

# An Act

ENROLLED HOUSE  
BILL NO. 2588

By: Roberts (Sean) of the House

and

Daniels and Bullard of the  
Senate

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

SUBJECT: Guardians

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

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

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

1. No guardian shall have the power to consent on behalf of the ward to the withholding or withdrawal of life-sustaining procedures 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:

- a. with specific authorization of the court having jurisdiction over the guardianship proceedings which authorization must be granted in a separate order and only at such time as the ward is in need of life-

sustaining treatment, and must include specific findings of fact and conclusions of law based on the standard established in Section 3101.16 of Title 63 of the Oklahoma Statutes,

- b. as authorized by an advance directive executed pursuant to the Oklahoma Advance Directive Act,
- c. as authorized by a consent not to resuscitate made pursuant to the Oklahoma Do-Not-Resuscitate Act, or
- d. to receive hospice services as authorized by a licensed physician who determines the ward is terminally ill, as defined in Section 1-860.2 of Title 63 of the Oklahoma Statutes, provided that withholding or withdrawal of life-sustaining procedures can be authorized only in accordance with the provisions of this paragraph;

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

3. Except in an emergency and only as necessary to preserve the life of the ward, no guardian shall have the power to consent on behalf of the ward to an abortion, psychosurgery, removal of a bodily organ, performance of any experimental biomedical or behavioral procedure, or participation in any biomedical or behavioral experiment, except with specific authorization of the court having jurisdiction of the guardianship proceeding;

4. No guardian shall have the power to prohibit the marriage or divorce of a ward except with specific authorization of the court having jurisdiction of the guardianship proceeding; and

5. No guardian shall have the power to consent on behalf of the ward to placement of the ward in a facility or institution to which a person without a guardian would have to be committed pursuant to the laws of this state absent formal commitment proceedings in which the ward has independent counsel.

SECTION 2. This act shall become effective November 1, 2020.

Passed the House of Representatives the 10th day of March, 2020.

*Thye Holt*

Presiding Officer of the House  
of Representatives

Passed the Senate the 11th day of May, 2020.

*Brent Howard*

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 12<sup>th</sup>

day of May, 20 20, at 12:25 o'clock p. M.

By: *J. Melbury*

Approved by the Governor of the State of Oklahoma this 18<sup>th</sup>

day of May, 20 20, at 8:43 o'clock a. M.

*K. E. Johnson*

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 18<sup>th</sup>

day of May, 20 20, at 3:25 o'clock P. M.

By: *Michelle Rogers*