

HCS HB 1689 -- GUARDIANSHIPS

SPONSOR: Kelley (127)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 1.

This bill repeals current provisions regarding when a guardian or conservator dies and replaces them with new provisions, requiring a person who has previously been appointed a guardian or conservator, or both, to remain adjudged incapacitated or disabled, or both, if his or her guardian or conservator dies. The probate court that appointed the previous guardian or conservator shall retain jurisdiction over the ward or protectee to appoint a successor guardian or conservator unless the guardianship or conservatorship was transferred to another county, in which case the receiving court shall appoint a successor guardian or conservator in the manner specified by the bill.

The bill also specifies what a guardian ad litem or public administrator appointed temporary guardian or conservator of the ward or protectee shall prepare and file with the court, and it specifies what happens when joint applications for transfer of guardianship or conservatorship are filed, as well as what happens when separate applications are filed. Finally, the bill specifies what rights and duties a person appointed successor guardian or conservator, whether temporarily or permanently, shall have.

PROPONENTS: Supporters say that currently, when a guardian dies, unless the guardian was the ward's biological parent, the guardianship ends, so this bill is a necessary fix.

Testifying for the bill were Representative Kelley and Christopher Cross.

OPPONENTS: There was no opposition voiced to the committee.