524.5-309 WHO MAY BE GUARDIAN: PRIORITIES.

- (a) Subject to paragraph (c), the court, in appointing a guardian, shall consider persons otherwise qualified in the following order of priority:
- (1) a guardian, other than a temporary or emergency guardian, currently acting for the respondent in this state or elsewhere;
- (2) a health care agent appointed by the respondent in a health care directive that does not include limitations on the nomination of the health care agent as a guardian and is executed pursuant to chapter 145C;
- (3) the spouse of the respondent or a person nominated by will or other signed writing executed in the same manner as a health care directive pursuant to chapter 145C of a deceased spouse;
 - (4) an adult child of the respondent;
- (5) a parent of the respondent, or an individual nominated by will or other signed writing executed in the same manner as a health care directive pursuant to chapter 145C of a deceased parent;
- (6) an adult with whom the respondent has resided for more than six months before the filing of the petition;
 - (7) an adult who is related to the respondent by blood, adoption, or marriage; and
 - (8) any other adult or a professional guardian.
- (b) The court, acting in the best interest of the respondent, may decline to appoint a person having priority and appoint a person having a lower priority or no priority. With respect to persons having equal priority, the court shall select the one it considers best qualified.
- (c) Any individual or agency which provides residence, custodial care, medical care, employment training or other care or services for which they receive a fee may not be appointed as guardian unless related to the respondent by blood, marriage, or adoption.

History: 2003 c 12 art 1 s 33; 2009 c 150 s 7; 2010 c 254 s 5