

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 683

Session of  
1987

INTRODUCED BY KUKOVICH, STABACK, BOYES, VEON, JOHNSON, COHEN,  
KOSINSKI, ITKIN, McHALE, PRESSMANN, TIGUE, GODSHALL, MAIALE,  
HOWLETT, HALUSKA, RITTER, DAWIDA, ARTY, REBER, JOSEPHS,  
NAHILL, PISTELLA, PRESTON AND WIGGINS, MARCH 9, 1987

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 9, 1987

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, adding provisions  
3 relating to guardians of incapacitated persons.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. The headings of Chapter 55 and Subchapter A of  
7 Chapter 55 of Title 20 of the Pennsylvania Consolidated Statutes  
8 are amended to read:

9 CHAPTER 55

10 [INCOMPETENTS]

11 INCAPACITATED PERSONS

12 \* \* \*

13 SUBCHAPTER A

14 [MEANING OF INCOMPETENT]

15 GENERAL PROVISIONS

16 \* \* \*

17 Section 2. Title 20 is amended by adding a section to read:

1   § 5501. Purpose of chapter.

2       Recognizing that every individual has unique needs and  
3   differing abilities, it is the purpose of this chapter to  
4   promote the general welfare of all citizens by establishing a  
5   system which permits incapacitated persons to participate as  
6   fully as possible in all decisions which affect them; which  
7   assists these persons in meeting the essential requirements for  
8   their physical health and safety, protecting their rights,  
9   managing their financial resources and developing or regaining  
10   their abilities to the maximum extent possible; and which  
11   accomplishes these objectives through the use of the least  
12   restrictive alternative.

13       Section 3. Section 5501 of Title 20 is amended to read:

14   § [5501] 5502. Meaning of [incompetent] incapacitated person.

15       ["Incompetent" means a person who, because of infirmities of  
16   old age, mental illness, mental deficiency or retardation, drug  
17   addiction or inebriety:

18           (1) is unable to manage his property, or is liable to  
19       dissipate it or become the victim of designing persons; or

20           (2) lacks sufficient capacity to make or communicate  
21       responsible decisions concerning his person.]

22       "Incapacitated person" means a person who is suffering from a  
23   physical or mental dysfunction to the extent that the person is  
24   impaired in his ability to provide for his own care or  
25   protection, or to judge the adequacy of the care or protection  
26   being provided by another, and that the person is at imminent  
27   risk of abuse, neglect or exploitation.

28       Section 4. Title 20 is amended by adding a section to read:

29   § 5510. Definitions.

30       The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Abuse." The occurrence of one or more of the following  
4 acts:

5 (1) The infliction of injury, unreasonable confinement,  
6 intimidation or punishment with resulting physical harm, pain  
7 or mental anguish.

8 (2) The willful deprivation by a caretaker of goods or  
9 services which are necessary to maintain physical or mental  
10 health.

11 (3) Sexual harassment, rape or abuse as defined in the  
12 act of October 7, 1976 (P.L.1090, No.218), known as the  
13 Protection From Abuse Act.

14 "Licensed practitioner." A physician, including a  
15 psychiatrist, a licensed psychologist or a registered nurse.

16 "Neglect." The failure to provide for oneself or the failure  
17 of a caretaker to provide goods or services essential to avoid a  
18 clear and serious threat to physical or mental health.

19 Section 5. Sections 5511 and 5512 of Title 20 are amended to  
20 read:

21 § 5511. Petition and hearing; examination by court-appointed  
22 physician.

23 (a) Resident.--The court, upon petition [and a hearing at  
24 which good cause is shown], hearing and clear and convincing  
25 evidence, may find a person domiciled in the Commonwealth to be  
26 [incompetent] incapacitated and appoint a guardian or guardians  
27 of his person or estate. The petitioner may be any person  
28 interested in the alleged [incompetent's] incapacitated person's  
29 welfare. The court may dismiss a proceeding where it finds as a  
30 fact that the proceeding has not been instituted to aid or

