
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Broome (SB 32)

Present law in Children's Code provides definition of "legal guardianship" but does not provide rules governing such legal guardianship.

Proposed law deletes definition and eliminates concept of legal guardianship.

Proposed law defines "guardianship" as the judicial placement of a child under the duty and authority of a guardian to make decisions in matters having a permanent effect on the life and development of the child as set forth in the proposed law.

Proposed law sets forth requirements of guardianship, including design to provide a permanent placement for children in need of care, case plan for children whose permanent plan is guardianship, purpose of guardianship, rights and responsibilities of the guardian, and home study report.

Proposed law sets forth procedures and requirements for motion, hearing, and order for guardianship, and for modification and termination of guardianship. Provides that if a guardian has been appointed, a petition for voluntary transfer cannot be filed and a change in guardianship is through motion to modify the guardianship.

Proposed law provides that in the performance of his duties the guardian will be liable for his own negligence but will not be vicariously liable for his ward.

(Amends Ch. C. Arts. 116(12.1), 675(B)(3), 681, 1511, 1515(B), and 1516(B); adds Ch. C. Arts. 718, 719, 720, 721, 722, 723, 724 and 1514(D))