

ENGROSSED SENATE
BILL NO. 861

BY: WRIGHT of the SENATE

and

GATES of the HOUSE

AN ACT RELATING TO GUARDIANSHIP; AMENDING 30 O.S.

1991, SECTION 1-114, WHICH RELATES TO POWERS OF
COURTS IN CASES INVOLVING GUARDIANSHIPS; PROVIDING
FOR APPOINTMENT OF TEMPORARY GUARDIAN; AND
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 30 O.S. 1991, Section 1-114, is
amended to read as follows:

Section 1-114. A. In all cases the court making the
appointment of a guardian has exclusive jurisdiction to control such
guardian in the management and disposition of the person and
property of the ward.

B. The court has jurisdiction over guardianship proceedings,
and has the following powers, which must be exercised in the manner
prescribed by statute, to:

1. appoint and remove guardians for minors and for
incapacitated and partially incapacitated persons;
2. issue and revoke letters of guardianship;

3. control the conduct of guardians with regard to the care and treatment provided to their wards;

4. control the conduct of guardians with regard to the management of the financial resources of their wards, including but not limited to the power to:

- a. compel guardians to submit plans, reports, inventories and accountings to the court,
- b. compel payment and delivery by guardians of property belonging to their wards,
- c. order the payment of debts, the sale of property, and order and regulate the distribution of property which has been placed under the control or management of a guardian, and
- d. settle the accounts of guardians;

5. appoint appraisers of the property of wards;

6. compel the attendance of witnesses and the production of documents and property; and

7. after a petition has been filed for appointment of a guardian for a minor, make or modify any temporary order of guardianship during the progress of the proceedings that would be in the best interest of the ward. Any such temporary order may be entered ex parte with written notice sent to all parties directing them to appear before the court, at a time and place therein specified, not more than twenty (20) days from the time of making such order, to show cause why the order should not be granted for guardianship; and

8. exercise all powers conferred by the Oklahoma Guardianship and Conservatorship Act, Section 1-101 et seq. of this title, and to make such orders as may be necessary for the exercise of said powers.

C. The chief judge of each district court shall establish by court rule a system for:

1. the filing of guardianship and conservatorship cases and records which distinguish them from probate cases; and

2. monitoring the filing of annual reports and inventories required by this title for the purpose of assuring that the court will be notified of annual reports as they fall due and whether or not said reports are filed.

SECTION 2. This act shall become effective September 1, 1992.

Passed the Senate the 27th day of February, 1992.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1992.

Speaker of the House of Representatives