1 benefit the alleged [incompetent] incapacitated person. Notice  
2 of the petition and hearing shall be given in such manner as the  
3 court shall direct to the alleged [incompetent] incapacitated  
4 person, to all persons residing within the Commonwealth who are  
5 sui juris and would be entitled to share in the estate of the  
6 alleged [incompetent] incapacitated person if he died intestate  
7 at that time, and to such other parties as the court may direct.  
8 The hearing may be closed to the public and without a jury  
9 unless the alleged [incompetent] incapacitated person or his  
10 counsel objects. The hearing shall be closed and with or without  
11 a jury if the person alleged to be [incompetent] incapacitated  
12 or his counsel so requests. The alleged [incompetent]  
13 incapacitated person shall be present at the hearing unless:

14        [(i)] (1) the court is satisfied, upon the [presentation  
15 of positive testimony] deposition or testimony of a licensed  
16 practitioner, that because of his physical or mental  
17 condition his welfare would [not] be [promoted] harmed by his  
18 presence; or

19        [(ii)] (2) it is impossible for him to be present  
20 because of his absence from the Commonwealth. It shall not be  
21 necessary for the alleged [incompetent] incapacitated person  
22 to be represented by a guardian ad litem in the proceeding.  
23 Counsel shall be appointed to represent the alleged  
24 incapacitated person in any matter for which independent counsel  
25 has not been retained by or on behalf of that individual. If the  
26 alleged incapacitated person is unable to pay for counsel or if  
27 payment would result in substantial financial hardship, the  
28 county shall be responsible for the cost of counsel.

29        (b) Nonresident.--The court may find a person not domiciled  
30 in the Commonwealth, having property in the Commonwealth, to be

1 [incompetent] incapacitated and may appoint a guardian of his  
2 estate. The appointment may be made after petition, hearing and  
3 notice, as in the case of a person domiciled in the  
4 Commonwealth, or upon the submission of an exemplified copy of a  
5 decree establishing his [incompetency] incapacity in another  
6 jurisdiction. The court shall give preference in its appointment  
7 to the foreign guardian of the nonresident [incompetent]  
8 incapacitated person, unless it finds that such appointment will  
9 not be for the best interests of the [incompetent] incapacitated  
10 person.

11 (c) Court-appointed physician.--Upon the filing of a  
12 petition the alleged [incompetent] incapacitated person may be  
13 examined by a physician appointed by the court who shall submit  
14 his report in writing to the court and to the parties before the  
15 hearing.

16 § 5512. County of appointment.

17 (a) Resident [incompetent] incapacitated person.--A guardian  
18 of the person or estate of an [incompetent] incapacitated person  
19 may be appointed by the court of the county in which the  
20 [incompetent] incapacitated person is domiciled.

21 (b) Nonresident [incompetent] incapacitated person.--A  
22 guardian of the estate within the Commonwealth of an  
23 [incompetent] incapacitated person domiciled outside of the  
24 Commonwealth may be appointed by the court of the judicial  
25 district having jurisdiction of a decedent's estate or of a  
26 trust in which the [incompetent] incapacitated person has an  
27 interest. When the nonresident [incompetent's] incapacitated  
28 person's estate is derived otherwise than from a decedent's  
29 estate or a trust within the Commonwealth, a guardian may be  
30 appointed by the court of any county where an asset of the

1 [incompetent] incapacitated person is located.

2 (c) Exclusiveness of appointment.--When a court has  
3 appointed a guardian of an [incompetent's] incapacitated person  
4 or estate pursuant to subsection (a) or (b) [of this section],  
5 no other court shall appoint a similar guardian for the  
6 [incompetent] incapacitated person within the Commonwealth.

7 Section 6. Title 20 is amended by adding a section to read:  
8 § 5512.1. Determination of incapacity.

9 (a) Findings.--If a person is determined to be  
10 incapacitated, the court shall consider and make findings of  
11 fact or conclusions of law regarding the:

12 (1) Nature and extent of the general intellectual  
13 functioning of the incapacitated person.

14 (2) Nature and extent of the general physical  
15 functioning of the incapacitated person.

16 (3) Nature of impairment in the adaptive behavior of the  
17 incapacitated person.

18 (4) Ability of the incapacitated person to care for  
19 himself by making and communicating responsible decisions  
20 concerning himself.

21 (5) Ability of the incapacitated person to care for his  
22 financial resources by making and communicating responsible  
23 decisions concerning his property.

