

Summary of Guardianship Legislation

BILL NUMBER	SPONSOR	DESCRIPTION	BILL STATUS (include last action only)	FISCAL NOTE	HYPERLINK
HB 626	Neely	<p>This bill makes numerous changes to the guardianship laws in Chapter 475, RSMo., which were enacted in 1983. Many things have changed since then, with respect to guardianship, such as Durable Power of Attorney, Health Care Directives, Special Needs Trusts, Estate Planning, etc.,. The current laws provide little guidance for guardians, and places emphasis on managing property and money and very little focus on the person themselves. HB 626 follows recommendations of the Missouri Working Interdisciplinary Network of Guardianship Stakeholders (MO-WINGS which included DMH representation) and national standard-setting groups. HB 626:</p> <ul style="list-style-type: none"> • Emphasizes least restrictive alternatives • Clarifies when and whom appointments are made for guardians and conservators • Combines person-centered standards of "best interest" and "substituted judgment" for guardians to make decisions • Adds rights for the ward/protectee (person overseen by guardian or conservator) • Sets new person-centered standards for conservator decisions • Sets out methods for terminating guardianship or conservatorship and for restoring full or partial rights to the ward/protectee <p>* Facilitates processes for setting new policies and training judges, lawyers, Public Administrators, guardians, conservators, and consumers on best practices under the new provisions. *Existing guardians have one year to meet any annual or reporting requirements that are different from the former requirements.</p>	1-18-17 Second Read	\$0	http://www.house.mo.gov/Bill.aspx?bill=HB626&year=2017&code=R
SB 104	Wallingford	<p>This bill requires a court, when appointing a guardian for an incapacitated person, to appoint and give priority to the incapacitated person's choice or nomination, or the person's spouse or family member. The court must determine that such person is deficient in his or her ability to serve prior to selecting another eligible person as a guardian for the incapacitated adult. If there is a claim that person given priority is deficient because of poor living conditions, the court shall require an investigation by DHSS of the living conditions. The court must also make a determination that the living conditions are dangerous or unsanitary prior to making the finding that the person given priority is deficient for the purpose of guardianship.</p>	Hearing held 2-1-17 in Seniors Families and Children Committee	\$0	http://www.senate.mo.gov/17info/BTS_Web/Bill.aspx?SessionType=R&BillID=57095339
HB89	Rehder	Same as SB 104	1-5-17 Second read	\$0	http://www.house.mo.gov/Bill.aspx?bill=HB89&year=2017&code=R

HB 119	Kelly	This bill allows a guardian for an incapacitated person to file any motion on behalf of the incapacitated person that is permissible under Chapter 452. Chapter 452 relates to Dissolution of Marriage, Divorce, Alimony and Separate Maintenance.	1-5-17 Second read	\$0	http://house.mo.gov/Bill.aspx?bill=HB119&year=2017&code=R
HB287	Beard	Allows the court to grant visitation between the parents of a minor who has been appointed a guardian and the minor if the court finds it in the best interests of the minor	1-18-17 Do Pass Consent House Judiciary and reported to Rules	\$0	http://www.house.mo.gov/Bill.aspx?bill=HB287&year=2017&code=R