

2016 -- S 2704

LC004392

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

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

Introduced By: Senator Harold M. Metts

Date Introduced: March 08, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

33-15-48. The Guardian Health Care Directive Act. – (a) Any legally appointed
guardian, whether acting in a temporary or permanent capacity, is under duty to file the durable
power of attorney for health care and/or living will of their appointed ward, with either the
probate court or the United States Department of Veterans' Affairs, within thirty (30) days of their
appointment.

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

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

SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROBATE PRACTICE AND PROCEDURE - LIMITED GUARDIANSHIP
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- 1
- This act would require that legally appointed guardians, whether temporary or permanent,
- 2
- file a durable power of attorney for health care and/or a living will on behalf of their ward within
- 3
- thirty (30) days of their appointment. Further, they would be mandated to determine the wishes of
- 4
- their ward and to follow those wishes as expressed in those documents.
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- This act would take effect upon passage.

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