

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 696

BY: RUBOTTOM

AS INTRODUCED

AN ACT RELATING TO GUARDIAN AND WARD; AMENDING 30

O.S. 1991, SECTION 4-803, WHICH RELATES TO
TERMINATION OF AUTHORITY AND RESPONSIBILITY OF
GUARDIANS; PROVIDING FOR TERMINATION OF AUTHORITY
AND RESPONSIBILITY OF CONSERVATORS; STATING EFFECTS
OF TERMINATION; PROVIDING PROCEDURES FOR REMOVAL OF
CONSERVATORS; PROVIDING FOR RESIGNATION OF
CONSERVATORS; MODIFYING PROCEDURES FOR MAKING AND
FOR HEARING ON FINAL ACCOUNT OF WARD; AND PROVIDING
AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 30 O.S. 1991, Section 4-803, is amended to read as follows:

Section 4-803. A. The authority and responsibility of a guardian terminates upon the death of the guardian, conservator, or ward, the determination of incapacity of the guardian or conservator, or upon removal or resignation of the guardian or conservator. Termination does not affect the liability of a guardian or conservator for prior acts or the obligation to account for any funds and assets of the ward under the control of the guardian or

conservator. The authority and responsibility of a guardian or conservator of a minor also terminates upon the marriage or majority of the ward.

B. The court, after notice and hearing, may remove a guardian or conservator for cause if the guardian or conservator has failed for thirty (30) days, after he is required to do so, to render an account or make a report, and compel him to surrender the estate of the ward to the person found to be lawfully entitled thereto.

C. Every guardian or conservator may resign when it appears proper to allow the same and upon the resignation or removal of a guardian or conservator the court may appoint a successor guardian or conservator in the place of the guardian or conservator who has resigned or has been removed or make other appropriate orders pursuant to the provisions of the Oklahoma Guardianship and Conservatorship Act, Section 1-101 et seq. of this title.

D. Upon termination of the disability of the ward or upon his death, ~~a guardian shall account to the court or to the former ward or the successors of the ward. Subject to appeal or vacation within the time permitted, an order after notice and hearing allowing an intermediate report of a guardian adjudicates as to liabilities concerning the matters considered in connection with said hearing. An order, following notice and hearing, allowing a final report adjudicates as to all previously unsettled liabilities of the guardian to the ward's successors relating to the guardianship. In connection with any report, the court may require a guardian to submit to an actual review of the estate of the ward, to be made in any manner the court specifies~~ or upon the resignation or removal of the guardian or conservator, a guardian or conservator shall file his final account and request for final compensation with the court within thirty (30) days after such event.

1. The Court shall set a date for hearing on the final account at a date not less than fifteen (15) days after the filing thereof.

Notice of such hearing shall be given at least ten (10) days prior to the date set for hearing, by mailing a copy of the notice of hearing by first-class mail, to the persons entitled to notice pursuant to Section 2-101 of this title if the ward is still a minor, or to the ward only if the ward has attained majority or has married, or to those persons entitled to notice pursuant to paragraphs 1, 2, 3, and 7 of subsection A of Section 3-110 of this title for incapacitated or partially incapacitated persons and the attorney of the ward, if any, or, in the case of a conservatorship, to the ward, or the next of kin of the ward as the court may determine.

2. Any person to whom notice is given in accordance with this subsection D may appear at the hearing on final account and file his exceptions in writing to the final account and contest same.

3. The settlement of the account and the allowance thereof by the court shall be conclusive against all persons interested in the estate of the ward, except as to persons subject to a legal disability at the time the notice of hearing is given.

4. Upon approval of the final account, the guardian or conservator shall be discharged and the bond of the guardian or conservator released and terminated.

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

43-2-1493

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