

By: Senator(s) Doty, Fillingane, Hopson, McCaughn

To: Judiciary, Division A

SENATE BILL NO. 2874

1 AN ACT TO AMEND SECTION 93-20-102, MISSISSIPPI CODE OF 1972,
2 TO REVISE DEFINITIONS PERTAINING TO GUARDIANSHIPS AND
3 CONSERVATORSHIPS; TO AMEND SECTION 93-20-104, MISSISSIPPI CODE OF
4 1972, TO CLARIFY JURISDICTION UNDER THE ACT WHEN PROCEEDINGS MAY
5 BE INSTITUTED OR ONGOING IN A DIFFERENT COURT; TO AMEND SECTION
6 93-20-105, MISSISSIPPI CODE OF 1972, TO CLARIFY THE REQUIRED
7 GIVING OF NOTICE AND SUMMONS UNDER THE ACT; TO AMEND SECTIONS
8 93-20-107 AND 93-20-108, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
9 COMBINING PROCEEDINGS AND LETTERS OF GUARDIANSHIP AND
10 CONSERVATORSHIP WHEN THE GUARDIAN AND CONSERVATOR ARE THE SAME
11 PERSON AND TO REQUIRE SUBSCRIPTION TO AN OATH BY A FIDUCIARY; TO
12 AMEND SECTION 93-20-113, MISSISSIPPI CODE OF 1972, TO CLARIFY
13 REQUIREMENTS REGARDING NOTICE AND SUMMONS; TO AMEND SECTION
14 93-20-116, MISSISSIPPI CODE OF 1972, TO CONFORM INTERNAL
15 REFERENCES; TO AMEND SECTION 93-20-118, MISSISSIPPI CODE OF 1972,
16 TO INCLUDE PAYMENT OF ATTORNEY'S FEES IN CASES WHERE A PETITION IS
17 FILED IN BAD FAITH; TO AMEND SECTION 93-20-125, MISSISSIPPI CODE
18 OF 1972, TO REVISE TRANSITION AND CONFLICT OF LAW PROVISIONS; TO
19 AMEND SECTION 93-20-201, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
20 THE COURT TO DISPENSE WITH LEGAL REPRESENTATION IF THAT WOULD
21 IMPOSE AN UNDUE BURDEN ON THE WARD'S ESTATE; TO AMEND SECTION
22 93-20-202, MISSISSIPPI CODE OF 1972, TO REVISE THE PARTIES GIVEN
23 NOTICE OF A PETITION FOR APPOINTMENT OF A GUARDIAN OF A MINOR; TO
24 AMEND SECTION 93-20-203, MISSISSIPPI CODE OF 1972, TO REVISE
25 NOTICE AND SUMMONS; TO AMEND SECTION 93-20-206, MISSISSIPPI CODE
26 OF 1972, TO CLARIFY THE HEARING REQUIRED BEFORE APPOINTMENT OF A
27 GUARDIAN FOR A MINOR AND NOTICE OF SUBSEQUENT PROCEEDINGS; TO
28 AMEND SECTION 93-20-207, MISSISSIPPI CODE OF 1972, TO CLARIFY
29 NOTICE AND SUMMONS; TO AMEND SECTION 93-20-301, MISSISSIPPI CODE
30 OF 1972, TO CLARIFY THE POWERS GRANTED TO A GUARDIAN OF AN ADULT;
31 TO AMEND SECTION 93-20-302, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
32 THE COURT TO DISPENSE WITH LEGAL REPRESENTATION IF THAT WOULD
33 IMPOSE AN UNDUE BURDEN ON THE WARD'S ESTATE; TO AMEND SECTION
34 93-20-303, MISSISSIPPI CODE OF 1972, TO CLARIFY THE HEARING



35 REQUIRED BEFORE APPOINTMENT OF A GUARDIAN FOR AN ADULT AND NOTICE
36 OF SUBSEQUENT PROCEEDINGS; TO AMEND SECTION 93-20-306, MISSISSIPPI
37 CODE OF 1972, TO CLARIFY THE RESPONDENT'S RIGHTS AT A HEARING ON A
38 PETITION TO APPOINT A GUARDIAN FOR AN ADULT; TO AMEND SECTION
39 93-20-309, MISSISSIPPI CODE OF 1972, TO CLARIFY THE NECESSITY OF
40 SUMMONS GIVEN TO AN ADULT RESPONDENT; TO AMEND SECTION 93-20-310,
41 MISSISSIPPI CODE OF 1972, TO CONFORM INTERNAL REFERENCES; TO AMEND
42 SECTION 93-20-311, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
43 NECESSITY OF SUMMONS ISSUED FOR THE CONTINUATION OF AN EMERGENCY
44 GUARDIANSHIP OF AN ADULT; TO AMEND SECTION 93-20-403, MISSISSIPPI
45 CODE OF 1972, TO CLARIFY THE HEARING REQUIRED BEFORE APPOINTMENT
46 OF A CONSERVATOR AND NOTICE OF SUBSEQUENT PROCEEDINGS; TO AMEND
47 SECTION 93-20-405, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
48 APPOINTMENT AND ROLE OF A GUARDIAN AD LITEM; TO AMEND SECTION
49 93-20-407, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN PROFESSIONAL
50 EXAMINATION OF A MINOR IS REQUIRED BEFORE APPOINTMENT OF A
51 CONSERVATOR; TO AMEND SECTION 93-20-408, MISSISSIPPI CODE OF 1972,
52 TO CLARIFY THE RESPONDENT'S RIGHTS AT A HEARING ON A PETITION TO
53 APPOINT A CONSERVATOR; TO AMEND SECTION 93-20-411, MISSISSIPPI
54 CODE OF 1972, TO CLARIFY WHEN COSTS ARE NOT TO BE ASSESSED TO THE
55 PETITIONER AND TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION
56 93-20-413, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT SUMMONS MUST
57 ISSUE FOR THE CONTINUATION OF A CONSERVATORSHIP; TO AMEND SECTION
58 93-20-431, MISSISSIPPI CODE OF 1972, RELATING TO PAYMENT OF
59 SETTLEMENT PROCEEDS WITHOUT APPOINTMENT OF A CONSERVATOR; TO
60 REPEAL AS DUPLICATIVE SECTIONS 93-14-401, 92-14-402 AND 93-14-403,
61 MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE ARTICLE 4 OF THE
62 UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION
63 ACT AND DEAL WITH THE REGISTRATION AND RECOGNITION OF FOREIGN
64 ORDERS OF GUARDIANSHIP AND CONSERVATORSHIP; AND FOR RELATED
65 PURPOSES.

