

HB 571 -- Standby Guardians

Co-Sponsors: Pratt, Campbell

This bill adds the term "standby guardian" to the existing definition of guardian. A standby guardian is defined as an individual who is approved by the court to temporarily assume the duties of guardian to a minor child. The bill also makes changes to the list of individuals qualified to serve as guardians or conservators of a minor child. Currently, when both parents of a minor child are deceased, the court looks to the last surviving parent's will to determine who should be appointed as guardian or conservator of the minor child. The bill allows the court to consider any individual appointed by an appointing parent in a will or another signed writing.

The bill allows an appointing parent or another interested party to petition the court to confirm the parent's selection of a standby guardian and terminate the right of other individuals to object to the appointment of that individual as guardian. The appointment of a standby guardian becomes effective upon the disability, incapacitation, or death of the appointing parent. The standby guardian becomes eligible to act on behalf of the minor child when he or she files an acceptance of appointment, which must be done within 30 days of the court's confirmation of the standby guardian. The bill specifies where the standby guardian must file an acceptance of appointment and the notice the standby guardian must provide. The bill also allows a minor child who is at least 14 years of age and who is the subject of an appointment, the other parent, or another person who has care and custody of the minor to file a written objection to the appointment of the standby guardian.