24 (b) Nature of the guardianship.--The court order  
25 establishing the guardianship shall specify over which areas of  
26 legal disability the guardian is assigned powers and duties. The  
27 petition shall contain the specific recommendations of the  
28 petitioner with regard thereto. The areas may include, but are  
29 not limited to, the following:

30 (1) General care, maintenance and custody of the

1 incapacitated person.

2 (2) Establishing the place of abode for the  
3 incapacitated person.

4 (3) Assuring that the incapacitated person receives  
5 training, education, medical and psychological services, and  
6 social and vocational opportunities, as appropriate, as well  
7 as assisting the incapacitated person in the development of  
8 maximum self-reliance and independence.

9 (4) Fiscal management of the assets of the incapacitated  
10 person.

11 (5) Providing required consents or approvals on behalf  
12 of the incompetent.

13 (c) Legal rights retained.--A person for whom a guardian has  
14 been appointed shall retain all legal rights except those which  
15 have, by court order, been designated as areas of legal  
16 disability under subsection (b). The appointment of a guardian  
17 under this chapter shall not constitute a finding of legal  
18 incapacity except in those areas specified by the court.

19 (d) Review hearing.--The court, in its order establishing  
20 the guardianship, shall set the date of the initial review  
21 hearing. Such date shall be no later than six months after the  
22 date of the order establishing the guardianship. The court shall  
23 conduct a review hearing annually thereafter. At the review  
24 hearing the guardian shall present a report containing the  
25 following information:

26 (1) Significant changes in the capacity of the  
27 incapacitated person to meet the essential requirements for  
28 his physical health or safety.

29 (2) Services being provided to the incapacitated person.

30 (3) Significant actions taken for the incapacitated

1 person by the guardian during the reporting period.

2 (4) Significant problems relating to the guardianship  
3 which have arisen during the reporting period.

4 (5) Whether the guardianship, in the opinion of the  
5 guardian, should continue, be modified or be terminated, and  
6 the reasons therefor.

7 Section 7. Sections 5513, 5514, 5515, 5516, 5517, 5518,  
8 5521, 5522, 5524, 5525, 5534, 5535, 5536 and 5537 of Title 20  
9 are amended to read:

10 § 5513. Temporary guardian.

11 Notwithstanding the provisions of section 5511 (relating to  
12 petition and hearing; examination by court-appointed physician),  
13 the court, upon petition and a hearing at which good cause is  
14 shown, may appoint a temporary guardian or guardians of the  
15 person or estate of a person alleged to be [incompetent]  
16 incapacitated, when it appears that a failure to make such  
17 appointment will result in irreparable harm to the person or  
18 estate of the alleged [incompetent] incapacitated person. The  
19 provisions of section 5511 shall be applicable to such  
20 proceedings, except that only such notice of the petition and  
21 hearing shall be required as shall appear to the court to be  
22 feasible in the circumstances, and need not be given at such  
23 times or to such persons as would be required by the provisions  
24 of section 5511 in a proceeding for the appointment of a  
25 guardian. A temporary guardian so appointed for the person or  
26 estate of an alleged [incompetent] incapacitated person shall  
27 only have and be subject to such powers, duties and liabilities  
28 and serve for such time as the court shall direct in its decree.

29 § 5514. To fill vacancy; co-guardian.

30 The court, after such notice to parties in interest as it



1 shall direct, may appoint a succeeding guardian to fill a  
2 vacancy in the office of guardian or may appoint a co-guardian  
3 of the estate of a person found to be [incompetent]  
4 incapacitated without a hearing.

5 § 5515. Provisions similar to other estates.

6 The provisions relating to a guardian of an [incompetent]  
7 incapacitated person and his surety shall be the same as are set  
8 forth in the following provisions of this title relating to a  
9 personal representative or a guardian of a minor and their  
10 sureties:

11 Section 3182 (relating to grounds for removal).

12 Section 3183 (relating to procedure for and effect of  
13 removal).

14 Section 3184 (relating to discharge of personal  
15 representative and surety).

16 Section 5115 (relating to appointment of guardian in  
17 conveyance).

18 Section 5121 (relating to necessity, form and amount).

19 Section 5122 (relating to when bond not required).

20 Section 5123 (relating to requiring or changing amount of  
21 bond).

22 § 5516. Fiduciary estate.

