

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2679

By: Johnson

AS INTRODUCED

An Act relating to guardian and ward; amending 30 O.S. 2011, Section 4-303, which relates to annual accounting by the guardian; requiring guardian to present annual accounting to specified relatives of the ward; and providing an effective date.

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

SECTION 1. AMENDATORY 30 O.S. 2011, 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 appointment, and at least annually thereafter, present accounts to the court for settlement and allowance as part of the guardianship report as required by Section 4-306 of this title. The guardian or limited guardian of the property shall also present a copy of such accounting to the following:

1. The spouse of the ward;
2. The adult children of the ward;

1 3. If there are no adult children of the ward, the then-living
2 parent or parents of the ward; and

3 4. If there is no living parent of the ward, all adult brothers
4 and sisters of the ward, and all adult children of any deceased
5 brothers or sisters of the ward.

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

8 a. present accounts whenever the court requires that such
9 report or accounts be presented, and

10 b. with the annual report of accounts, report any changes
11 of property listed on the inventory required by
12 Section 4-301 of this title. The report shall state
13 the compensation requested by the guardian and for the
14 attorneys.

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

19 3. Except as otherwise directed by the court or required by the
20 Uniform Veteran's Guardianship Act (72 U.S.C. 126.1, et seq.), the
21 provisions of this subsection regarding the filing of an annual
22 accounting and annual plan shall not apply to any guardianship of
23 the property of a ward if the ward's financial resources or assets,
24 other than a homestead, are worth less than Forty Thousand Dollars

1 (\$40,000.00) if a bond has been posted, or are worth less than Ten
2 Thousand Dollars (\$10,000.00) regardless of whether or not a bond
3 has been posted, and if the guardian or limited guardian of the
4 property is the spouse or a relative of the ward within the fourth
5 degree of consanguinity.

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

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

13 2. If the ward is a minor, any significant change in the
14 condition of the minor or in the condition of the estate of the
15 minor;

16 3. When the guardian or limited guardian resigns or is removed;
17 and

18 4. When the guardianship is terminated.

19 D. 1. Unless waived at the discretion of the court, a guardian
20 or limited guardian of the person of an incapacitated or partially
21 incapacitated person shall file a report on the guardianship of the
22 person pursuant to Section 4-305 of this title.

1 2. A guardian of the person of a minor ward shall not be
2 required to file annual reports of the guardianship of the person of
3 the ward unless ordered by the court.

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

7 E. The court shall not waive the filing of any report for a
8 period in excess of five (5) years.

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

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

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

1 SECTION 2. This act shall become effective November 1, 2016.

2
3 55-2-8204 EK 01/11/16
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24