

HOUSE BILL NO. HB0287

Emergency guardian.

Sponsored by: Representative(s) Robinson, Alden, Iekel and
Warren and Senator(s) Meier and Sessions

A BILL

for

1 AN ACT relating to guardians and wards; authorizing the
2 appointment of emergency guardians as specified; providing
3 procedures for appointment; specifying and limiting powers
4 of an emergency guardian; authorizing the removal of an
5 emergency guardian as specified; and providing for an
6 effective date.

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

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10 **Section 1.** W.S. 3-2-106 by creating new subsections
11 (d) through (h) are amended to read:

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13 **3-2-106. Appointment of a temporary or emergency**
14 **guardian.**

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1 (d) If the court finds that compliance with the
2 procedures specified in this chapter will likely result in
3 substantial harm to the proposed ward's health, safety or
4 welfare, and that no other person appears to have authority
5 and willingness to act in the circumstances, the court, on
6 petition by a person interested in the proposed ward's
7 welfare, may appoint an emergency guardian. Immediately
8 upon receipt of the petition for an emergency guardianship,
9 the court shall appoint a guardian ad litem to represent
10 the proposed ward's best interests in the proceeding.
11 Except as otherwise provided in subsection (e) of this
12 section, reasonable notice of the time and place of a
13 hearing on the petition shall be given to the proposed ward
14 and any other persons as the court directs.

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16 (e) An emergency guardian may be appointed without
17 notice to the proposed ward or the guardian ad litem only
18 if the court finds by a preponderance of the evidence from
19 affidavit or testimony that the proposed ward will be
20 substantially harmed before a hearing on the appointment
21 can be held. If the court appoints an emergency guardian
22 immediately, without notice to the proposed ward or the
23 guardian ad litem, the proposed ward and guardian ad litem
24 shall be given notice of the appointment within forty-eight

1 (48) hours after the appointment. The court shall hold a
2 hearing on the appropriateness of the appointment within
3 seventy-two (72) hours after the appointment. Emergency
4 guardians appointed without notice and hearing shall have
5 authority to make medical and related decisions, except
6 emergency guardians shall not have authority with respect
7 to a person who has been made a ward pursuant to this
8 subsection or subsection (d) of this section to:

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10 (i) Execute a durable power of attorney for
11 healthcare for the ward pursuant to W.S. 3-5-202;

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13 (ii) Execute a living will for the ward pursuant
14 to W.S. 35-22-102 through 35-22-208;

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16 (iii) Execute a cardiopulmonary resuscitation
17 directive for the ward pursuant to W.S. 35-22-201;

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19 (iv) Commit or admit the ward to a mental health
20 facility; or

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22 (v) Direct the withdrawal of life sustaining
23 procedures being used on the ward.

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