

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	Senate File 348	House Committee:	<b>PASSED</b> on March 9 (18-1)
Committee:	Judiciary	House Floor:	
Floor Manager:	Rep. Hite	Senate Floor:	<b>PASSED</b> on March 8 '21 (47-0)
Date:	March 30, 2022	Governor:	
Staff:	Amanda Wille (1-5230)		

### Guardian and Conservatorship

- Senate File 348, as amended by the House, makes general changes to report requirements for guardian and conservatorships.
- The amendment creates a two-tiered system for guardian and conservatorships. These tiers determine what information must be provided to the courts.

### Section by Section Analysis

Changes the phrase ward to protected person throughout the guardian and conservatorship code.

Juvenile records in guardianship proceedings are confidential.

Makes general reporting requirement changes clarifying what must be in initial and annual reports.

#### Court Visitor

The court may appoint a court visitor if the court determines a person has sufficient knowledge of guardianship to adequately perform the duties. A court visitor must conduct an initial interview with the person, explain the petition for guardianship or conservatorship, determine how the protected person views the powers of the guardian or conservator.

Court visitors are subject to background checks and the court may limit the duties of the visitor.

Duties of the court visitor-

- Explaining to the minor the petition and purpose of the guardianship as well as the rights of the minor at the hearing and the general powers and duties of a guardian.

#### Guardianship

Creates a two-tier reporting system.

Tier 1-the guardian will be required to file an initial report, and an annual report. The annual report cannot be waived.

The report must include information on the health, living conditions, services being received, and other important information about the protected person.

The guardian must provide an initial care plan and annual report to the protected person, their attorney and a court visitor.

Tier 2- the guardian would have to file an initial care plan, and an annual report. The annual report cannot be waived.

The court may order a court visitor

The report must include information on the health, living conditions, services being received, and other important information about the protected person.

The guardian must provide an initial care plan and annual report to the protected person, their attorney and a court visitor.

The court can order a temporary guardianship and extend it for good cause.

### Conservatorship

Creates a two-tier reporting system for conservatorships.

Tier 1- Conservator must file inventory and an annual report. The annual report cannot be waived

The report must include balances of funds on hand, all disbursements made, any investment changes made, information on bonds, residence of protected person, health of the person, and other information necessary.

Tier 2- Conservator must file a verified financial management plan, inventory, and an annual report. The annual report cannot be waived.

The court can require court visitor.

The report must include balances of funds on hand, all disbursements made, any investment changes made, information on bonds, residence of protected person, health of the person, and other information necessary.

Conservators must get court approval for any extraordinary expense, and must follow the sale of property provisions already in the probate code.

---

## **Amendment Analysis**

### H-8269-Hite

Strike after- being changed by H-####

### H-#### to H-8269- Hite

Strike after amendment see analysis above.