

Subject Guardianship and Conservatorship updates; protected persons

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Summary

This bill makes changes to guardianship and conservatorship laws. The changes include changes to terminology, notably changing the term “ward” to “protected person” throughout the chapter, and adding definitions for the terms “ABLE account,” “professional guardian or professional conservator,” and “supported decision making.” The bill makes other changes to the chapter, including:

- Updates the Bill of Rights for Protected Persons and includes the right to communicate and see friend and family when it does not pose a threat to the protected person, and requires notice to the court if communication and visitation is restricted.
- Creates a new form, “a bill of particulars,” that will contain confidential filings related to a protected persons financial and medical documents in a case.
- Allows a professional guardian to delegate authority to another person for a short period of time when the professional guardian notifies the court.
- Requires the court to consider what less restrictive means of assisting a protected person have been attempted before a guardianship or conservatorship is put in place.
- Requires notice to family when a person subject to a guardianship experiences a significant medical change, is moved, or dies.
- Allows a conservator to establish and administer an ABLE account.
- Allows banks and trust companies to serve as conservators without bond.
- Allows a conservator to institute cases for civil court actions.
- Allows a person subject to a conservatorship to control their own wages, unless otherwise ordered by the court.
- Allows a guardian or conservator to seek a restraining order on behalf of a protected person.
- Requires that guardianships ordered for a person under the age of 30 cannot last longer than six years.
- Limits emergency guardianships to 120 days.
- Allows the court to order mediation in guardianship and conservatorship cases.
- Allows a guardian or conservator to petition for a harassment restraining order for a protected person.



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