66 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

67 **SECTION 1.** Section 93-20-102, Mississippi Code of 1972, is
68 amended as follows:

69 93-20-102. In this chapter:

70 (a) "Adult" means an individual at least twenty-one
71 (21) years of age or an emancipated individual under twenty-one
72 (21) years of age.

73 (b) "Claim" includes a claim against an individual or
74 conservatorship estate, whether arising in contract, tort, or
75 otherwise.



76 (c) "Conservator" means a person appointed by a court
77 to make decisions with respect to the property or financial
78 affairs of a ward. The term includes a co-conservator.

79 (d) "Conservatorship estate" means the property subject
80 to conservatorship under this chapter.

81 (e) "Full conservatorship" means a conservatorship that
82 grants the conservator all powers available under this chapter.

83 (f) "Full guardianship" means a guardianship that
84 grants the guardian all powers available under this chapter.

85 (g) "Guardian" means a person appointed by the court to
86 make decisions with respect to the personal affairs of the ward.
87 The term includes a co-guardian but does not include a guardian ad
88 litem.

89 (h) "Guardian ad litem" means a qualified person
90 appointed by the court to inform the court about the ward, to
91 protect the best interests of the ward, and to make
92 recommendations to the court in the best interests of the ward.

93 (i) "Less restrictive alternative" means an approach to
94 meeting an individual's needs which restricts fewer rights of the
95 individual than would the appointment of a guardian or conservator
96 in the discretion of the court.

97 (j) "Letters of guardianship or conservatorship" means
98 a record issued by a court certifying a guardian's or
99 conservator's authority to act.



100 (k) "Limited conservatorship" means a conservatorship
101 that grants the conservator less than all powers available under
102 this chapter, grants powers over only certain property, or
103 otherwise restricts the powers of the conservator.

104 (l) "Limited guardianship" means a guardianship that
105 grants the guardian less than all powers available under this
106 chapter or otherwise restricts the powers of the guardian.

107 (m) "Minor" means an unemancipated individual under
108 twenty-one (21) years of age.

109 (n) "Notice" means any notice as provided by Rule 5 of
110 the Mississippi Rules of Civil Procedure.

111 (* * *o) "Parent" does not include an individual whose
112 parental rights have been terminated.

113 (* * *p) "Person" means an individual, estate,
114 business or nonprofit entity, public corporation, government or
115 governmental subdivision, agency, or instrumentality, or other
116 legal entity.

117 (* * *q) "Property" includes tangible and intangible
118 property.

119 (* * *r) "Record," used as a noun, means information
120 that is inscribed on a tangible medium or that is stored in an
121 electronic or other medium and is retrievable in perceivable form.

122 (* * *s) "Respondent" means an individual for whom
123 appointment of a guardian or conservator is sought.



124 (* * *t) "Sign" means, with present intent to
125 authenticate or adopt a record:

126 (i) To execute or adopt a tangible symbol; or

127 (ii) To attach to or logically associate with the
128 record an electronic symbol, sound, or process.

129 (* * *u) "State" means a state of the United States,
130 the District of Columbia, Puerto Rico, the United States Virgin
131 Islands, or any territory or insular possession subject to the
132 jurisdiction of the United States. The term includes a federally
133 recognized Indian tribe.

134 (v) "Summons" means any properly issued summons as
135 provided by the Mississippi Rules of Civil Procedure.

136 (* * *w) "Ward" means an adult or minor for whom a
137 guardian or conservator has been appointed under this chapter.

138 **SECTION 2.** Section 93-20-104, Mississippi Code of 1972, is
139 amended as follows:

140 93-20-104. (1) Except to the extent jurisdiction is
141 precluded by the Uniform Child Custody Jurisdiction and
142 Enforcement Act (Title 93, Chapter 27, Mississippi Code of 1972)
143 and the Uniform Adult Guardianship and Protective Proceedings
144 Jurisdiction Act (Title 93, Chapter, 14, Mississippi Code of
145 1972), the chancery court has jurisdiction over a guardianship or
146 conservatorship for a respondent domiciled or present in this
147 state or having property in this state.



148 (2) After * * * a petition is filed in a proceeding for a
149 guardianship or conservatorship and until termination of the
150 proceeding, the court in which the petition is filed has:

151 (a) Exclusive jurisdiction to determine the need for
152 the guardianship or conservatorship;

153 (b) Exclusive jurisdiction to determine how property of
154 the respondent must be managed, expended, or distributed to or for
155 the use of the respondent, an individual who is dependent in fact
156 on the respondent, or other claimant;

157 (c) Nonexclusive jurisdiction to determine the validity
158 of a claim against the respondent or property of the respondent or
159 a question of title concerning the property; and

160 (d) If a guardian or conservator is appointed,
161 exclusive jurisdiction over issues related to administration of
162 the guardianship or conservatorship.

163 (3) A court that appoints a guardian or conservator has
164 exclusive and continuing jurisdiction over the proceeding until
165 the court terminates the proceeding.

166 (4) This chapter does not apply to a durable legal relative
167 guardianship to facilitate child placement that may be created by
168 a youth court under Section 43-21-609.

169 **SECTION 3.** Section 93-20-105, Mississippi Code of 1972, is
170 amended as follows:

171 93-20-105. (1) This section does not apply to a
172 guardianship or conservatorship for an adult that is subject to



173 the transfer provisions of the Uniform Adult Guardianship and
174 Protective Proceedings Jurisdiction Act (Title 93, Chapter 14,
175 Mississippi Code of 1972).

176 (2) After appointment of a guardian or conservator, the
177 court that made the appointment may transfer the proceeding to a
178 court in another county in this state or another state if transfer
179 is in the best interest of the ward, a final settlement of the
180 conservatorship accounts is made, and the guardian or conservator
181 qualifies as such in the county or state to which the proceeding
182 is being removed.

183 (3) If a proceeding for a guardianship or conservatorship is
184 pending in another state or a foreign country and a petition for
185 guardianship or conservatorship for the same respondent is filed
186 in a court in this state, the court must notify the court in the
187 other state or foreign country and, after consultation with that
188 court, assume or decline jurisdiction, whichever is in the best
189 interest of the respondent.

190 (4) A guardian or conservator appointed in another state or
191 country may petition the court for appointment as a guardian or
192 conservator in this state for the same individual if jurisdiction
193 in this state is or will be established. The appointment may be
194 made on proof as outlined in Section 93-20-124.

195 (5) Summons giving notice of hearing on a petition under
196 subsection (4), together with a copy of the petition, must be
197 given to the respondent, if the respondent is at least fourteen



198 (14) years of age at the time of the hearing, and to the persons
199 that would be entitled to summons or notice if the procedures for
200 appointment of a guardian or conservator under this chapter were
201 applicable. The court shall make the appointment unless it
202 determines the appointment would not be in the best interest of
203 the respondent.

