

HYPOTHETICAL -- GUARDIANSHIPS

Son believes mom needs a guardian.

Son files a petition and wants mom's medical information as an attachment. He goes to family physician who is old friend of the family and he provides an affidavit of Mom's forgetfulness.

Upon filing of the petition, pursuant to 464-A, an attorney is appointed for the 'proposed ward'/mom.

Mom tells the attorney she does not need a guardian and will not disclose her medical information. Attorney objects on mom's behalf citing, among other things, her privacy rights under the state amendment.

RSA 329-B:26 provides for a waiver of the physician/patient privilege in hearings conducted pursuant to RSA 135-C:27 through 135-C:54

Does the constitutional amendment affect the statutory scheme and how.