

- 31 intellectual disability in a full guardianship;
- 32 ▸ addresses the removal or resignation of a guardian for an individual with a severe
- 33 intellectual disability;
- 34 ▸ addresses the termination of a guardianship for an individual with a severe intellectual
- 35 disability;
- 36 ▸ provides that a fee for a petition for guardianship is \$35 if the prospective ward is the
- 37 child, grandchild, or sibling of the petitioner; and
- 38 ▸ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **75-5-311**, as last amended by Laws of Utah 2023, Chapter 330

46 **75-5-317**, as enacted by Laws of Utah 2018, Chapter 294

47 **78A-2-301**, as last amended by Laws of Utah 2024, Chapter 366

48 ENACTS:

49 **75-5-101.1**, Utah Code Annotated 1953

50 **75-5-601**, Utah Code Annotated 1953

51 **75-5-602**, Utah Code Annotated 1953

52 **75-5-603**, Utah Code Annotated 1953

53 **75-5-604**, Utah Code Annotated 1953

54 **75-5-605**, Utah Code Annotated 1953

55 **75-5-606**, Utah Code Annotated 1953

56 **75-5-607**, Utah Code Annotated 1953

57 **75-5-608**, Utah Code Annotated 1953

58 **75-5-609**, Utah Code Annotated 1953

59 **75-5-610**, Utah Code Annotated 1953

60 **75-5-611**, Utah Code Annotated 1953

61 **75-5-612**, Utah Code Annotated 1953

62 **75-5-613**, Utah Code Annotated 1953

63 RENUMBERS AND AMENDS:

64 **75-5-101.5**, (Renumbered from 75-5-101, as enacted by Laws of Utah 1975, Chapter

65 150)

66 REPEALS:

67 **75-5-308**, as enacted by Laws of Utah 1975, Chapter 150

68

69 *Be it enacted by the Legislature of the state of Utah:*

70 Section 1. Section **75-5-101.1** is enacted to read:

71 **75-5-101.1 . Definitions for chapter.**

72 As used in this chapter:

73 (1) "Adult" means an individual who is 18 years old or older.

74 (2) "Court visitor" means an individual who is trained in law, nursing, or social work and is
 75 an officer, employee, or special appointee of the court with no personal interest in the
 76 proceedings.

77 (3) "Full guardianship" means a guardianship that grants a guardian all the powers available
 78 to the guardian under the law with respect to an individual who is incapacitated,
 79 including all the powers, duties, and rights that a parent has with respect to the parent's
 80 unemancipated minor child.

81 (4) "Incapacitated" means the same as that term is defined in Section 75-1-201.

82 (5) "Joint legal decision-making" means two individuals, regardless of whether the
 83 individuals are married, sharing legal decision-making and each individual's rights or
 84 responsibilities are not being superior to the other individual's rights, except with respect
 85 to specified decisions set forth by the court or the individuals in an order of appointment.

86 (6) "Legal decision-making" means the legal right and responsibility to make all legal
 87 decisions for an individual who is incapacitated, including decisions regarding
 88 education, health care, religious training, and personal care decisions.

89 (7) "Letters of guardianship" means a legal document that establishes a guardian's authority
 90 to make decisions for an individual.

91 (8) "Limited guardianship" means, except as provided in Section 75-5-316, a guardianship
 92 that grants the guardian less than all powers available to the guardian under the law or
 93 otherwise restricts the powers of the guardian.

94 (9) "Order of appointment" means an order from a court:

95 (a) appointing a guardian for an individual who is incapacitated; and

96 (b) describing the powers, duties, and responsibilities of the guardian.

97 (10) "Specialized care professional" means an individual who is certified as a National
 98 Certified Guardian or National Master Guardian by the Center for Guardianship

99 Certification or similar organization.

100 (11) "Suitable institution" means any nonprofit or for profit corporation, partnership, sole
101 proprietorship, or other type of business organization that is owned, operated by, or
102 employs a specialized care professional.

103 Section 2. Section **75-5-101.5**, which is renumbered from Section 75-5-101 is renumbered
104 and amended to read:

105 **[75-5-101] 75-5-101.5 . Jurisdiction of subject matter -- Consolidation of**
106 **proceedings.**

107 (1) [The] A court has jurisdiction over protective proceedings and guardianship proceedings
108 in accordance with Chapter 5b, Uniform and Adult Guardianship and Protective
109 Proceedings Jurisdiction Act, and Title 78A, Judiciary and Judicial Administration.

