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ENROLLED HOUSE
BILL NO. 2020

BY: VAUGHN (Ray), PELTIER
and FERGUSON of the
HOUSE

and

HENDRICK of the SENATE

AN ACT RELATING TO GUARDIAN AND WARD; AMENDING 30
O.S. 1991, SECTIONS 1-114 AND 4-303, WHICH RELATE
TO POWERS OF COURT AND CERTAIN ANNUAL REPORTS;
PROVIDING COURT MAKING APPOINTMENT OF A GUARDIAN
WITH ADDITIONAL POWER AND PROVIDING PROCEDURES
THERE TO; EXEMPTING CERTAIN GUARDIANSHIPS FROM
APPLICATION OF CERTAIN REQUIREMENTS; 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 temporary 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. AMENDATORY 30 O.S. 1991, Section 4-303, is amended to read as follows:

Section 4-303. A. Except as otherwise provided by subsection B of this section, a guardian or limited guardian of the property shall, upon the expiration of a year from the time of his appointment, and at least annually thereafter, present his accounts to the court for settlement and allowance as part of his guardianship report as required by Section 4-306 of this title.

B. 1. In addition, a guardian or limited guardian of the property shall:

- ~~1.~~ a. present accounts whenever the court requires that such report or accounts be presented~~+~~, and
- ~~2.~~ b. with his annual report of his accounts, report any changes of property listed on the inventory required by Section 4-301 of this title. The report shall state the compensation requested by the guardian and for his attorneys.

~~3.~~ 2. If there has been a significant change in the physical or mental condition of the ward, or the ward's financial resources, the details thereof shall be set forth in the annual report required by subsection A of this section.

3. Except as otherwise directed by the court or required by the Uniform Veteran's Guardianship Act (72 U.S.C. 126.1, et seq.), the provisions of this subsection regarding the filing of an annual accounting and annual plan shall not apply to any guardianship of the property of a ward if the ward's financial resources or assets, other than a homestead, are worth less than Forty Thousand Dollars (\$40,000.00) if a bond has been posted, or are worth less than Ten Thousand Dollars (\$10,000.00) regardless of whether or not a bond has been posted, and if the guardian or limited guardian of the property is the spouse or a relative of the ward within the fourth degree of consanguinity.

C. In addition to the reports required by subsections A and B of this section, a guardian or limited guardian shall submit a report:

1. if the ward is an incapacitated or partially incapacitated person, when there is a significant change in the capacity of the ward to meet the essential requirements for his physical health or safety or to manage his financial resources;

2. if the ward is a minor, any significant change in the condition of the minor or in the condition of the estate of the minor;

3. when the guardian or limited guardian resigns or is removed; and

4. when the guardianship is terminated.

D. 1. A guardian or limited guardian of the person of an incapacitated or partially incapacitated person shall file a report on the guardianship of the person pursuant to Section 4-305 of this title.

2. A guardian of the person of a minor ward shall file such reports of the guardianship of the person of the ward as required by the court in such form as the court may require.

3. A guardian or limited guardian of the property of a ward shall file a report on the guardianship of the property pursuant to Section 4-306 of this title.

E. If the same person or organization is required to file reports as to both the person and the property of a ward, the reports may be consolidated.

F. An accounting information submitted by a guardian or limited guardian of the property of a ward shall be verified and shall be rendered in the same manner as required by Title 58 of the Oklahoma Statutes with respect to an information of an estate of a decedent. Such information shall also set forth any charges to the property of the ward which have accrued since the previous accounting or, in the case of an initial accounting, since the filing of an inventory of the property of the ward placed under the control of the guardian or limited guardian.

G. In addition to other specified information any order of the court approving an annual guardianship plan and report shall include the date certain by which the guardian shall file the next annual report.

SECTION 3. This act shall become effective September 1, 1992.

Passed the House of Representatives the 16th day of April, 1992.

Speaker of the House of
Representatives

Passed the Senate the 31st day of March, 1992.

President of the Senate