

IN THE SENATE

SENATE BILL NO. 1247, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO GUARDIANSHIPS; AMENDING CHAPTER 5, TITLE 15, IDAHO CODE, BY THE  
ADDITION OF A NEW SECTION 15-5-318, IDAHO CODE, TO ESTABLISH PROVISIONS  
FOR TERMINATION OR MODIFICATION OF A GUARDIANSHIP.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5, Title 15, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 15-5-318, Idaho Code, and to read as follows:

15-5-318. TERMINATION OR MODIFICATION OF GUARDIANSHIP. (1) A guardianship terminates upon the death of the ward or upon order of the court.

(2) On petition of a ward, a guardian, or another person interested in the ward's welfare, the court may terminate a guardianship if the ward no longer needs the assistance or protection of a guardian. The court may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient or the ward's capacity to provide for support, care, education, health, and welfare has so changed as to warrant that action.

(3) Except as otherwise ordered by the court for good cause, the court, before terminating a guardianship, shall follow the same procedures to safeguard the rights of the ward as apply to a petition for guardianship. Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the court shall order the termination unless it is proven that continuation of the guardianship is in the best interest of the ward.