204 (6) Not later than fourteen (14) days after appointment
205 under subsection (5), the guardian or conservator must give a copy
206 of the order of appointment to the ward, if the ward is at least
207 fourteen (14) years of age, and to all persons given notice of the
208 hearing on the petition.

209 **SECTION 4.** Section 93-20-107, Mississippi Code of 1972, is
210 amended as follows:

211 93-20-107. (1) Except as otherwise provided in this
212 chapter, the Mississippi Rules of Evidence and Mississippi Rules
213 of Civil Procedure, including rules concerning appellate review,
214 govern a proceeding under this chapter.

215 (2) * * * Proceedings for a guardianship * * * and
216 conservatorship for the same individual * * * may be commenced in
217 a single proceeding, and if separate proceedings are commenced or
218 pending in the same court, the proceedings may be consolidated.

219 (3) If the court finds that a provision of this chapter
220 conflicts with a provision of Title 35, Chapter 5, Mississippi
221 Code of 1972 (Uniform Veterans' Guardianship Law), the court must
222 resolve the conflict in the best interest of the ward.



223 **SECTION 5.** Section 93-20-108, Mississippi Code of 1972, is
224 amended as follows:

225 93-20-108. (1) At or before the time of appointment, the
226 guardian or conservator must take and subscribe an oath faithfully
227 to discharge the duties of guardian or conservator of the ward
228 according to law.

229 (* * *2) The clerk must issue letters of guardianship to a
230 guardian who takes the proper oath, posts bond if required, and
231 submits a certificate of attorney and certificate of fiduciary,
232 unless waived by the court.

233 (* * *3) The clerk must issue letters of conservatorship to
234 a conservator who takes the proper oath, posts bond if required,
235 and submits a certificate of attorney and certificate of
236 fiduciary, unless waived by the court or unless the conservator
237 complies with another asset-protection arrangement required by the
238 court.

239 (* * *4) The court in its initial order of appointment or
240 at any subsequent time may limit the powers conferred on a
241 guardian or conservator. The court shall direct the clerk to
242 issue new letters of guardianship or conservatorship that reflect
243 the limitation. The court shall direct the clerk to give notice
244 of the limitation by service of a copy of the court's order with
245 proof of service on the guardian or conservator, the ward, and any
246 other person the court determines.



247 (* * *5) Limitations on the powers of a guardian or
248 conservator or on the property subject to conservatorship must be
249 stated in the letters of guardianship or conservatorship.

250 (6) Letters of guardianship and conservatorship may be
251 combined in one (1) document if the guardian and conservator are
252 the same person.

253 **SECTION 6.** Section 93-20-113, Mississippi Code of 1972, is
254 amended as follows:

255 93-20-113. (1) Except as otherwise provided in Section
256 93-20-203, 93-20-303 * * * or 93-20-403 * * *, if notice of a
257 hearing under this chapter is required, the movant must give
258 notice under Rule 5 of the Mississippi Rules of Civil Procedure of
259 the date, time, and place of the hearing to the person to be
260 notified unless otherwise ordered by the court for good cause
261 shown. * * *

262 (2) Proof of notice given of a hearing under this chapter
263 must be made before or at the hearing and filed in the proceeding.

264 (3) Notice given of a hearing under this chapter must be in
265 at least sixteen-point font, in plain language, and, to the extent
266 feasible, in a language in which the person to be notified is
267 proficient.

268 (4) Any person interested in the ward's welfare may file a
269 motion to intervene as provided by Rule 24 of the Mississippi
270 Rules of Civil Procedure.



271 **SECTION 7.** Section 93-20-116, Mississippi Code of 1972, is
272 amended as follows:

273 93-20-116. (1) A person may file with the court a request
274 for notice under this chapter if the person is:

275 (a) Not otherwise entitled to notice under Section
276 93-20-203, Section 93-20-303 * * * or Section 93-20-403 * * *; and

277 (b) Interested in the welfare of a respondent or ward.

278 (2) A request under subsection (1) must include a statement
279 showing the interest of the person making the request and the
280 address of the person or an attorney for the person to whom notice
281 is to be given.

282 (3) If the court approves a request under subsection (1),
283 the court must give notice of the approval to the guardian or
284 conservator, if one has been appointed, or to the respondent if no
285 guardian or conservator has been appointed.

286 **SECTION 8.** Section 93-20-118, Mississippi Code of 1972, is
287 amended as follows:

288 93-20-118. (1) An attorney for a respondent in a proceeding
289 under this chapter may be awarded reasonable compensation for
290 services and reasonable expenses in the discretion of the court.

291 (2) An attorney or other person whose services resulted in
292 an order beneficial to a ward may be awarded reasonable
293 compensation for services and reasonable expenses in the
294 discretion of the court.



295 (3) The court must approve compensation and expenses payable
296 under this section before payment. Approval is not required
297 before a service is provided or an expense is incurred.

298 (4) If the court dismisses a petition under this chapter and
299 determines the petition was filed in bad faith, the court may
300 assess any costs and attorney's fees the court deems appropriate.

301 **SECTION 9.** Section 93-20-125, Mississippi Code of 1972, is
302 amended as follows:

303 93-20-125. Except as otherwise provided in this chapter:

304 (a) This chapter applies to all guardianship and
305 conservatorship proceedings commenced on or after January 1, 2020;

306 (b) This chapter applies to all guardianship and
307 conservatorship proceedings commenced before January 1, 2020,
308 unless the court * * *, in its discretion, determines that the
309 superseded law * * * should apply. The requirements of this
310 chapter providing for increased court oversight and periodic
311 monitoring do not require that a new proceeding be commenced; and

312 (c) An act done before January 1, 2020, is not affected
313 by this chapter.

314 **SECTION 10.** Section 93-20-201, Mississippi Code of 1972, is
315 amended as follows:

316 93-20-201. (1) A person becomes a guardian for a minor only
317 on appointment by the court.



318 (2) The court may appoint a guardian for a minor who does
319 not have a guardian if the court finds the appointment is in the
320 minor's best interest, and:

321 (a) Each parent of the minor, after being fully
322 informed of the nature and consequences of guardianship, consents;

323 (b) All parental rights have been terminated; or

324 (c) There is clear and convincing evidence that no
325 parent of the minor is willing or able to exercise the powers the
326 court is granting the guardian.

327 (3) The guardian for a minor is not required to retain an
328 attorney of record for the guardianship if the courts finds that
329 this would impose an undue burden on the ward's estate.

