

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2644

As Amended by House Committee on
Judiciary

Brief*

HB 2644 would amend existing law regarding the Guardian and Conservator Act by requiring that petition for a guardian or conservator contain additional information including the age, date of birth, gender, place of employment, relationship to the petitioner and any personal or agency interest of the proposed conservator that may be perceived as self serving or adverse to the position or best interest of the proposed conservatee. Such disclosure also would require details of any financial agency or other transactions between the guardian or conservator and the ward or conservatee.

Additional factors for a court to consider in appointing a guardian or conservator would include the following:

- Whether the proposed guardian or services or is an employee of an agency, partnership or corporation which provides care or other services to persons a disability similar in nature to the conditions which contribute to the impairment of the ward or conservatee, then that person could be appointed as the guardian or conservator only when the person or employee:
 - Is the spouse, parent, grandparent, child, grandchild, sibling, niece, nephew, aunt, or uncle of the ward or conservatee and the court is satisfied that the person or employee is aware of issues of conflict of interest and, for persons appointed on or after January 1, 2009, has completed the basic instructional program required by the bill;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Does not personally provide nor supervise the providing of care or other services to the ward or conservatee and the person or employee is not in a position to be called upon to advocate for the agency, partnership, or corporation in opposition to the interests of the ward or conservator; or
 - Is the only person readily available to be appointed and the court is satisfied that the person or employee is aware of issues of conflict of interest; and
 - A guardian or conservator would be able to collect a reasonable fee, as approved by the court. A guardian or conservator also could receive a stipend.
- Every individual appointed as a guardian or conservator after January 1, 2009, would be required to complete a basic instructional program concerning the duties and responsibilities of a guardian or conservator and provide evidence of such to the court.
 - A guardian or conservator would be required to file a special report to the court upon a change in the circumstances of the guardian, conservator, ward or conservatee that might constitute a conflict of interest.

Background

Those who appeared in support of the bill included Judge Sam Brunner; Jane Rhys, Kansas Council on Developmental Disabilities; Tom Laing, Interhab; and Rocky Nichols, Disability Rights Center.

Written testimony in favor of the bill was submitted by Jean Krahn, Kansas Guardianship Program; and Greg Jones, Guardian/Conservator/ Community Service Provider.

There was no opposition to the bill.

The House Committee amended the bill to provide clarifying language regarding the details in reporting of personal or agency interest.

The fiscal note indicates no fiscal effect on the Judicial Branch. The Kansas Guardianship Program indicates the bill could be implemented within existing resources and staffing levels.