23 The court, in its discretion, upon the application of any  
24 party in interest, in addition to any bond required for the  
25 [incompetent's] incapacitated person's individual estate, may  
26 require a separate bond in the name of the Commonwealth, with  
27 sufficient surety, in such amount as the court shall consider  
28 necessary for the protection of the parties in interest in an  
29 estate of which the [incompetent] incapacitated person is a  
30 fiduciary and conditioned in the following form:

1           (1) When one guardian.--The condition of this obligation  
2       is that, if the said guardian shall well and truly account  
3       for property held by the [incompetent] incapacitated person  
4       as fiduciary according to law, this obligation shall be void;  
5       but otherwise it shall remain in force.

6           (2) When two or more guardians.--The condition of this  
7       obligation is that, if the said guardians or any of them  
8       shall well and truly account for property held by the  
9       [incompetent] incapacitated person as fiduciary according to  
10      law, this obligation shall be void as to the guardian or  
11      guardians who shall so account; but otherwise it shall remain  
12      in force.

13   § 5517. Adjudication of competency.

14       The court, upon petition and after such notice s it shall  
15      direct, may find, after a hearing at which good cause is shown,  
16      that a person previously adjudged [incompetent] incapacitated  
17      has become competent.

18   § 5518. Evidence of mental condition.

19       [In any hearing relating to the mental condition of a person  
20      whose competency is in question, the deposition of, or sworn  
21      statement by, a superintendent, manager, physician or  
22      psychiatrist of any State-owned mental hospital or veterans'  
23      administration hospital or a physician or psychiatrist at any  
24      hospital or institution shall be admissible in evidence as to  
25      the condition of an inmate of such hospital in lieu of his  
26      appearance and testimony, unless by special order, the court  
27      directs his appearance and testimony in person.] In any hearing  
28      to establish a guardianship, a licensed practitioner shall be  
29      subject to cross-examination by counsel for the alleged  
30      incapacitated person.

1 § 5521. Provisions concerning powers, duties and liabilities.

2 (a) General rule.--The provisions concerning the powers,  
3 duties and liabilities of guardians of [incompetents']  
4 incapacitated persons' estates shall be the same as those set  
5 forth in the following provisions of this title relating to  
6 personal representatives of decedents' estates and guardians of  
7 minors' estates:

8 Section 3313 (relating to liability insurance).

9 Section 3314 (relating to continuation of business).

10 Section 3315 (relating to incorporation of estate's  
11 business).

12 Section 3317 (relating to claims against co-fiduciary).

13 Section 3318 (relating to revival of judgments against  
14 personal representative).

15 Section 3319 (relating to power of attorney; delegation  
16 of power over subscription rights and fractional shares;  
17 authorized delegations).

18 Section 3320 (relating to voting stock by proxy).

19 Section 3321 (relating to nominee registration; corporate  
20 fiduciary as attorney-in-fact; deposit of securities in a  
21 clearing corporation; book-entry securities).

22 Section 3322 (relating to acceptance of deed in lieu of  
23 foreclosure).

24 Section 3323 (relating to compromise of controversies).

25 Section 3324 (relating to death or incompetency of  
26 fiduciary).

27 Section 3327 (relating to surviving or remaining personal  
28 representatives).

29 Section 3328 (relating to disagreement of personal  
30 representatives).

1           Section 3331 (relating to liability of personal  
2   representative on contracts).

3           Section 3332 (relating to inherent powers and duties).

4           Section 3355 (relating to restraint of sale).

5           Section 3356 (relating to purchase by personal  
6   representative).

7           Section 3359 (relating to record of proceedings; county  
8   where real estate lies).

9           Section 3360 (relating to contracts, inadequacy of  
10   consideration or better offer; brokers' commissions).

11          Section 3372 (relating to substitution of personal  
12   representative in pending action or proceedings).

13          Section 3374 (relating to death or removal of fiduciary).

14          Section 3390 (relating to specific performance of  
15   contracts).

16          Section 5141 (relating to possession of real and personal  
17   property).

18          Section 5142 (relating to inventory).

19          Section 5143 (relating to abandonment of property).

20          Section 5145 (relating to investments).

21          Section 5146 (relating to guardian named in conveyance).

22          Section 5147 (relating to proceedings against guardian).

23          Section 5151 (relating to power to sell personal  
24   property).

25          Section 5154 (relating to title of purchaser).

26          Section 5155 (relating to order of court).

27       (b) Powers and duties not granted to guardian.--Unless  
28   otherwise ordered by the court, a guardian shall not have the  
29   power and duty to:

30       (1) Admit the incapacitated person to any institution

1 for the treatment of the mentally ill or to any facility for  
2 the care and training of the mentally retarded.