330 **SECTION 11.** Section 93-20-202, Mississippi Code of 1972, is
331 amended as follows:

332 93-20-202. (1) A person interested in the welfare of a
333 minor, including the minor, may petition for appointment of a
334 guardian for the minor.

335 (2) A petition under subsection (1) must comply with the
336 requirement for an affidavit under the Uniform Child Custody
337 Jurisdiction and Enforcement Act (Title 93, Chapter 27,
338 Mississippi Code of 1972) and must also include:

339 (a) The name and address of any attorney for the
340 parents of the minor;

341 (b) The reason guardianship is sought and would be in
342 the best interest of the minor;



343 (c) The name and address of any proposed guardian and
344 the reason the proposed guardian should be selected; and

345 (d) If the minor has property other than personal
346 effects, a general statement of the minor's property with an
347 estimate of its value.

348 (3) Notice of a hearing on a petition filed after the
349 appointment of a guardian which seeks an order under this article,
350 together with a copy of the petition, must be given to the * * *
351 ward, the guardian, the parents of the ward, and any other person
352 the court determines.

353 **SECTION 12.** Section 93-20-203, Mississippi Code of 1972, is
354 amended as follows:

355 93-20-203. (1) If a petition is filed under Section
356 93-20-202, the court must set a date, time and place for a
357 hearing, and the petitioner must * * * cause summons to be issued
358 and served not less than seven (7) days * * * before the hearing,
359 together with a copy of the petition, on each of the following who
360 is not the petitioner:

361 (a) The minor, if the minor will be fourteen (14) years
362 of age or older at the time of the hearing;

363 (b) Each parent of the minor who can be found with
364 reasonable diligence or, if there is none, the adult nearest in
365 kinship who can be found with reasonable diligence; and

366 * * *



367 (* * *c) Each individual who had primary care or
368 custody of the minor for at least sixty (60) days during the six
369 (6) months immediately before the filing of the petition * * *.
370 * * *

371 (2) For any other person the court determines should know of
372 the proceedings, notice must be provided under Rule 5 of the
373 Mississippi Rules of Civil Procedure.

374 (* * *3) A petition under this article must state the name
375 and address of an attorney representing the petitioner, if any,
376 and must set forth under the style of the case and before the body
377 of the petition the following language in bold or highlighted
378 type:

379 **"THE RELIEF SOUGHT HEREIN MAY AFFECT YOUR LEGAL RIGHTS. YOU**
380 **HAVE A RIGHT TO NOTICE OF ANY HEARING ON THIS PETITION, TO ATTEND**
381 **ANY SUCH HEARING, AND TO BE REPRESENTED BY AN ATTORNEY."**

382 (* * *4) If a petitioner is unable to serve * * * summons
383 under subsection (1)(a), the court may appoint a guardian ad litem
384 for the minor for the purpose of receiving * * * summons.

385 **SECTION 13.** Section 93-20-206, Mississippi Code of 1972, is
386 amended as follows:

387 93-20-206. (1) After a hearing * * * the court may appoint
388 a guardian for a minor, dismiss the proceeding, or take other
389 appropriate action consistent with this chapter or law of this
390 state other than this chapter.



391 (2) In appointing a guardian under subsection (1), the
392 following apply:

393 (a) The court shall appoint a person nominated as
394 guardian by a parent of the minor in a will or other record unless
395 the court finds the appointment is contrary to the best interest
396 of the minor.

397 (b) If multiple parents have nominated different
398 persons to serve as guardian, the court shall appoint the nominee
399 whose appointment is in the best interest of the minor, unless the
400 court finds that appointment of none of the nominees is in the
401 best interest of the minor.

402 (c) If a guardian is not appointed under paragraph (a)
403 or (b), the court shall appoint the person nominated by the minor
404 if the minor is fourteen (14) years of age or older unless the
405 court finds that appointment is contrary to the best interest of
406 the minor. In that case, the court shall appoint as guardian a
407 person whose appointment is in the best interest of the minor.

408 (3) In the interest of maintaining or encouraging
409 involvement by a minor's parent in the minor's life, developing
410 self-reliance of the minor, or for other good cause, the court, at
411 the time of appointment of a guardian for the minor or later, on
412 its own or on motion of the minor or other interested person, may
413 create a limited guardianship by limiting the powers otherwise
414 granted by this article to the guardian. Following the same



415 procedure, the court may grant additional powers or withdraw
416 powers previously granted.

417 (4) The court, as part of an order appointing a guardian for
418 a minor, shall state rights retained by any parent of the minor,
419 which may include contact or visitation with the minor,
420 decision-making regarding the minor's health care, education, or
421 other matter, or access to a record regarding the minor.

422 (5) An order granting a guardianship for a minor must state
423 that each parent of the minor is entitled to notice that:

424 (a) The location of the minor's residency has changed;

425 (b) The court has modified or limited the powers of the
426 guardian; or

427 (c) The court has removed the guardian.

428 **SECTION 14.** Section 93-20-207, Mississippi Code of 1972, is
429 amended as follows:

430 93-20-207. (1) On a petition by a person interested in a
431 minor's welfare or a petition filed under Section 93-20-202, the
432 court may appoint an emergency guardian for the minor if the court
433 finds:

434 (a) Appointment of an emergency guardian is likely to
435 prevent substantial harm to the minor's health, safety, or
436 welfare; and

437 (b) No other person appears to have authority and
438 willingness to act in the circumstances.



439 (2) The duration of authority of an emergency guardian for a
440 minor may not exceed sixty (60) days, and the emergency guardian
441 may exercise only the powers specified in the order of
442 appointment. The emergency guardian's authority may be extended
443 one (1) time for not more than sixty (60) days if the court finds
444 that the conditions for appointment of an emergency guardian in
445 subsection (1) continue.

446 (3) Except as otherwise provided in subsection (4), summons
447 giving reasonable notice of the date, time, and place of a hearing
448 on a petition for appointment of an emergency guardian for a minor
449 must be given to:

450 (a) The minor, if the minor is fourteen (14) years of
451 age or older;

452 (b) Any attorney appointed under Section 93-20-204;

453 (c) Each parent of the minor;

454 (d) Any person, other than a parent, having care or
455 custody of the minor; and

456 (e) Any other person the court determines.

457 (4) The court may appoint an emergency guardian for a minor
458 under subsection (3) without notice or a hearing only if the court
459 finds from an affidavit or testimony that the minor's health,
460 safety, or welfare will be substantially harmed before a hearing
461 after notice of the appointment could be held. If the court
462 appoints an emergency guardian to an unrepresented minor or the
463 attorney for a represented minor without notice, notice of the



464 appointment must be given not later than forty-eight (48) hours
465 after the appointment to the individuals listed in subsection (3)
466 and summons must be issued on continuation of the guardianship.

