

Article - Estates and Trusts

13-707.

(a) Persons are entitled to appointment as guardian of the person according to the following priorities:

(1) A person, agency, or corporation nominated by the disabled person if he was 16 years old or older when he signed the designation and, in the opinion of the court, he had sufficient mental capacity to make an intelligent choice at the time he executed the designation;

(2) His spouse;

(3) His parents;

(4) A person, agency, or corporation nominated by the will of a deceased parent;

(5) His children;

(6) Adult persons who would be his heirs if he were dead;

(7) A person, agency, or corporation nominated by a person caring for him;

(8) Any other person, agency, or corporation considered appropriate by the court;

(9) For adults less than 65 years old, the director of the local department of social services or, for adults 65 years old or older, the director of the State Office on Aging or local office on aging, except in those cases where the department of social services has been appointed guardian of the person prior to age 65.

(b) A person specified in a priority in subsection (a) (2), (3), (5), or (6) may waive and nominate in writing a person, agency or corporation to serve in his stead. A nominee of a person holding priority has the same priority as the person making the nomination.

(c) (1) Among persons with equal priority the court shall select the one best qualified of those willing to serve. For good cause, the court may pass over a person with priority and appoint a person with a lower priority.

(2) If a guardian of the estate has been appointed, the court may select him to be guardian of the person, regardless of priority.

(d) Nonresidence does not disqualify any person from serving as guardian of the person. However, a nonresident who is appointed may not qualify until he has on file with