

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony for the Judiciary Committee
January 29, 2026
Support for LB 1178 (guardian duties and virtual hearings)**

To Members of the Judiciary Committee:

On behalf of Disability Rights Nebraska, we write to offer our strong support for LB 1178 with one exception discussed below. We are a nonprofit organization and the federally designated Protection and Advocacy agency for people with disabilities in Nebraska.

REQUIREMENT FOR MONTHLY VISITS BY GUARDIAN

Over 10,000 Nebraskans are currently under guardianship and over 90% of those are full guardianships rather than limited guardianships, which means the protected person loses all power over nearly every aspect of his or her life. The guardian becomes empowered to decide:

- Where the client lives
- Medical treatment
- Whether the client is allowed to get a job or go back to school
- All money matters¹

Although state statute currently requires the Office of Public Guardian to physically visit their clients once a month, private for-profit guardians have no such requirement.

Over the last three years, our staff has examined thousands of court documents in current guardianship cases across the state. Guardians must file an annual report with the county court: it is a brief worksheet that requires a guardian to answer questions about the protected person's condition. The guardian must answer "How often do you visit the ward? Daily? Weekly? Monthly? Other (describe)." I have attached a redacted

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sample annual report here to illustrate the information currently provided to judges once a year by guardians.

Overwhelmingly, we have seen non-family guardians either leave this question blank or frankly answer that they visit once a year. Some guardians respond vaguely that they visit “as needed” without any clear accountability for how often that is. Some guardians write in “I speak with the staff at the facility.” This lack of in person contact has obvious problems. If a guardian is not routinely checking on their client in person, how will the guardian be aware of signs of abuse or neglect? Without regular contact, the guardian will also never know if the protected person’s circumstances have improved and they are ready to end the guardianship and resume an independent life.

Multiple examples of Nebraskan guardians’ practices have revealed the sad necessity for requiring this basic monthly check:

- An Omaha attorney filed six years’ worth of annual reports, claiming he had routinely visited his elderly ward in his nursing home. In reality, the man had been moved to an entirely different facility without the guardian’s knowledge because he was so disconnected from his actual care.²
- The guardian facing criminal charges in York County had an elderly client who passed away. The guardian didn’t provide notice of the man’s death to the court for over seven months and still never has paid the final court fees due on the case.
- One woman in her 60’s that we interviewed has been under guardianship from her teenage years to present. Her current guardian’s has governed her life for over ten years. His law office is less than eight miles away from her assisted living facility, but she says he never comes to meet with her. We doublechecked her assertion in the court files, and the attorney has, in fact, dutifully filed all of his annual reports with the statement “I don’t visit her.”

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LB 1178's visitation requirement is a commonsense reform to make sure that private guardians are held to the same standards as we hold our state public guardians.

PERMITTING VIRTUAL ATTENDANCE AT HEARINGS

In our extensive examination of guardianship court files, we have also discovered that the protected person is rarely present during hearings, even when the hearing is to address a pro se motion filed by the protected person. Based on our research, we estimate that 98% of hearings in guardianship cases are conducted without the individual present.

Since many people under guardianship have significant physical, mental, or age-related disabilities, getting to a court hearing can be almost impossible. Many people under guardianship live in a different county than the county where the court petition was originally filed, so there can be vast distances involved. People under guardianship may be medically fragile and unable to come to court physically. We also know that the vast majority of people under guardianship live below the poverty line and do not have the ability to travel to a court hearing unless their own guardian made arrangements for them to get there.

LB 1178 offers the simple solution of utilizing technology that already exists in every courtroom in Nebraska by allowing the protected person to attend virtually. While many protected people may not wish to attend, having the option to attend both empowers the person under guardianship to lift up their voice, respects their dignity, and ensures that the maximum amount of information is available to the judge.

FEE PROVISION

Our sole concern with LB 1178 is Section 6 on the last page of the bill. We understand there may be revisions pending, but will note the broad principle that we oppose any effort to require the person under guardianship to pay. The moving party seeking to remove one's independence and ability to make

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their own decisions may be an appropriate source for such costs: the person with a disability who is the subject of such proceedings is not.

CONCLUSION

We request the committee advance LB 1178 and sincerely thank Senator DeBoer for bringing this important bill forward.



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¹ Neb. Rev. Stat. 30-2620 (a) (1-9)

² See *State ex rel Halstead*, 902 N.W.2d 701 (2017) and <https://www.1011now.com/content/news/Omaha-lawyers-license-to-practice-suspended-for-1-year-455211533.html>