467 The court must hold a hearing on continuation of a guardianship
468 within five (5) days of any objection or other contest. Not later
469 than five (5) days after the appointment, the court must hold a
470 hearing on the appropriateness of the appointment.

471 (5) Appointment of an emergency guardian under this section,
472 with or without notice, is not a determination that a basis exists
473 for appointment of a guardian under Section 93-20-201.

474 (6) The court may remove an emergency guardian appointed
475 under this section at any time. The emergency guardian must
476 make any report the court requires.

477 **SECTION 15.** Section 93-20-301, Mississippi Code of 1972, is
478 amended as follows:

479 93-20-301. (1) The court may appoint a guardian for an
480 adult when the respondent lacks the ability to meet essential
481 requirements for physical health, safety or self-care because:

482 (a) The adult is unable to receive and evaluate
483 information or make or communicate decisions, even with
484 appropriate supportive services or technological assistance; or

485 (b) The adult is found to be a person with mental
486 illness or a person with an intellectual disability as defined in
487 Section 41-21-61 who is also incapable of taking care of his or
488 her person.



489 (2) The court shall grant to a guardian * * * only those
490 powers necessitated by the limitations and demonstrated needs of
491 the ward and must enter orders that will encourage the development
492 of the ward's maximum self-determination and independence. The
493 court must consider any less restrictive alternative that would
494 meet the needs of the ward.

495 **SECTION 16.** Section 93-20-302, Mississippi Code of 1972, is
496 amended as follows:

497 93-20-302. (1) A proceeding under this article may be
498 instituted by the chancellor or clerk of the chancery court, any
499 relative or friend of the adult, or any other interested party,
500 including the adult for whom the order is sought, by filing a
501 sworn petition in the chancery court of the county of the
502 residence of the adult, setting forth that the adult is alleged to
503 be in need of a guardianship.

504 (2) The petition must state the name and address of an
505 attorney representing the petitioner, if any, and must set forth
506 under the style of the case and before the body of the petition
507 the following language in bold or highlighted type:

508 **"THE RELIEF SOUGHT HEREIN MAY AFFECT YOUR LEGAL RIGHTS. YOU**
509 **HAVE A RIGHT TO NOTICE OF ANY HEARING ON THIS PETITION, TO ATTEND**
510 **ANY SUCH HEARING, AND TO BE REPRESENTED BY AN ATTORNEY."**

511 (3) The guardian for an adult is not required to retain an
512 attorney of record for the guardianship if the court finds that
513 this would impose an undue burden on the ward's estate.



514 **SECTION 17.** Section 93-20-303, Mississippi Code of 1972, is
515 amended as follows:

516 93-20-303. **Notice of hearing for appointment of guardian for**
517 **adult; notice of hearing after appointment of guardian.** (1) On
518 receipt of a petition under Section 93-20-302 for appointment of a
519 guardian for a respondent who is an adult, the court must set a
520 date, time and place for a hearing, and * * * unless the court
521 finds that the adult for whom the guardian is to be appointed is
522 competent and joins in the petition, the petitioner must cause
523 summons to be served not less than seven (7) * * * days before the
524 hearing, together with a copy of the petition, on the adult for
525 whom the guardian is to be appointed * * *. The court may, for
526 good cause shown, direct that a shorter notice be given.

527 * * *

528 (* * *2) Unless the court finds that the adult for whom the
529 guardian is to be appointed is competent and joins in the
530 petition, * * * summons must also * * * issue to:

531 (a) Any conservator appointed to the respondent;

532 * * *

533 (b) At least one (1) adult relative of the respondent
534 who resides in Mississippi from the following group in the listed
535 order of preference: * * * spouse, children, parents * * *,
536 siblings * * *; but if none of those can be found * * *:

537 (* * *i) To one (1) adult relative of the * * *
538 respondent who is not the petitioner and who resides in



539 Mississippi if that relative is within the third degree of
540 kinship.

541 (ii) If no relative within the third degree of
542 kinship to the * * * respondent is found residing in the State of
543 Mississippi, the court shall either designate some other
544 appropriate person to receive the * * * summons or appoint a
545 guardian ad litem to receive * * * the summons.

546 (3) In a proceeding on a petition under this article, notice
547 of the hearing must also be given to any other person the court
548 determines is entitled to notice. Failure to give notice does not
549 preclude the court from appointing a guardian.

550 (4) If the person for whom the guardian is to be appointed
551 is entitled to any benefit, estate or income paid or payable by or
552 through the Veterans' Administration of the United States
553 government, such administration must also be given * * * a
554 summons.

555 (5) Notice of a hearing on a petition seeking an order under
556 this article that is filed after the appointment of a guardian,
557 together with a copy of the petition, must be given to the * * *
558 ward, the guardian, and any other person the court determines.

559 **SECTION 18.** Section 93-20-306, Mississippi Code of 1972, is
560 amended as follows:

561 93-20-306. (1) At a hearing held under * * * this article,
562 the respondent may:



563 (a) Present evidence and subpoena witnesses and
564 documents;

565 (b) Examine witnesses; and

566 (c) Otherwise participate in the hearing.

567 (2) Unless excused by the court for good cause shown, a
568 proposed guardian must attend a hearing under * * * this article.

569 (3) A hearing under * * * this article must be closed upon
570 request of the respondent and a showing of good cause.

571 (4) Any person may request to participate in a hearing
572 under * * * this article. The court may grant the request, with
573 or without a hearing, on determining that the best interest of the
574 respondent will be served. The court may impose appropriate
575 conditions on the person's participation.

576 **SECTION 19.** Section 93-20-309, Mississippi Code of 1972, is
577 amended as follows:

578 93-20-309. (1) A court order appointing a guardian for an
579 adult must:

580 (a) Include a specific finding that clear and
581 convincing evidence established that the identified needs of the
582 respondent cannot be met by a less restrictive alternative,
583 including use of appropriate supportive services and technological
584 assistance; and

585 (b) Include a specific finding that clear and
586 convincing evidence established the respondent was given



587 proper * * * summons notifying the respondent of the hearing on
588 the petition.

589 (2) A court order establishing a full guardianship for an
590 adult must state the basis for granting a full guardianship and
591 include specific findings that support the conclusion that a
592 limited guardianship would not meet the functional needs of the
593 ward.

594 (3) A court order establishing a limited guardianship for an
595 adult must state the specific powers granted to the guardian.

