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1999 Survey of Rhode Island Law: Legislation: Probate Law: An Act Relating to Probate Practice and Procedure - Limited Guardianship and Guardianship of Adults

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Probate Law. *An Act Relating to Probate Practice and Procedure—Limited Guardianship and Guardianship of Adults.* Provides that any person who files a petition for a guardianship of an adult may also file to be qualified as a Good Samaritan guardian. Effective, July 8, 1999. 1999 R.I. Pub. Laws ch. 494.

This legislation (the Act) amends Chapter 33-15 of the Rhode Island General Laws entitled "Limited Guardianship and Guardianship of Adults." The Act provides that a person may file a petition to be qualified as a Good Samaritan guardian if he has filed a petition for a guardianship of a person pursuant to the provisions of Chapter 33-15.¹ A Good Samaritan guardian will be appointed by the probate court if 1) "the court determines that the estate of a proposed ward is insufficient to pay for the services of a guardian and [2)] that such an appointment would otherwise be in the best interest of the individual for whom the guardianship is proposed."² The appointment is at the discretion of the probate court.³

The application process to be a Good Samaritan guardian is the same as that of being a guardian.⁴ However, the petitioner will file a form outlining his qualifications to be a Good Samaritan guardian, in addition to the forms required under Chapter 33-15.⁵ A filing fee must be paid prior to the filing of the petition, unless an application for such fee is approved.⁶

The Act also provides that unless the probate court determines that the circumstances support surety on any bond of a Good Samaritan, none will be required.⁷ In addition, the Act declares that a Good Samaritan will be subject to immunity and thus not liable for civil damages resulting from negligence.⁸

Finally, the Act provides that a Good Samaritan guardian is subject to continuing duties, including all of the duties and responsibilities of a guardian required under Chapter 33.⁹ The Act also grants to the probate court the power to revoke and/or amend the

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1. R.I. Gen. Laws § 33-15-4.1 (1956) (1994 Reenactment & Supp. 1999).
 2. *Id.*
 3. *See id.* § 33-15-4.1(c).
 4. *See id.* § 33-15-4.1(b).
 5. *See id.*
 6. *See id.* § 33-15-4.2.
 7. *See id.* § 33-15-4.3.
 8. *See id.* § 33-15-4.4.
 9. *See id.* § 33-15-4.5.

Good Samaritan guardianship if circumstances of the individual's estate change or if it would otherwise be inequitable for the Good Samaritan guardian to continue to serve in that capacity.¹⁰

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10. *See id.*