

1 ENGROSSED HOUSE
2 BILL NO. 2588

By: Roberts (Sean) of the House

3 and

4 Daniels of the Senate
5

6 An Act relating to guardians; amending 30 O.S. 2011,
7 Section 3-119, as amended by Section 2, Chapter 86,
8 O.S.L. 2019 (30 O.S. Supp. 2019, Section 3-119),
9 which relates to limitation of powers of guardian;
10 requiring separate order from court; providing
11 requirements to be included in order; limiting
12 authorization to certain circumstances; and providing
13 an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 30 O.S. 2011, Section 3-119, as
16 amended by Section 2, Chapter 86, O.S.L. 2019 (30 O.S. Supp. 2019,
17 Section 3-119), is amended to read as follows:

18 Section 3-119. A guardian shall have no powers except as
19 provided by the Oklahoma Statutes or given to such guardian in the
20 orders in the guardianship proceeding. This limitation of powers
21 includes but is not limited to the following:

22 1. No guardian shall have the power to consent on behalf of the
23 ward to the withholding or withdrawal of life-sustaining procedures
24 as provided in the Oklahoma Advance Directive Act from the ward,
except, in accordance with Section 3102.4 of Title 63 of the
Oklahoma Statutes:

- 1 a. with specific authorization of the court having
2 jurisdiction over the guardianship proceedings which
3 authorization must be granted in a separate order and
4 only at such time as the ward is in need of life-
5 sustaining treatment, and must include specific
6 findings of fact and conclusions of law based on the
7 standard established in Section 3101.16 of Title 63 of
8 the Oklahoma Statutes,
- 9 b. as authorized by an advance directive executed
10 pursuant to the Oklahoma Advance Directive Act,
- 11 c. as authorized by a consent not to resuscitate made
12 pursuant to the Oklahoma Do-Not-Resuscitate Act, or
- 13 d. to receive hospice services as authorized by a
14 licensed physician who determines the ward is
15 terminally ill, as defined in Section 1-860.2 of Title
16 63 of the Oklahoma Statutes, provided that withholding
17 or withdrawal of life-sustaining procedures can be
18 authorized only in accordance with the provisions of
19 this paragraph;

20 2. No guardian or court having jurisdiction of the guardianship
21 proceeding shall have the power to consent on behalf of the ward or
22 order the consent on behalf of the ward to the termination or
23 relinquishment of parental rights of the ward;

