

Prior law in Children's Code provided definition of "legal guardianship" but does not provide rules governing legal guardianship.

New law deletes definition and eliminates concept of legal guardianship.

New 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 new law.

New 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.

New 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.

New 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.

Effective August 15, 2011.

(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))