

DAN HARRINGTON 1-14-05 3pm

Mr Chairman & Members of the Committee

I do know as a private citizen

SENATE PUBLIC HEALTH, WELFARE & SAFETY	
EXHIBIT NO. # 1	
DATE: 1-14-05	
BILL NO. SB 112	

SB112

WE OPPOSE THIS CHANGE IN THE LAW BECAUSE:

1<sup>ST</sup> GIVING A GUARDIAN THE POWER TO PETITION FOR DISSOLUTION OF MARRIAGE OR LEGAL SEPARATION IS FAR TOO PERSONAL A MATTER FOR THE GUARDIAN TO BE ABLE TO HAVE POWER OVER.

WE BELIEVE THAT A MARRAGE IS FAR TO PERSONAL FOR AN OUTSIDER TO INTERVIEN IN (GUARDIAN)

1. I do know of occurrences where the guardian has filed this type of legal proceeding. In fact a case like this has touched my family
2. who is usually the guardian, a brief bit of research say's it is typically a relative (sons, daughter)
3. What I have seen in my personal experience is this is not an attempt to help the incapacitated person but for the guardian (relative) to do this with punitive and financial gains as the motive.
4. explain your fathers story
  1. married 29yrs, married in there 50's, no kid together, but from previous
  2. wife has stroke
  3. Wife's daughter portrays herself as "let me help you make the med decisions on my mother, so the burden is not all his.
  4. Both move to Assisted living facility
  5. daughter goes ex parta and has her self appointed temp guardian
  6. One week later, father server with divorce papers
5. TO return to the facts These folks were married 29yrs, now a guardian has determined the validity of this marriage
6. After 29 years, (REMINDER thought both had been divorced before, Knew the ROPEs), the guardian is allowed?? To determine that this marriage is irrevocably broken?? The guardian knows that this is relationship needs finality. I do not think this is the case
  1. In fact how many of you have parents, and believe that a third person should have the ability to determine the validity of that marriage NOW.
  2. IT IS NOT ANY BUSINESS OF A THIRD PARTY, AND THAT WHAT A GUARDAIN IS, IS A THIRD PARTY IN A MARRIAGE.
7. What does the guardian know in this case? I DO NOT KNOW!
8. What has this done to the spouse that is not incapacitated?
  1. He was 81 when this happened. It has devastated him and resulted in a noted mental and physical decline in the past year.
9. what about all OTHER second marriage's, mine included, where there are not children but from our previous marriages

Kathy Coey  
Helena, mt

10. I am at a loss to find out why this is even being considered? The only reason that I am able to amass this, is in my family's case, APS does not need to do an investigation into Elder Exploitation, but recommend to the parties, get divorced, then there job is done and case closed, unless you the guardian, who will stands to benefit financially
11. This will become a tool for greedy children.
- 12.

IF THE INCAPACITATED PERSON WANTED THE DIVORCE, THEY COULD HAVE PETITION FOR IT THEMSELF PRIOR TO NEEDING A GUARDIAN (IN MOST CASES THE GUARDIAN WOULD HAVE NO INTEREST IN KEEPING THESE PEOPLE MARRIED)

- A. THE GUARDIAN HAVING THIS POWER IS VERY DEVISTATING TO THE OTHER SPOUSE IF THAT PERSON DOESN'T WANT THE DIVORCE.
- B. IF THE OTHER SPOUSE WANTS THE DIVORCE THEY CAN PETITION FOR IT.
- C. IT CONSUMES FAR TOO MUCH RESOURCES OF THE WARD AND THE OTHER SPOUSE.

IT DOESN'T HELP THE OTHER SPOUSE TO HELP TAKE CARE OF THE INCAPACITATED SPOUSE.