

HB 89 -- APPOINTMENT OF A GUARDIAN FOR AN INCAPACITATED PERSON

SPONSOR: Rehder

This bill requires a court, when appointing a guardian for an incapacitated person, to appoint and give priority to the incapacitated person's choice or nomination, spouse, or family member, and the court must determine that such person is deficient in his or her ability to serve prior to selecting another eligible person as a guardian of the incapacitated adult. If there is a claim that a person given priority is deficient because of poor living conditions, the court shall require an investigation by the Department of Health and Senior Services of the living conditions. A court must also make a determination that the living conditions are dangerous or unsanitary prior to making the finding that the person given priority is deficient for the purposes of guardianship.

This bill is the same as HB 2580 (2016).