

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1924-01  
Bill No.: HB 571  
Subject: Courts; Guardians  
Type: Original  
Date: March 26, 2003

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Department of Mental Health** and the **Department of Social Services** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

<b><u>FISCAL IMPACT - State Government</u></b>	<b>FY 2004 (10 Mo.)</b>	<b>FY 2005</b>	<b>FY 2006</b>
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<b><u>FISCAL IMPACT - Local Government</u></b>	<b>FY 2004 (10 Mo.)</b>	<b>FY 2005</b>	<b>FY 2006</b>
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

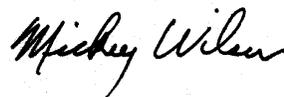
The proposed legislation would add the term “standby guardian” to the existing definition of guardian. A standby guardian would be defined as an individual who is approved by the court to temporarily assume the duties of guardian to a minor child. The proposal would also make changes to the list of individuals qualified to serve as guardians or conservators of a minor child. Currently, when both parents of a minor child are deceased, the court looks to the last surviving parent’s will to determine who should be appointed as guardian or conservator of the minor child. The proposal would allow the court to consider any individual appointed by an appointing parent in a will or another signed writing.

The proposal would allow an appointing parent or another interested party to petition the court to confirm the parent’s selection of a standby guardian and terminate the right of other individuals to object to the appointment of that individual as guardian. The appointment of a standby guardian would become effective upon the disability, incapacitation, or death of the appointing parent. The standby guardian would become eligible to act on behalf of the minor child when he or she files an acceptance of appointment, which would be done within 30 days of the court’s confirmation of the standby guardian. The proposal would specify where the standby guardian must file an acceptance of appointment and the notice the standby guardian must provide. The proposal would also allow a minor child who is at least 14 years of age and who is the subject of an appointment, the other parent, or another person who has care and custody of the minor to file a written objection to the appointment of the standby guardian.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Mental Health  
Department of Social Services



L.R. No. 1924-01  
Bill No. HB 571  
Page 4 of 4  
March 26, 2003

Mickey Wilson, CPA  
Director  
March 26, 2003

BLG:LR:OD (12/02)