596 (4) The court, as part of an order establishing a
597 guardianship for an adult, must identify and include the contact
598 information for any person that subsequently is entitled to:

599 (a) Notice of the rights of the adult under Section
600 93-20-310(2);

601 (b) Notice of a change in the primary dwelling of the
602 adult;

603 (c) Notice that the guardian has delegated:

604 (i) The power to manage the care of the adult;

605 (ii) The power to make decisions about where the
606 adult lives;

607 (iii) The power to make major medical decisions on
608 behalf of the adult;

609 (iv) A power that requires court approval under
610 Section 93-20-314; or

611 (v) Substantially all powers of the guardian;



612 (d) A copy of the guardian's plan under Section
613 93-20-315 and the guardian's well-being report under Section
614 93-20-316;

615 (e) Access to court records relating to the
616 guardianship;

617 (f) Notice of the death or significant change in the
618 condition of the adult;

619 (g) Notice that the court has limited or modified the
620 powers of the guardian; and

621 (h) Notice of the removal of the guardian.

622 (5) A spouse and adult children of a ward are entitled to
623 notice under Section 93-20-303 * * * unless the court determines
624 notice would be contrary to the preferences or prior directions of
625 the ward or not in the best interest of the ward.

626 (6) (a) If the chancellor finds from the evidence that the
627 adult is incapable of taking care of his person, the chancellor
628 shall appoint a guardian over the person.

629 (b) The costs and expenses of the proceedings shall be
630 paid out of the estate of the person if a guardian is appointed.
631 If a guardian is appointed and the adult has no estate, or if no
632 guardian is appointed, then the costs and expenses must be paid by
633 the person instituting the proceedings.

634 **SECTION 20.** Section 93-20-310, Mississippi Code of 1972, is
635 amended as follows:



636 93-20-310. (1) A guardian appointed under Section 93-20-309
637 must give the ward and all other persons given notice under
638 Section 93-20-309(4) a copy of the order of appointment, together
639 with notice of the right to request termination or modification.
640 The order and notice must be given not later than fourteen (14)
641 days after the appointment.

642 (2) Not later than fourteen (14) days after appointment of a
643 guardian under Section 93-20-309, the guardian must request from
644 the court a statement of the rights of the ward and must give the
645 statement to the ward and any other person entitled to notice
646 under Section 93-20-303 * * * or a court order. The statement
647 must notify the ward of the right to:

648 (a) Seek termination or modification of the
649 guardianship, or removal of the guardian, and choose an attorney
650 to represent the adult in these matters;

651 (b) Be involved in decisions affecting the adult,
652 including decisions about the adult's care, dwelling, activities,
653 or social interactions, to the extent reasonably feasible;

654 (c) Be involved in health-care decision-making to the
655 extent reasonably feasible and supported in understanding the
656 risks and benefits of health-care options to the extent reasonably
657 feasible;

658 (d) Be notified at least fourteen (14) days before a
659 change in the adult's primary dwelling or permanent move to a
660 nursing home, mental-health facility, or other facility that



661 places restrictions on the individual's ability to leave or have
662 visitors, unless the change or move is proposed in the guardian's
663 plan under Section 93-20-315 or authorized by the court by
664 specific order;

665 (e) Object to a change or move described in paragraph
666 (d) and the process for objecting;

667 (f) Communicate, visit, or interact with others,
668 including receiving visitors, and making or receiving telephone
669 calls, personal mail, or electronic communications, including
670 through social media, unless:

671 (i) The guardian has been authorized by the court
672 by specific order to restrict communications, visits, or
673 interactions;

674 (ii) A protective order is in effect that limits
675 contact between the adult and a person; or

676 (iii) The guardian has good cause to believe
677 restriction is necessary because interaction with a specified
678 person poses a risk of significant physical, psychological, or
679 financial harm to the adult, and the restriction is:

680 1. For a period of not more than seven (7)
681 business days if the person has a family or pre-existing social
682 relationship with the adult; or

683 2. For a period of not more than sixty (60)
684 days if the person does not have a family or pre-existing social
685 relationship with the adult;



686 (g) Receive a copy of the guardian's plan under Section
687 93-20-315 and the guardian's well-being report under Section
688 93-20-316; and

689 (h) Object to the guardian's plan or report.

690 **SECTION 21.** Section 93-20-311, Mississippi Code of 1972, is
691 amended as follows:

692 93-20-311. (1) On a petition by a person interested in an
693 adult's welfare or a petition filed under Section 93-20-302, the
694 court may appoint an emergency guardian for the adult if the court
695 finds:

696 (a) Appointment of an emergency guardian is likely to
697 prevent substantial harm to the adult's physical health, safety,
698 or welfare;

699 (b) No other person appears to have authority and
700 willingness to act in the circumstances; and

701 (c) There is reason to believe that a basis for
702 appointment of a guardian under Section 93-20-301 exists.

703 (2) The duration of authority of an emergency guardian for
704 an adult may not exceed sixty (60) days, and the emergency
705 guardian may exercise only the powers specified in the order of
706 appointment. The emergency guardian's authority may be extended
707 once for not more than sixty (60) days if the court finds that the
708 conditions for appointment of an emergency guardian in subsection
709 (1) continue. Summons must be issued on continuation of the
710 guardianship as required in subsection (4).



711 (3) Except as otherwise provided in subsection (4), summons
712 giving reasonable notice of the date, time, and place of a hearing
713 on the petition must be given to the respondent, the respondent's
714 attorney, and any other person the court determines.

715 (4) (a) The court may appoint an emergency guardian for an
716 adult without notice to the adult and any attorney for the adult
717 only if the court finds from an affidavit or testimony that the
718 respondent's physical health, safety, or welfare will be
719 substantially harmed before a hearing with notice on the
720 appointment can be held. If the court appoints an emergency
721 guardian without giving notice under subsection (3), the court
722 must give notice of the appointment not later than forty-eight
723 (48) hours after the appointment to:

- 724 (* * *i) The respondent;
725 (* * *ii) The respondent's attorney;
726 (* * *iii) Any other person the court determines;

727 and

728 (* * *b) The court must hold a hearing on the
729 appropriateness of the appointment not later than five (5) days
730 after the appointment.

731 (5) Appointment of an emergency guardian under this section
732 is not a final determination that a basis exists for appointment
733 of a guardian under Section 93-20-301.



734 (6) The court may remove an emergency guardian appointed
735 under this section at any time. The emergency guardian must make
736 any report the court requires.

737 **SECTION 22.** Section 93-20-403, Mississippi Code of 1972, is
738 amended as follows:

739 93-20-403. **Notice and hearing for appointment of**
740 **conservator; notice of hearing after appointment of conservator.**

741 (1) On receipt of a petition under Section 93-20-402 for
742 appointment of a conservator for a respondent, the court must set
743 a date, time, and place for a hearing on the petition, and * * *
744 unless the court finds that the respondent for whom the
745 conservator is to be appointed is competent and joins in the
746 petition, the petitioner must cause summons to be served not less
747 than seven (7) * * * days before the hearing, together with a copy
748 of the petition, on the person for whom the conservator is to be
749 appointed * * *. The court may, for good cause shown, direct that
750 a shorter notice be given.