3 (2) Consent on behalf of the incapacitated person to an  
4 abortion, sterilization, psychosurgery or removal of a body  
5 organ.

6 (3) Prohibit the marriage or divorce of the  
7 incapacitated person.

8 (4) Consent on behalf of the incapacitated person to the  
9 termination of the person's parental rights.

10 (5) Consent on behalf of the incapacitated person to the  
11 performance of any experimental biomedical or behavioral  
12 medical procedure or participation in any biomedical or  
13 behavioral experiment.

14 (6) Consent on behalf of the incapacitated person to the  
15 withholding or withdrawal of life-sustaining medical or other  
16 services.

17 (7) Consent on behalf of the incapacitated person to  
18 placement in a nursing home.

19 § 5522. Power to lease.

20 A guardian may lease any real or personal property of the  
21 [incompetent] incapacitated person for a term not exceeding five  
22 years after its execution.

23 § 5524. Effect of determination of [incompetency] incapacity.

24 An [incompetent] incapacitated person shall be incapable of  
25 making any contract or gift or any instrument in writing after  
26 he is adjudged [incompetent] incapacitated and before he is  
27 adjudged to have regained his competency. This section shall not  
28 impair the interest in real estate acquired by a bona fide  
29 grantee of, or a bona fide holder of a lien on, real estate in a  
30 county other than that in which the decree establishing the

1 [incompetency] incapacity is entered, unless the decree or a  
2 duplicate original or certified copy thereof is recorded in the  
3 office of the recorder of deeds in the county in which the real  
4 estate lies before the recording or entering of the instrument  
5 or lien under which the grantee or lienholder claims.

6 § 5525. Notice to Commonwealth and political subdivisions.

7 When the Commonwealth or a political subdivision thereof has  
8 a claim for maintaining an [incompetent] incapacitated person in  
9 an institution, the guardian within three months of his  
10 appointment, shall give notice thereof to the Department of  
11 Revenue or the proper officer of such political subdivision, as  
12 the case may be.

13 § 5534. Recognition of claims.

14 Upon the audit of the account of the guardian of a person who  
15 has died during [incompetency] incapacity, the auditing judge or  
16 auditor passing on the account shall not pass upon any claims  
17 against the estate of the [incompetent] incapacitated person  
18 other than necessary administration expenses, including  
19 compensation of the guardian and his attorney. All claims  
20 remaining unpaid at the [incompetent's] incapacitated person's  
21 death shall be presented to the personal representative.

22 § 5535. Disposition of trust income.

23 Except as otherwise provided by the trust instrument, the  
24 trustee of an inter vivos or testamentary trust, with the  
25 approval of the court having jurisdiction of the trust, may pay  
26 income distributable to [an incompetent beneficiary] a  
27 beneficiary who is an incapacitated person for whose estate no  
28 guardian has been appointed directly to the [incompetent]  
29 incapacitated person, or expend and apply it for his care and  
30 maintenance or the care, maintenance and education of his

1 dependents.

2 § 5536. Distributions of income and principal during

3 [incompetency] incapacity.

4 (a) In general.--All income received by a guardian of the  
5 estate of an [incompetent] incapacitated person, including  
6 (subject to the requirements of Federal law relating thereto)  
7 all funds received from the Veterans' Administration, Social  
8 Security Administration and other periodic retirement or  
9 disability payments under private or governmental plans, in the  
10 exercise of a reasonable discretion, may be expended in the care  
11 and maintenance of the [incompetent] incapacitated person,  
12 without the necessity of court approval. The court, for cause  
13 shown and with only such notice as it considers appropriate in  
14 the circumstances, may authorize or direct the payment or  
15 application of any or all of the income or principal of the  
16 estate of an [incompetent] incapacitated person for the care,  
17 maintenance or education of the [incompetent] incapacitated  
18 person, his spouse, children or those for whom he was making  
19 such provision before his [incompetency] incapacity, or for the  
20 reasonable funeral expenses of the [incompetent's] incapacitated  
21 person's spouse, child or indigent parent. In proper cases, the  
22 court may order payment of amounts directly to the [incompetent]  
23 incapacitated person for his maintenance or for incidental  
24 expenses and may ratify payments made for these purposes.

