

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 213,
Page 5, Section 475.061, Line 12, by inserting after all of said section and line the following:

“475.070. 1. [Before] Except as provided in this section, before appointing a guardian or conservator for a minor, notice of the petition therefor shall be served upon the following unless they have signed such petition or have waived notice thereof:

(1) The minor, if over fourteen years of age;

(2) The parents of the minor;

(3) The spouse of the minor;

(4) If directed by the court:

(a) Any person who has been appointed guardian or any person having care and custody of the minor;

(b) Any department, bureau or agency of the United States or of this state or any political subdivision thereof, which makes or awards compensation, pension, insurance or other allowance for the benefit of the ward's estate;

(c) Any department, bureau or agency of this state or any political subdivision thereof or any charitable organization of this state, which may be charged with the supervision, control or custody of the minor.

2. If the minor is over fourteen years of age, there shall be personal service upon him if personal service can be had. Service on others may be had in accordance with section 472.100.

3. If a petition for the appointment of a guardian of a minor is filed for the sole and specific purpose of school registration or medical insurance coverage, upon the filing of an affidavit by the petitioner stating that, after due and diligent effort to the best of his or her ability, the whereabouts or identity of either or both parents of the minor remains unknown, the court may proceed with the appointment of such a guardian without having obtained service upon the parents of the minor.

4. If a petition for the appointment of a guardian of a minor is filed by a grandparent or grandparents of the minor, or any other person with care and custody of the minor pursuant to

1 section 475.024, and the minor has been residing with and receiving care and support from the
2 petitioner for ninety days or longer and not also with one or both natural parents continuously for
3 this same period, the petitioner may request the court to appoint a guardian for the minor on an
4 emergency basis as provided in this subsection. Such request must set forth facts establishing an
5 imminent threat to the health, safety or welfare of the minor justifying the appointment of a
6 guardian on an emergency basis and until a full hearing on the petition can be held. Upon such
7 request, the court shall appoint a guardian ad litem for the minor child and, after hearing, if the
8 court determines that such an imminent threat exists, the court may appoint a temporary guardian
9 for a specified period not to exceed thirty days. Prior to such hearing, the court may require such
10 notice be given to the natural parents of the minor or any other interested person as is practical
11 and not inconsistent with the best interests of the child. Such notice will not take the place of nor
12 by itself satisfy the notice requirements of subsections 1 and 2 of this section. Any order
13 appointing a guardian under this subsection may be modified upon motion and hearing. After
14 hearing and a showing of continuing emergency need, orders appointing the guardian may be
15 extended from time to time, not to exceed thirty days each.”; and
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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.
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