

STATEMENT TO

[First Reprint]

SENATE, No. 3260

with Senate Floor Amendments
(Proposed by Assemblyman WIRTHS)

ADOPTED: DECEMBER 21, 2023

These Assembly floor amendments clarify that a complaint for adjudication of incapacity and appointment of a guardian does not constitute prima facie evidence of an individual's incapacity and need for a guardian, but that a complaint for adjudication, once filed, shall not be withdrawn absent a showing that the alleged incapacitated person is deceased or has capacity. The amendments also provide that a showing of capacity does not require medical evidence but may be satisfied by testimony of a witness with knowledge of the alleged incapacitated person's condition and circumstances.