

HB 1271 -- Guardianship of Minors

Sponsor: Phillips

This bill allows a seriously ill parent or legal guardian to make arrangements for the care, custody, and control of minor children by appointing a standby guardian in the event the parent becomes mentally or physically incapacitated or dies. The standby guardian will temporarily assume the duties as legal guardian over a minor child to avoid placement of the children in foster care. The appointment only becomes effective upon the disability, incapacitation, or death of an appointing parent or legal guardian and the filing of an acceptance by the standby guardian within 30 days of the court's confirmation of the appointment.

In the event a parent or guardian should become incapacitated or die, the standby guardian will immediately assume the role of legal guardian and must notify the court with all the proper paperwork. The standby guardian may petition the court for formal guardianship within 90 days of the death of the appointing parent or guardian.

A parent's designation of a standby guardian will be considered the parent's choice for a permanent guardian, notwithstanding a valid will or any other law to the contrary and will be subject to the rights of the other parent and the best interests of the child. The authority of a standby guardian will not supercede the parental rights of either parent while they are alive, unless those rights have been terminated subject to Sections 211.444 and 211.447, RSMo.