

HCS HB 978 -- GUARDIANS OF INCAPACITATED PERSONS

SPONSOR: Reedy

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 11 to 0.

The following is a summary of the House Committee Substitute for HB 978.

Currently, the general powers and duties of a guardian of an incapacitated person are, among others, to take charge of the person of the ward and to provide for the ward's care, treatment, habilitation, education, support, and maintenance. This bill repeals the specified duties.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this is a clarification of responsibilities of guardians. Current statute says that guardians provide for their wards but that sometimes is taken to mean that they have to take care of them financially (personally), so this makes it clear that the guardian makes personal decisions for the ward, but does not take care of them financially. This takes a more client-centric approach to providing guardianship.

Testifying for the bill were Representative Reedy; Arnie Dienoff; and the Missouri Association of Public Administrators.

OPPONENTS: Those who oppose the bill say that this language will destroy guardianships. MO-wings is modeled after a federal program and the purpose is to abolish guardianships and to make it so that all that is left is power of attorney. They want to make it so guardians are basically glorified secretaries. It is a government-driven bill. There are certain wards that are the most dangerous, with developmental or intellectual disabilities. They are the most dangerous to society and to themselves, and this bill would affect those types of guardianships. The term "provide for" means something. It means you do some sort of action. It means things like making doctors' appointments; it does not mean you have to take care of them financially. There is no case law that says that provide for means pay for, but there is plenty of case law that says it means take care of.

Testifying against the bill were Christopher Cross; Cory Cross.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.