

House Bill 144

By: Representatives Lewis-Ward of the 115th, Bennett of the 94th, and Drenner of the 85th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 29-4-22 of the Official Code of Georgia Annotated, relating to
2 decisions on ward's well-being, obligations of guardian, and liability of guardian, so as to
3 enact the "George L. Burgess Act"; to provide for the ward's right to communicate; to
4 provide for penalties; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "George L. Burgess Act."

9 **SECTION 2.**

10 Code Section 29-4-22 of the Official Code of Georgia Annotated, relating to decisions on
11 ward's well-being, obligations of guardian, and liability of guardian, is amended by revising
12 paragraph (1) of subsection (b) as follows:

13 "(1) Respect the rights and dignity of the ward:

14 (A) Except to the extent determined by the court, by allowing a ward to retain and
15 exercise all of the powers of a person without a disability, including the right to

16 communicate, visit, or interact with other persons through visits, telephone calls, or
17 personal mail; and
18 (B) By presuming a ward's consent to communication, visitation, or interaction with
19 a person based on the ward's prior relationship with such person if the ward is unable
20 to express consent because of a physical or mental condition; provided, however, that:
21 (i) Upon violation of this subsection, the ward or person designated by the ward may
22 petition the court with evidence alleging that the guardian has violated the ward's right
23 and ability to communicate, visit, or interact with another;
24 (ii) Should the court find that such violation has occurred, the court shall impose a
25 fine of up to \$1000.00 for each such violation; and
26 (iii) After two violations have been reported and subjected to ruling by the court, the
27 court may impose temporary suspension of the guardianship and appoint another
28 guardian until such violations are resolved;"

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SECTION 3.

30 All laws and parts of laws in conflict with this Act are repealed.