751 * * *

752 (* * *2) Unless the court finds that the respondent for
753 whom the conservator is to be appointed is competent and joins in
754 the petition, the * * * summons must also * * * issue to * * *:

755 (a) Any guardian appointed to the respondent; and

756 (* * *b) * * * At least one (1) adult relative of the
757 respondent who resides in Mississippi from the following group in



758 the listed order of preference: spouse, children, parents * * *,
759 siblings * * *; but if none of those can be found * * *:

760 (* * *i) To one (1) adult relative of the * * *
761 respondent and who is not the petitioner and who resides in
762 Mississippi if that relative is within the third degree of
763 kinship.

764 (ii) If no relative within the third degree of
765 kinship to the * * * respondent is found residing in the State of
766 Mississippi, the court must either designate some other
767 appropriate person to receive the * * * summons or appoint a
768 guardian ad litem to receive * * * the summons.

769 (3) In a proceeding under this article, notice of the
770 hearing also must be given to any other person interested in the
771 respondent's welfare the court determines is entitled to notice.
772 Failure to give notice under this subsection does not preclude the
773 court from appointing a guardian.

774 (4) If the person for whom the conservator is to be
775 appointed is entitled to any benefit, estate or income paid or
776 payable by or through the Veterans' Administration of the United
777 States government, such administration shall also be given * * *
778 summons.

779 (5) Notice of a hearing on a petition seeking an order under
780 this article that is filed after the appointment of a conservator,
781 together with a copy of the petition, must be given to the * * *
782 ward, the conservator, and any other person the court determines.



783 **SECTION 23.** Section 93-20-405, Mississippi Code of 1972, is
784 amended as follows:

785 93-20-405. The court may appoint a guardian ad litem to any
786 respondent and allow suitable compensation payable out of the
787 estate of the respondent, but the appointment shall not be made
788 unless the court considers it necessary * * *; a judgment of any
789 court is not void or erroneous because of the failure to have a
790 guardian ad litem.

791 **SECTION 24.** Section 93-20-407, Mississippi Code of 1972, is
792 amended as follows:

793 93-20-407. (1) The chancery court must conduct a hearing to
794 determine whether a conservator is needed for the respondent.
795 Before the hearing, the court, in its discretion, may appoint a
796 guardian ad litem * * *, and the guardian ad litem must be present
797 at the hearing and present the interests of the respondent.

798 (2) The chancery judge shall be the judge of the number and
799 character of the witnesses and proof to be presented, except that
800 the proof must include certificates made after a personal
801 examination of the respondent by the following professionals, each
802 of whom must make in writing a certificate of the result of that
803 examination to be filed with the clerk of the court and become a
804 part of the record of the case.

805 (a) Two (2) licensed physicians; or



806 (b) One (1) licensed physician and either one (1)
807 licensed psychologist, nurse practitioner, or physician's
808 assistant.

809 (3) The personal examination may occur face-to-face or via
810 telemedicine, but any telemedicine examination must be made using
811 an audiovisual connection by a physician licensed in this state
812 and as defined in Section 83-9-351. A nurse practitioner or
813 physician assistant conducting an examination shall not also be in
814 a collaborative or supervisory relationship, as the law may
815 otherwise require, with the physician conducting the examination.
816 A professional conducting an examination under this section may
817 also be called to testify at the hearing.

818 (4) The personal examination requirement in subsections (2)
819 and (3) * * * does not apply if the respondent is:

820 (a) Missing, detained or unable to return to the United
821 States * * *; or

822 (b) A minor with no other disability or incapacity.

823 However, a personal examination is required to extend a
824 conservatorship beyond the age of majority.

825 **SECTION 25.** Section 93-20-408, Mississippi Code of 1972, is
826 amended as follows:

827 93-20-408. (1) At a hearing under * * * this article, the
828 respondent may:

829 (a) Present evidence and subpoena witnesses and
830 documents;



831 (b) Examine witnesses; and

832 (c) Otherwise participate in the hearing.

833 (2) Unless excused by the court for good cause, a proposed
834 conservator must attend a hearing under * * * this article.

835 (3) A hearing under * * * this article must be closed on
836 request of the respondent and a showing of good cause.

837 (4) Any person may request to participate in a hearing
838 under * * * this article. The court may grant the request, with
839 or without a hearing, on determining that the best interest of the
840 respondent will be served. The court may impose appropriate
841 conditions on the person's participation.

842 **SECTION 26.** Section 93-20-411, Mississippi Code of 1972, is
843 amended as follows:

844 93-20-411. (1) A court order appointing a conservator for a
845 minor must include findings to support appointment of a
846 conservator and, if a full conservatorship is granted, the reason
847 a limited conservatorship would not meet the identified needs of
848 the minor.

849 (2) A court order appointing a conservator for an adult
850 must:

851 (a) Include a specific finding that clear and
852 convincing evidence has established that the identified needs of
853 the respondent cannot be met by a less restrictive alternative,
854 including use of appropriate supportive services or technological
855 assistance; and



856 (b) Include a specific finding that clear and
857 convincing evidence established that the respondent was given
858 proper * * * summons notifying the respondent of the hearing on
859 the petition.

860 (3) A court order establishing a full conservatorship for an
861 adult must state the basis for granting a full conservatorship and
862 include specific findings to support the conclusion that a limited
863 conservatorship would not meet the functional needs of the adult.

864 (4) A court order establishing a limited conservatorship
865 must state the specific property placed under the control of the
866 conservator and the powers granted to the conservator.

867 (5) The court, as part of an order establishing a
868 conservatorship, must identify and include the contact information
869 for any person that subsequently is entitled to:

870 (a) Notice of the rights of the ward under Section
871 93-20-412(2);

872 (b) Notice of a sale of or surrender of a lease to the
873 primary dwelling of the individual;

874 (c) Notice that the conservator has delegated a power
875 that requires court approval under Section 93-20-414 or
876 substantially all powers of the conservator;

877 (d) Notice that the conservator will be unavailable to
878 perform the conservator's duties for more than one (1) month;

879 (e) A copy of the conservator's plan under Section
880 93-20-419 and the conservator's report under Section 93-20-423;



881 (f) Access to court records relating to the
882 conservatorship;

883 (g) Notice of a transaction involving a substantial
884 conflict between the conservator's fiduciary duties and personal
885 interests;

886 (h) Notice of the death or significant change in the
887 condition of the individual;

888 (i) Notice that the court has limited or modified the
889 powers of the conservator; and

890 (j) Notice of the removal of the conservator.

