

HB 2069 -- GUARDIANSHIP APPOINTMENTS

SPONSOR: Rehder

This bill provides that before appointing an eligible person as guardian of an incapacitated person or conservator of a disabled person, the court must appoint and give priority to:

- 1) The incapacitated or disabled person's choice;
- 2) Any person nominated in a durable power of attorney; or
- 3) Close adult relatives of the incapacitated or disabled person.

The guardian or conservator must be qualified, suitable, and willing to serve. Such person must be determined by the court to be deficient in his or her ability to serve before the court can select another person as guardian or conservator.

If the claim is made that a person given priority is deficient due to substandard living conditions, the court shall require an investigation and report of the living conditions.

When the incapacitated or disabled person is in the custody of the Children's Division, the court shall review and consider the person's juvenile court file when selecting a person as guardian or conservator.

Notice of a hearing for appointment of a guardian ad litem, guardian, or conservator, must be sent by certified mail with all postage prepaid and a return receipt requested to certain parties, as specified in the bill. A copy of the notice must also be published in the newspaper at least seven days before the petition hearing date.

This bill is the same as 693 (2018) and similar to SB 104 (2017) and SB 1083 (2016).