25 (b) Estate plan.--The court, upon petition and with notice  
26 to all parties in interest, shall have the power to substitute  
27 its judgment for that of the [incompetent] incapacitated person  
28 with respect to the estate and affairs of the [incompetent]  
29 incapacitated person for the benefit of the [incompetent]  
30 incapacitated person, his family, members of his household, his

1 friends and charities in which he was interested. This power  
2 shall include, but is not limited to, the power to:

3 (1) Make gifts, outright or in trust.

4 (2) Convey, release or disclaim his contingent and  
5 expectant interests in property, including marital property  
6 rights and any right of survivorship incident to joint  
7 tenancy or tenancy by the entirety.

8 (3) Release or disclaim his powers as trustee, personal  
9 representative, custodian for minors, or guardian.

10 (4) Exercise, release or disclaim his powers as donee of  
11 a power of appointment.

12 (5) Enter into contracts.

13 (6) Create for the benefit of the [incompetent]  
14 incapacitated person or others, revocable or irrevocable  
15 trusts of his property which may extend beyond his disability  
16 or life.

17 (7) Exercise options of the [incompetent] incapacitated  
18 person to purchase or exchange securities or other property.

19 (8) Exercise his rights to elect options and change  
20 beneficiaries under insurance and annuity policies or  
21 surrender the policies for their cash value.

22 (9) Exercise his right to claim or disclaim an elective  
23 share in the estate of his deceased spouse and renounce any  
24 interest by testate or intestate succession or by inter vivos  
25 transfer.

26 (10) Change the [incompetent's] incapacitated person's  
27 residence or domicile.

28 In the exercise of its judgment for that of the [incompetent]  
29 incapacitated person, the court first being satisfied that  
30 assets exist which are not required for the maintenance, support



1 and well-being of the [incompetent] incapacitated person, may  
2 adopt a plan of gifts which results in minimizing current or  
3 prospective income, estate or inheritance taxes, or which  
4 carries out a lifetime giving pattern. The court in exercising  
5 its judgment may consider the testamentary and inter vivos  
6 intentions of the [incompetent] incapacitated person insofar as  
7 they can be ascertained.

8 § 5537. Reserve for funeral.

9 (a) In general.--The court may authorize the guardian to  
10 retain such assets not exceeding \$1,200 in value as are deemed  
11 appropriate for the anticipated expense of the [incompetent's]  
12 incapacitated person's funeral, including the cost of a burial  
13 lot or other resting place, which shall be exempt from all  
14 claims including claims of the Commonwealth. The court with  
15 notice thereof to the institution or person having custody of  
16 the [incompetent] incapacitated person may also authorize the  
17 guardian or another person to set aside such assets in the form  
18 of a savings account in a financial institution which account  
19 shall not be subject to escheat during the lifetime of the  
20 [incompetent] incapacitated person. Such assets may be disbursed  
21 by the guardian or person who set aside such assets or by the  
22 financial institution for such funeral expenses without further  
23 authorization or accounting. Any part of such assets not so  
24 disbursed shall constitute a part of the deceased  
25 [incompetent's] incapacitated person's estate. Should the  
26 [incompetent] incapacitated person become [competent]  
27 capacitated or should such assets become excessive, the court,  
28 upon petition of any party in interest, may make such order as  
29 the circumstances shall require.

30 (b) Definition.--As used in this section "financial

1 institution" includes a bank, a bank and trust company, a trust  
2 company, a savings and loan association, a building and loan  
3 association, a savings bank, a private bank and a national bank.

4 Section 8. This act shall apply to all proceedings begun  
5 after the effective date of this act and proceedings in progress  
6 may be amended with leave of court to conform to this act.

7 Existing guardianships may be modified by the court in  
8 accordance with this act upon petition of any interested party.

9 Section 9. This act shall take effect in 60 days.