

Guardian

n. a person who has been appointed by a judge to take care of a minor child or incompetent adult (both called "ward") personally and/or manage that person's affairs. To become a guardian of a child either the party intending to be the guardian or another family member, a close friend or a local official responsible for a minor's welfare will petition the court to appoint the guardian. In the case of a minor, the guardianship remains under court supervision until the child reaches majority at 18. Naming someone in a will as guardian of one's child in case of the death of the parent is merely a nomination. The judge does not have to honor that request, although he or she usually does. Also, a parent must petition to become the guardian of his or her child's "estate" if the child inherits or receives a gift of substantial assets, even when a parent gives his or her own child an interest in real property or stocks. Therefore, that type of gift should be avoided and a trust should be created instead.

The duties of a guardian may include the following depending on the circumstances of the guardianship:

- Selecting the Ward's place of abode within or without the state of Nebraska;
- Arranging for medical care of the Ward;
- Protecting the personal effects of the Ward;
- Giving necessary consent, approval, or releases on behalf of the Ward;
- Arranging for training, education or other habilitating services appropriate for the Ward;
- Applying for private or governmental benefits to which the Ward may be entitled;
- 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;
- Entering into contractual arrangements on behalf of the Ward, if no Conservator has been appointed, the Conservator has not filed an acceptance, or the Conservator has been discharged; and
- 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, the Conservator has not filed an acceptance, or the Conservator has been discharged, or requesting the Conservator to expend the Ward's estate by payment to third persons to meet such expenses.

Teresa Colombo-Heavey has handled many guardianships in the past and has represented the person petitioning to be a guardian, the minor or incapacitated person, another family member or outside individual who has an interest in the guardianship proceeding. A physician may also be contacted in the case of a guardianship for an incapacitated person to help determine the needs of the Ward. Guardians may be granted a limited guardianship if a Ward is able to handle some of their own affairs so as not to take all powers away from the Ward.

Many times, a conservatorship is also required when a guardian is appointed to handle the financial affairs of the Ward. Teresa can also assist in conservatorship proceedings.