

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 1029

By: Treat and Boren

AS INTRODUCED

An Act relating to guardianship; amending 30 O.S. 2011, Section 1-114, which relates to powers of court; authorizing court to issue certain findings of fact; and providing an effective date.

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

SECTION 1. AMENDATORY 30 O.S. 2011, 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;

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

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

6 a. compel guardians to submit plans, reports, inventories
7 and accountings to the court,

8 b. compel payment and delivery by guardians of property
9 belonging to their wards,

10 c. order the payment of debts, the sale of property, and
11 order and regulate the distribution of property which
12 has been placed under the control or management of a
13 guardian, and

14 d. settle the accounts of guardians;

15 5. Appoint appraisers of the property of wards;

16 6. Compel the attendance of witnesses and the production of
17 documents and property;

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

1 such order, to show cause why the order should not be granted for
2 temporary guardianship; ~~and~~

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

7 9. Make a determination and issue findings of fact as to
8 whether the ward shall maintain eligibility to vote.

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

11 1. The filing of guardianship and conservatorship cases and
12 records which distinguish them from probate cases; and

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

17 SECTION 2. This act shall become effective November 1, 2021.

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