

SS SCS SB 230 -- GUARDIANSHIP AND CONSERVATORSHIP

SPONSOR: Crawford (Knight)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 0.

This bill provides that the assets held in an ABLE account shall not be considered the property of a conservatorship estate, with the exception of accounts in the charge and custody of a public administrator.

This bill modifies current law to require proper venue in cases of appointment of a guardian or conservator of a minor or incapacitated or disabled person to be the following:

(1) The county where the minor or incapacitated or disabled person is domiciled, as long as placement by a court, fiduciary, or agency in such county does not count as choice of domicile; or

(2) If there is no domicile, then the county where the minor or incapacitated or disabled person has a significant connection, as specified in the bill. If venue for guardianship and conservatorship is in different counties, then venue shall be in the county of the guardianship. Additionally, this bill repeals provisions of current law regarding the commencement of proceedings in more than one county and venue when transferring certain cases involving the appointment of a successor guardian or conservator.

This bill is similar to SB 426 (2019) and HCS HB 678 (2019).

PROPOSERS: Supporters say that this bill, for the most part, codifies existing law around residence and domicile and how they are viewed by courts in establishing guardianships and conservatorships. In addition, it was never intended that ABLE accounts require conservatorship, so this is a correction that will finally allow people to have and use these accounts.

Testifying for the bill were Senator Crawford; John Killian, Jackson County and Missouri Association of Public Administrators; Valerie Huhn, Department of Mental Health; and the Missouri Treasurer's Office.

OPPOSERS: There was no opposition voiced to the committee.