

STATEMENT OF PURPOSE

RS21692C1

The purpose of this legislation is to enhance the protection of vulnerable adults by assuring that courts and other interested parties have information about (1) the civil, bankruptcy and criminal histories of proposed guardians and conservators prior to their appointment; and (2) the criminal history information of those who will be living in the protected person's residence if the court determines that such information is needed.

Although the court will be able to consider any criminal, civil or bankruptcy history which might exist, no such history will be automatically disqualifying and the court will retain discretion to determine whether the prospective guardian, conservator or co-resident of the protected person is suitable.

Institutions and legal and commercial entities are exempt from the criminal history and background check requirements, as well as the requirement to disclose civil judgments and bankruptcies.

The criminal history and background checks will be obtained from the FBI through the Department of Health and Welfare which already obtains these checks in other situations involving vulnerable persons.

FISCAL NOTE

None. The prospective guardian will be required to pay the Department of Health and Welfare for the criminal history and background checks.

Contact:

Representative Grant Burgoyne
(208) 332-1132
Senator Marv Hagedorn
(208) 332-1334

Statement of Purpose / Fiscal Note

H0125