891 (6) If a ward is an adult, the spouse and adult children of
892 the ward are entitled under subsection (5) to notice unless the
893 court determines notice would be contrary to the preferences or
894 prior directions of the ward or are not in the best interest of
895 the ward.

896 (7) If a ward is a minor, each parent and adult sibling of
897 the minor is entitled to notice under subsection (5) unless the
898 court determines notice would not be in the best interest of the
899 minor.

900 (8) (a) If the chancellor finds from the evidence that the
901 person is in need of a conservatorship, the chancellor must
902 appoint a conservator over the estate of the person.

903 (b) The costs and expenses of the proceedings shall be
904 paid out of the estate of the respondent if a conservator is
905 appointed. If a conservator is not appointed, the costs and



906 expenses shall be paid by the person instituting the proceedings
907 unless the proceedings were instituted by the court or the
908 chancery clerk.

909 **SECTION 27.** Section 93-20-413, Mississippi Code of 1972, is
910 amended as follows:

911 93-20-413. (1) Upon a petition by a person interested in an
912 individual's welfare or a petition filed under Section 93-20-402,
913 the court may appoint an emergency conservator for the individual
914 if the court finds:

915 (a) Appointment of an emergency conservator is likely
916 to prevent substantial and irreparable harm to the individual's
917 property or financial interests;

918 (b) No other person appears to have authority and
919 willingness to act in the circumstances; and

920 (c) There is reason to believe that a basis for
921 appointment of a conservator under Section 93-20-401 exists.

922 (2) The duration of authority of an emergency conservator
923 may not exceed sixty (60) days and the emergency conservator may
924 exercise only the powers specified in the order of appointment.
925 The emergency conservator's authority may be extended once for not
926 more than sixty (60) days if the court finds that the conditions
927 for appointment of an emergency conservator under subsection (1)
928 continue. Summons must be issued on continuation of the
929 guardianship as required in subsection (4).



930 (3) Except as otherwise provided in subsection (4), summons
931 giving reasonable notice of the date, time, and place of a hearing
932 on the petition must be given to the respondent, the respondent's
933 attorney, and any other person the court determines.

934 (4) The court may appoint an emergency conservator without
935 notice to the respondent and any attorney for the respondent only
936 if the court finds from an affidavit or testimony that the
937 respondent's property or financial interests will be substantially
938 and irreparably harmed before a hearing with notice on the
939 appointment can be held. If the court appoints an emergency
940 conservator without giving notice under subsection (3), the court
941 must give notice of the appointment not later than forty-eight
942 (48) hours after the appointment to:

- 943 (a) The respondent;
- 944 (b) The respondent's attorney;
- 945 (c) Any other person the court determines; and
- 946 (d) Hold a hearing on the appropriateness of the
947 appointment not later than five (5) days after the appointment.

948 (5) Appointment of an emergency conservator under this
949 section is not a determination that a basis exists for appointment
950 of a conservator under Section 93-20-401.

951 (6) The court may remove an emergency conservator appointed
952 under this section at any time. The emergency conservator shall
953 make any report the court requires.



954 **SECTION 28.** Section 93-20-431, Mississippi Code of 1972, is
955 amended as follows:

956 93-20-431. (1) Unless a person required to transfer * * * a
957 liquidated sum certain under a banking provision, a contract for
958 payment or under a judgment or decree of a court, or other
959 property to a minor knows that a conservator for the minor has
960 been appointed or a proceeding is pending for
961 conservatorship * * *:

962 (a) The person may transfer a liquidated sum certain or
963 property of certain value not exceeding Twenty-five Thousand
964 Dollars (\$25,000.00) in a twelve-month period to:

965 (i) A person who has care or custody of the minor
966 and with whom the minor resides;

967 (* * *ii) A guardian for the minor;

968 (* * *iii) A custodian under the Uniform
969 Transfers to Minors Act, Section 91-20-1 et seq.; or

970 (* * *iv) A financial institution as a deposit in
971 an account or certificate solely in the name of the minor; notice
972 of the deposit must be given to the minor; or

973 (* * *v) An Achieving a Better Life Experience
974 (ABLE) account.

975 (b) The person must seek chancery court approval if the
976 sum of money or value of property that may be due to the ward is
977 not a liquidated sum certain or property of certain value under a
978 banking provision, a contract for payment, or under a judgment,



979 order or decree of a court, and the chancery court before ordering
980 the money paid or personal property delivered must fully
981 investigate the matter and satisfy itself by evidence or otherwise
982 that the proposed sum of money to be paid or property to be
983 delivered because of any claim of the ward whatsoever, whether
984 arising ex delicto or ex contractu, is a fair settlement of the
985 claim of the ward and that it is in the best interest of the ward
986 that the settlement be made or the personal property be delivered
987 to the ward. Upon making that determination, the chancery court
988 may order that the money or personal property be accepted by the
989 ward and paid or delivered by the party owing the money or in
990 possession of the property as authorized by the decree of the
991 court, and compliance with the order shall acquit and release the
992 person so paying or delivering the same. The person who receives
993 the money or property of a ward under the order thereby becomes
994 amenable to the court for the disposition of it for the use and
995 benefit of the ward, but is not required to furnish security
996 therefor absent order of the chancery court.

997 (2) A person that transfers funds or other property under
998 this section is not responsible for its proper application.

999 (3) A person that receives funds or other property for a
1000 minor under subsection (1)(a) or (b) may apply it only to the
1001 support, care, education, health, or welfare of the minor, and may
1002 not derive a personal financial benefit from it, except for
1003 reimbursement for necessary expenses. Funds not applied for these



1004 purposes must be preserved for the future support, care,
1005 education, health, or welfare of the minor, and the balance, if
1006 any, transferred to the minor when the minor becomes an adult or
1007 otherwise is emancipated.

1008 (4) Contributions to an ABLE account, and the provisions for
1009 permissible disbursements from such account, are governed by 26
1010 U.S.C. Section 529A and the terms of the applicable ABLE plan.
1011 The amount of annual contributions is subject to 26 U.S.C. Section
1012 2503(b).

1013 **SECTION 29.** Sections 93-14-401, 93-14-402 and 93-14-403,
1014 Mississippi Code of 1972, which constitute Article 4 of the
1015 Uniform Adult Guardianship and Protective Proceedings Jurisdiction
1016 Act and deal with the registration and recognition of foreign
1017 orders of guardianship and conservatorship, are repealed.

1018 **SECTION 30.** This act shall take effect and be in force from
1019 and after its passage.

