

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 801

By: Crain

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6 AS INTRODUCED

7 An Act relating to adult guardianship; amending 30
8 O.S. 2011, Section 3-101, which relates to petition
9 for appointment of guardian; requiring immediate
10 filing of certain petition under certain
11 circumstances; prohibiting eligibility for certain
12 appointment; and providing an effective date.

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

14 SECTION 1. AMENDATORY 30 O.S. 2011, Section 3-101, is
15 amended to read as follows:

16 Section 3-101. A. Any person interested in the welfare of a
17 person believed to be an incapacitated person or partially
18 incapacitated person may file a petition alleging that such person
19 is an incapacitated or partially incapacitated person, and request
20 the appointment of a guardian. If the Adult Protective Services
21 Program Office of the Department of Human Services determines that
22 an incapacitated person requires transfer to a nursing home or other
23 living arrangement, the Office shall immediately file the petition
24 required by this section. If such petition is filed by the Adult
Protective Services Program Office, no employee of the Office shall

1 be eligible for appointment as guardian to the person who is the
2 subject of the petition.

3 B. The petition shall be verified and shall specify:

4 1. The names and addresses of persons entitled to notice
5 pursuant to Section 3-110 of this title and to the attorney of the
6 subject of the proceeding, if any, and if known to the petitioner;

7 2. The nature and degree of the alleged incapacity;

8 3. The relief requested and the facts and reasons supporting
9 the need for such relief including, where applicable, a description
10 of any acts or behavior of the subject of the proceeding which gave
11 rise to the allegations; and

12 4. The estimated value of all intangible personal property of
13 the ward.

14 C. A copy of the results of any physical, psychological or
15 other appropriate professional evaluation of the condition of the
16 subject of the proceeding which has been completed within sixty (60)
17 days prior to the filing of the petition, may be attached to the
18 petition at the time it is filed.

19 D. A guardianship plan or plans substantially in the form
20 required by Section 3-120 or Section 3-122 of this title or both, as
21 appropriate, may be attached to the petition at the time it is filed
22 or may be submitted to the court at the time of the hearing.

23 E. Before making the appointment, the court may receive an
24 investigation and report regarding the background and home of the

1 prospective guardian. When required, the investigation and report
2 of the prospective guardian and placement restrictions and
3 requirements shall include a check for the petitioner and each adult
4 member of the petitioner's household establishing that there is no
5 record of a criminal conviction, protective order or pending
6 criminal charge. Additionally, the report shall include an Oklahoma
7 State Bureau of Investigation name-based criminal background check
8 for the petitioner and each adult member of the petitioner's
9 household establishing that no record of a criminal conviction
10 exists in the OSBI criminal history repository based on the search
11 criteria provided. The petitioner shall disclose the case name and
12 status of any civil or criminal matter in state or federal court,
13 including but not limited to bankruptcy adjudications, involving the
14 petitioner or any adult household member.

15 SECTION 2. This act shall become effective November 1, 2015.

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