

One Hundred Fourth Legislature - Second Session - 2016

Introducer's Statement of Intent

LB1008

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 3, 2016

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB1008 is a bill recommended by the Nebraska Supreme Court commissioned Subcommittee of Vulnerable Adults. The subcommittee recommended that legislation should be pursued to define the duties and/or role of guardian ad litem in probate proceedings because, unlike the Juvenile Code, no statutory parameters for guardians ad litem exist in the Probate Code. There is a currently a huge question about what GALs can and cannot do. This bill defines the responsibilities of adult GALs.

LB1008 requires that GAL be attorneys, complete training, and advocate for the best interests of whom they represent, including defending for that person's social, economic, and safety interests.

The GAL may conduct discovery, present witnesses, cross examine witnesses, present other evidence and file motions on behalf of the person they are appointed.

The GAL may also enter into agreements, request medical, psychological, geriatric, or other evaluations of the person who is the subject of the guardianship or conservatorship. The GAL shall make recommendations to the court regarding a temporary or permanent guardianship, conservatorship, or other protective order.

The guardian ad litem's appointment begins immediately at the time he or she is appointed and ends when the court allows the termination.

The GAL must make contact with the person he or she is representing within two weeks of appointment and become familiar with that person's condition. The court will determine whether the county or the person who is the subject of the conservatorship or guardianship pays for the GAL.

Principal Introducer: _____

Senator Colby Coash