

FIRST REGULAR SESSION

# HOUSE BILL NO. 1286

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE REHDER.

2583H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 475.030, RSMo, and to enact in lieu thereof one new section relating to uncontested guardianships for minors.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 475.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 475.030, to read as follows:

475.030. 1. Letters of guardianship of the person may be granted for any person adjudged incapacitated. Letters of conservatorship of the estate may be granted for any person adjudged to be disabled.

2. Letters of conservatorship of the estate of a minor shall be granted for that part of the estate of the minor which is not derived from a living parent who is acting as natural guardian.

3. Letters of conservatorship for the entire estate of a minor may be granted in the following cases:

(1) Where the minor has no parent living; or

(2) Where there is a natural guardian of the minor and where the court finds that the best interests of the minor require letters of conservatorship for all of his estate.

4. Letters of guardianship of the person of a minor may be granted in the following cases:

(1) Where a minor has no parent living;

(2) Where the parents or the sole surviving parent of a minor are unwilling, unable or adjudged unfit to assume the duties of guardianship;

(3) Where the parents or the sole surviving parent have had their parental rights terminated under chapter 211; **or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **(4) Where both parents of the minor and the proposed guardian consent to the**  
19 **appointment of such person as guardian of the minor by affidavit filed with the court,**  
20 **letters of guardianship may be granted to a grandparent of the minor or any other person**  
21 **related to the minor by blood or affinity within the second degree. No petition or hearing**  
22 **shall be required for guardianships granted under this subdivision.**

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