

2010 -- H 7519

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- LIMITED GUARDIANSHIP
AND GUARDIANSHIP OF ADULTS

Introduced By: Representatives Newberry, MacBeth, and Driver

Date Introduced: February 23, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 33-15-4.1 of the General Laws in Chapter 33-15 entitled "Limited
2 Guardianship and Guardianship of Adults" is hereby amended to read as follows:

3 **33-15-4.1. Good Samaritan guardians.** -- (a) Any person who files a petition for a
4 guardianship of the person pursuant to the provisions of this chapter may also file to be qualified
5 as a good Samaritan guardian. A good Samaritan guardian may be appointed by the probate court
6 in those instances where the court determines that the estate of a proposed ward is insufficient to
7 pay for the services of a guardian and that such an appointment would otherwise be in the best
8 interests of the individual for whom the guardianship is proposed.

9 (b) A person filing for appointment of a good Samaritan guardianship shall file all the
10 forms required by this chapter to initiate a guardianship petition and shall file an additional form
11 setting forth the qualifications of the proposed guardian to serve as a good Samaritan guardian.
12 Such forms shall include, but not be limited to, the following information:

13 (1) The experience, if applicable, of the proposed guardian;

14 (2) The willingness of the proposed guardian to serve as said good Samaritan guardian;

15 and

16 (3) A statement that if appointed as a good Samaritan guardian, such person shall not
17 seek any fees and/or monetary compensation for their services as a good Samaritan; provided,
18 that this shall not be construed to prohibit the good Samaritan guardian from soliciting and/or

1 utilizing charitable donations for and on behalf of the individual under guardianship.

2 (c) The appointment of a good Samaritan guardian shall be in the discretion of the
3 probate court.

4 (d) Except as otherwise provided for herein, hearings on and notice of the application for
5 and appointment of a good Samaritan guardianship shall proceed in the same manner as any other
6 petition for guardianship pursuant to the provisions of this chapter.

7 (e) Upon the request of a good Samaritan guardianship petitioner, or by the probate
8 court's own discretion, the probate court may appoint an attorney from a court-appointed list to
9 assist the good Samaritan guardianship petitioner in the preparation and filing of the good
10 Samaritan guardianship petition, and provide any other services related to the good Samaritan
11 guardianship petition, and such services provided by the court-appointed attorney shall be pro
12 bono.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require attorneys on court appointed probate lists to provides services pro
- 2 bono to good Samaritan guardianship petitioners.
- 3 This act shall take effect upon passage.

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