and who are present when you sign or acknowledge your signature.~~

(2) A power of attorney for health care may be included in a durable power of attorney drafted under the Uniform Durable Power of Attorney Act or in any other form if the power of attorney for health care included in such durable power of attorney or any other form fully complies with the terms of section 30-3404.

(3) A power of attorney for health care executed prior to January 1, 1993, shall be effective if it fully complies with the terms of section 30-3404, ~~except that a notarized acknowledgment shall satisfy the requirement of such section for such power of attorney executed before such date.~~

(4) A power of attorney for health care which is executed in another state and is valid under the laws of that state shall be valid according to its terms.

Sec. 23. That section 30-3409, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3409. The power of attorney for health care, when its existence becomes known, shall be made a part of the principal's medical record ~~with the attending physician, and if applicable, a copy shall be filed with any other health care provider in or of which the principal is a patient or resides.~~

Sec. 24. That section 30-3412, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3412. (1) A determination that a principal is incapable of making health care decisions shall be made in writing by the attending physician and any ~~consulting~~ consulted with respect to the determination that the principal is incapable of making health care decisions, and they shall document the cause and nature of the principal's incapacity. The determination shall be included in the principal's medical record with the attending physician and, when applicable, with the consulting physician and the health care facility in or of which the principal is a patient or resides.

(2) A physician who has been designated a principal's attorney in fact shall not make the determination that the principal is

incapable of making health care decisions.

Sec. 25. That section 30-3413, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3413. Notice of a determination that a principal is incapable of making health care decisions shall promptly be given by the attending physician (1) to the principal when there is any indication of the principal's ability to comprehend such notice, (2) to the attorney in fact, and (3) to the health care provider.

Sec. 26. That section 30-3422, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3422. A petition under section 30-3415 or 30-3421 may be filed by any of the following:

- (1) The principal;
- (2) The attorney in fact;
- (3) The spouse, parent, sibling, or adult child of the principal;
- (4) A close adult friend of the principal;
- (5) The guardian of the principal;
- (6) ~~The conservator of the principal;~~
- (7) The attending physician or other health care provider;

or

- ~~(8)~~ (7) Any other interested party.

Sec. 27. That section 30-3423, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3423. (1) An attorney in fact shall not be guilty of any criminal offense, subject to any civil liability, or in violation of any professional oath or code of ethics or conduct for any action taken in good faith pursuant to a power of attorney for health care.

(2) No attending physician or health care provider acting or declining to act in reliance upon the decision made by a person whom the attending physician or health care provider in good faith believes is the attorney in fact for health care shall be subject to criminal prosecution, civil liability, or professional disciplinary action. Nothing in sections 30-3401 to 30-3432, however, shall limit the liability of an attending physician or health care provider for a negligent act or omission in connection with the medical diagnosis, treatment, or care of the principal.

~~(3) Subsection (2) of this section shall not limit the liability of a health care provider for a negligent act or omission in connection with the medical diagnosis, treatment, or care of the principal.~~

Sec. 28. That section 30-3424, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3424. Subject to ~~sections 30-3417 and 30-3420;~~ subsection (5) of section 30-3417 and subsection (7) of section 30-3420, in the absence of an effective designation of power of attorney for health care nothing in sections 30-3401 to 30-3432 shall affect any right a person may otherwise have to make health care decisions on behalf of another.

Sec. 29. That section 30-3429, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3429. (1) No person shall be required to execute or to refrain from executing a power of attorney for health care as a criterion for insurance or as a condition for receiving health care.

(2) No person authorized to engage in the business of insurance in this state, medical care corporation, health care corporation, health maintenance organization, other health care plan, or legal entity that is self-insured and provides benefits to its employees or members shall do any of the following because of the execution or implementation of a power of attorney for health care or because of the failure or refusal to execute or implement a power of attorney for health care: (a) Refuse to provide or continue coverage to any person; (b) limit or increase the amount of coverage available to any person; (c) charge a person a different rate; (d) consider the terms of an existing policy of life or health insurance to have been breached or modified; or (e) invoke a suicide or intentional death exemption or exclusion in a policy covering the person.

(3) Nothing in sections 30-3401 to 30-3432 shall be intended to impair or supersede any federal statute.

(4) Except as provided in subsections (2) and (3) of section 30-3408 and subsection (4) of section 30-3420, nothing in sections 30-3401 to 30-3432 shall impair or supersede any durable power of attorney in effect prior to January 1, 1993.

Sec. 30. That section 30-3432, Revised Statutes Supplement, 1992, be amended to read as follows:

30-3432. (1) It shall be a Class II felony for a person to willfully sign or alter without authority or to otherwise alter, forge, conceal, or destroy a power of attorney for health care or to willfully conceal or destroy a revocation with the intent and effect of causing a withholding or withdrawing of life-sustaining procedures or artificially administered nutrition or hydration which hastens the death of the principal.

(2) It shall be a Class I misdemeanor for a person without the authorization of the principal to willfully alter, forge, conceal, or destroy a power of attorney for health care or a revocation of a power of attorney for health care.

(3) A physician or other health care provider who willfully prevents the transfer of a principal in accordance with section 30-3428 with the intention of avoiding the provisions of sections 30-3401 to 30-3432 shall be guilty of a Class I misdemeanor.

Sec. 31. That original sections 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2620.01, 30-2625, 30-2626, 30-2627, 30-2628, 30-2630, 30-2633, 30-2634, 30-2636, 30-2637, 30-2639, and 30-2643, Reissue Revised Statutes of Nebraska, 1943, and sections 30-3404, 30-3407 to 30-3409, 30-3412, 30-3413, 30-3422 to 30-3424, 30-3429, and 30-3432, Revised Statutes Supplement, 1992, are repealed.