

2013 -- S 0223

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LC00458
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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

Introduced By: Senators Metts, McCaffrey, Ciccone, Ruggerio, and Goodwin

Date Introduced: February 06, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 33-15 of the General Laws entitled "Limited Guardianship and
2 Guardianship of Adults" is hereby amended by adding thereto the following section:

3 **33-15-48. The Guardian Health Care Directive Act. – (a) Any legally appointed**
4 **guardian, whether acting in a temporary or permanent capacity, is under duty to file the durable**
5 **power of attorney for health care and/or living will of their appointed ward, with either the**
6 **probate court or the United States department of veteran’s affairs, within thirty (30) days of**
7 **his/her appointment.**

8 **(b) Any legally appointed guardian is to actively inquire of any agent named within the**
9 **durable power of attorney for health care and/or living will, as to the wishes of the ward within**
10 **their charge and named within said document and is then required to report his/her findings to the**
11 **appointed authority.**

12 **(c) Any legally appointed guardian is to be bound by any and all statements contained**
13 **within the durable power of attorney for health care and/or living will, of the ward within their**
14 **charge, and/or any additional directions given to the agent named therein.**

15 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 that guardians file Durable Power of Attorney for Health Care
2 and/or a living will within thirty (30) days of their appointment, and they are bound to carry out
3 this document.

4 This act would take effect upon passage.

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