

# SENATE, NO. 2314

## AN ACT RELATIVE TO PROXY MEDICAL DECISIONS AND GUARDIANS

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 201 of the General Laws, as appearing in the 2004 Official Edition, is  
2 hereby amended in section 6B by inserting at the end thereof the following:-  
3 “The court shall not appoint a guardian if the person petitioning for guardianship is (i) currently  
4 being investigated for, has been charged with, or has been accused of committing an assault and  
5 battery that results in serious bodily injury against the incapacitated, or (ii) is currently being  
6 investigated for, has been charged with, or has been accused of neglect against the  
7 incapacitated. In addition, the court shall terminate a guardianship appointed under this section,  
8 if upon petition, it is established that the guardian is (i) currently being investigated for, has  
9 been charged with, or has been accused of committing an assault and battery that results in  
10 serious bodily injury against the incapacitated, or (ii) is currently being investigated for, has  
11 been charged with, or has been accused of neglect against the incapacitated.”

12 SECTION 2. Chapter 201D of the General Laws, as appearing in the 2004 Official Edition, is  
13 hereby amended in line 10 of section 7 by inserting after the words “health care proxy” the  
14 following:-  
15 “(iii)the establishment, under the provisions of section 17 of this chapter, that the holder of the

16 proxy is in part responsible for the incapacity of the principal.”

17 SECTION 3. Chapter 201D, as so appearing, is further amended in subsection (ii) of section 17

18 by striking the words “or is acting in bad faith” and inserting in place thereof the following:-

19 “is acting in bad faith, or the agent is in part responsible for the incapacity of the principal.”