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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 11, 2025

Subject: Bill Brief for HB 2359 (As Amended by House Committee)

House Bill 2359 enacts the uniform adult guardianship and protective proceedings jurisdiction act and the uniform guardianship, conservatorship and other protective arrangements act. The bill also repeals K.S.A. 59-2701 through 59-2708, concerning estates of absentees, and K.S.A. 59-3051 et seq., the current Kansas act for obtaining a guardian or a conservator, or both.

Sections 1 through 23 contain the uniform adult guardianship and protective proceedings jurisdiction act (2007). Section 8 provides that Sections 7 through 15 provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a protective order for an adult. Section 23 provides that: (1) This act applies to guardianship and protective proceedings begun on or after January 1, 2026; and (2) Sections 1 through 6 and 16 through 22 apply to proceedings begun before January 1, 2026, regardless of whether a guardianship or protective order has been issued.

Sections 24 through 135 contain the Kansas uniform guardianship, conservatorship and other protective arrangements act. Sections 51 through 63 concern guardianship of a minor. Sections 64 through 82 concern guardianship of an adult. Sections 83 through 118 concern conservatorship. Sections 119 through 130 concern other protective arrangements.

Section 134 provides that this act applies to: (1) A proceeding for appointment of a guardian or conservator or for a protective arrangement instead of guardianship or conservatorship commenced after January 1, 2026; and (2) except as provided in subsection (b), a guardianship, conservatorship or protective arrangement instead of guardianship or conservatorship in existence on January 1, 2026, unless the court finds application of a particular provision of this act would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party, in which case the particular provision of this act does not apply and the superseded law

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applies. Subsection (b) provides that Sections 79 and 103, mandating a guardian's plan or conservator's plan, shall not apply to guardianships or conservatorships in existence on January 1, 2026, unless the court orders that a guardian's plan or conservator's plan is required.

Sections 136 through 166 amend K.S.A. 9-1215, 17-2263, 17-2264, 21-5417, 38-2217, 44-513a, 44-1601, 58-656, 58-662, 58-24a15, 58-4802, 58-4814, 58a-103, 59-1701, 59-2401a, 59-2946, 59-2948, 59-2949, 59-2951, 59-2960, 59-29b46, 59-29b48, 59-29b49, 59-29b51, 59-29b60, 59-29c03, 73-507, 75-652, 76-729, 76-12b04 and 77-201. These amendments update references from statutes repealed in the bill to the new sections enacted by the bill.

The bill would take effect from and after January 1, 2026, and its publication in the statute book.