

HOUSE BILL NO. HB0101

Guardianship protections.

Sponsored by: Representative(s) Styvar, Angelos, Chestek, Clouston and Erickson and Senator(s) Brennan, Hutchings and Nethercott

A BILL

for

1 AN ACT relating to guardianship; requiring a guardian to
2 make monthly in-person monitoring of the guardian's ward;
3 providing for reasonable fees and expenses of a guardian;
4 requiring reporting to the court of the in-person
5 monitoring; requiring a guardian or conservator to notify
6 specified entities of the guardian or conservator's
7 appointment; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 3-1-206(a)(iii), (iv) and by creating
12 a new paragraph (v), 3-2-104 by creating a new subsection
13 (c), 3-2-109(a)(intro), 3-2-201(a)(ix) and by creating new
14 paragraphs (xi) and (xii) and 3-3-601 are amended to read:

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1 **3-1-206. Rights of ward.**

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3 (a) The ward under any guardianship or
4 conservatorship shall have the right to:

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6 (iii) Freedom from inappropriate physical or
7 chemical restraints; ~~and~~

8

9 (iv) All other rights available to residents of
10 any private or public facility to which the ward is
11 admitted or program in which the ward participates subject
12 to any order of the court ~~is~~ and

13

14 (v) Monthly in-person contact from the guardian
15 to monitor the well-being of the ward which the court shall
16 review.

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18 **3-2-104. Appointment of guardian.**

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20 (c) In any case in which a person is appointed as
21 guardian or limited guardian under this title, the court
22 shall charge the ward or the ward's estate for court costs
23 and reasonable fees and expenses of the guardian or limited

1 guardian only to the extent the court determines there
2 exists financial ability to pay. In no case shall costs or
3 fees be allowed in an amount which would unreasonably
4 diminish the ward's estate so as to substantially endanger
5 the ward's financial independence. Any person providing
6 services as a guardian or limited guardian shall not
7 receive payment for those services in an amount greater
8 than the rate provided under 42 U.S.C. § 405(j)(4)(A).

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10 **3-2-109. Guardian's report.**

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12 (a) The guardian shall present to the court and file
13 in the guardianship proceedings a signed, written⁷ report
14 on the physical condition, including level of disability or
15 functional incapacity, principal residence, treatment, care
16 and activities of the ward, as well as providing a
17 description of those actions the guardian has taken on
18 behalf of the ward, and a written account, with dates, of
19 each in-person contact with the ward to be verified by the
20 court:

21

22 **3-2-201. Powers and duties of guardian.**

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1 (a) The guardian shall:

2

3 (ix) Request the court to modify the guardian's
4 range of duties if the changed circumstances of the ward
5 require such modification;~~—and~~

6

7 (xi) Make monthly in-person contact with the
8 ward on a regular basis and keep a written account of each
9 personal contact with the ward which the court shall
10 review; and

11

12 (xii) Notify all entities the guardian pays on
13 behalf of the ward that the guardian is now the guardian of
14 the ward.

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16 **3-3-601. General duties of conservator.**

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18 The conservator of the estate shall protect and preserve
19 it, invest it prudently, account for it as provided in the
20 Wyoming statutes, expend it for the benefit of the ward and
21 perform all other duties required by law. At the
22 termination of the conservatorship, the conservator shall
23 deliver the assets of the ward to the person entitled to

1 receive them. The conservator shall notify all entities the
2 conservator pays on behalf of the ward that the conservator
3 is now the conservator of the ward.

4

5 **Section 2.** This act is effective July 1, 2026.

6

7 (END)