

House Bill 144 (COMMITTEE SUBSTITUTE)

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 Chapter 4 of Title 29 of the Official Code of Georgia Annotated, relating to
2 guardians of adults, so as to provide for the communication rights of the ward; to provide for
3 penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 4 of Title 29 of the Official Code of Georgia Annotated, relating to guardians of
7 adults, is amended by revising paragraph (4) of subsection (a) of Code Section 29-4-20,
8 relating to rights of the ward, and impact on voting and testamentary capacity, as follows:

9 "(4) Communicate freely and privately with persons other than the guardian through
10 visitation, telephone calls, email, or personal mail, except as otherwise ordered by a court
11 of competent jurisdiction;"

12 style="text-align:center">**SECTION 2.**

H. B. 144 (SUB)

13 Said chapter is further amended by adding a new subsection to Code Section 29-4-22,
14 relating to decisions on ward's well-being, obligations of guardian, and liability of guardian,
15 to read as follows:

16 "(d) Upon a violation of subsection (b) of this Code section, the ward or any interested
17 party may petition the court with evidence alleging that the guardian has violated the ward's
18 right and ability to communicate, visit, or interact with another. Should the court find that
19 such violation has occurred, the court shall impose a fine of up to \$1,000.00 for each such
20 violation. After two such violations have been reported and subjected to a ruling by the
21 court, the court may impose temporary suspension of the guardianship and appoint another
22 guardian until such violations are resolved."

23

SECTION 3.

24 All laws and parts of laws in conflict with this Act are repealed.