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This bill establishes the "Missouri Electronic Wills and Electronic Estate Planning Documents Act", which specifies that an electronic will is considered a will for all purposes of the law of this state and that any written estate planning document may be executed electronically. An "electronic will" is defined in the bill as a record that is readable as text at the time of signing, is signed by the testator or another individual in the testator's name, and is signed in the physical or electronic presence of the testator by at least two individuals after witnessing the signing of the will or the testator's acknowledgment of the signing of the will or acknowledgment of the will itself. Types of estate planning documents include a power of attorney or durable power of attorney, an advance directive, an irrevocable trust, and a beneficiary deed, as well as other types of documents. The bill establishes a process by which an electronic will may be made self-proved as well as how all or part of an electronic will may be revoked.

If there is evidence that a testator signed an electronic will and neither an electronic will nor a certified paper copy of the electronic will can be found after the testator's death, there will be a presumption that the testator revoked the electronic will even if no instrument or later will revoking the electronic will can be located. A person may create a certified paper copy of an electronic will or an electronic estate planning document by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will or the estate planning document.

The provisions of this bill apply to the will of a decedent who dies on or after August 28, 2024, and to each other written estate planning document signed or remotely witnessed on or after August 28, 2024.

The bill also specifies that certain estate planning documents that were executed during the period between April 6, 2020, and December 31, 2021, during which a state of emergency existed due to COVID-19 and there was a temporary suspension of physical appearance requirements, will be deemed to have satisfied the physical presence requirements if certain requirements, specified in the bill, were met.

The bill adds a person acting as a parent of a minor entering adult guardianship or conservatorship to the list of those persons who must, except in certain circumstances, be appointed as guardians or conservators of minors, as well as to the hierarchy of those who

must be considered for appointment to serve as guardian for an incapacitated person or conservator for a disabled person. The bill also excludes persons acting as parents from the requirement that persons seeking guardianship complete a background screening at their own expense.

The bill specifies what assistance a court clerk must provide or make available for a petitioner filing for emergency or full orders regarding a minor entering adult guardianship or conservatorship.

Finally, the bill allows fees incurred for guardianship or conservatorship proceedings by court-appointed attorneys, physicians, or other professionals, as well as fees incurred by court clerks providing assistance, to be given priority for payment from the "Family Services and Justice Fund".

This bill is similar to HCS HB 881 (2023).