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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

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

Introduced By: Senators Metts, McCaffrey, Ciccone, Ruggerio, and Goodwin

Date Introduced: February 11, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **33-15-48. The Guardian Health Care Directive Act. – (a) Any legally appointed**  
4 **guardian, whether acting in a temporary or permanent capacity, is under duty to file the durable**  
5 **power of attorney for health care and/or living will of their appointed ward, with either the**  
6 **probate court or the United States Department of Veteran's Affairs, within thirty (30) days of**  
7 **his/her appointment.**

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

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

15 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  
AND GUARDIANSHIP OF ADULTS

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1           This act would require that legally appointed guardians, whether temporary or permanent,  
2 file for their ward, a durable power of attorney for health care and/or a living will within thirty  
3 (30) days of their appointment. Further they would be mandated to determine the wishes of their  
4 ward and to follow those wishes as expressed in those documents.

5           This act would take effect upon passage.

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