110 (2) When both guardianship and protective proceedings as to the same person are
111 commenced or pending in the same court, the proceedings may be consolidated.

112 Section 3. Section **75-5-311** is amended to read:

113 **75-5-311 . Who may be guardian -- Priorities.**

114 [~~(1) As used in this section:~~]

115 [~~(a) "Specialized care professional" means a person who is certified as a National~~
116 ~~Certified Guardian or National Master Guardian by the Center for Guardianship~~
117 ~~Certification or similar organization.]~~

118 [~~(b) "Suitable institution" means any nonprofit or for profit corporation, partnership, sole~~
119 ~~proprietorship, or other type of business organization that is owned, operated by, or~~
120 ~~employs a specialized care professional.]~~

121 [~~(2)~~] (1)(a) The court shall appoint a guardian in accordance with the incapacitated
122 person's most recent nomination, unless that person is disqualified or the court finds
123 other good cause why the person should not serve as guardian.

124 (b) That nomination shall have been made prior to the person's incapacity, shall be in
125 writing and shall be signed by the person making the nomination.

126 (c) The nomination shall be in substantially the following form:

127 Nomination of Guardian by an Adult

128 I, (Name), being of sound mind and not acting under duress, fraud, or other undue
129 influence, do hereby nominate (Name, current residence, and relationship, if any, of the
130 nominee) to serve as my guardian in the event that after the date of this instrument I become
131 incapacitated.

132 Executed at _____ (city, state)

133 on this _____ day of _____

134 _____

135 (Signature)

136 [(3)] (2) Except as provided in Subsection [(2)] (1), persons who are not disqualified have
137 priority for appointment as guardian in the following order:

- 138 (a) a person who has been nominated by the incapacitated person, by any means other
139 than that described in Subsection [(2)] (1), if the incapacitated person was 14 years
140 old or older when the nomination was executed and, in the opinion of the court, that
141 person acted with sufficient mental capacity to make the nomination;
- 142 (b) the spouse of the incapacitated person;
- 143 (c) an adult child of the incapacitated person;
- 144 (d) a parent of the incapacitated person, including a person nominated by will, written
145 instrument, or other writing signed by a deceased parent;
- 146 (e) any relative of the incapacitated person with whom he has resided for more than six
147 months prior to the filing of the petition;
- 148 (f) a person nominated by the person who is caring for him or paying benefits to him;
- 149 (g) a specialized care professional, so long as the specialized care professional does not:
150 (i) profit financially or otherwise from or receive compensation for acting in that
151 capacity, except for the direct costs of providing guardianship or conservatorship
152 services; or
153 (ii) otherwise have a conflict of interest in providing those services;
- 154 (h) any competent person or suitable institution; or
- 155 (i) the Office of Public Guardian under Title 26B, Chapter 6, Part 3, Office of Public
156 Guardian.

157 Section 4. Section **75-5-317** is amended to read:

158 **75-5-317 . Guardianship proceedings for minor becoming an incapacitated adult.**

159 (1) As used in this section:

- 160 [(a) "Incapacitated" means the same as that term is defined in Section 75-1-201.]
- 161 [(b) "Joint legal decision-making" means parents or two individuals, regardless of
162 whether they are married, sharing legal decision-making and no individual's rights or
163 responsibilities being superior except with respect to specified decisions set forth by
164 the court or the individuals in a final judgment or order.]
- 165 [(c) "Legal decision-making" means the legal right and responsibility to make all
166 nonemergency legal decisions for a minor including those regarding education, health

- 167 care, religious training, and personal care decisions.]
- 168 [(d) "Minor" means the same as that term is defined in Section 75-1-201.]
- 169 [(e)] (a) "Physician" means an individual:
- 170 (i) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or
- 171 (ii) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical
- 172 Practice Act.
- 173 [(f)] (b) "Psychologist" means a person licensed under Title 58, Chapter 61, Psychologist
- 174 Licensing Act, to engage in the practice of psychology as defined in Section
- 175 58-61-102.
- 176 [(g)] (c) "Sole legal decision-making" means one parent or one individual having the
- 177 legal right and responsibility to make major decisions for the minor child.
- 178 (2)(a) Notwithstanding the other provisions of this part, a person who may be a guardian
- 179 of an incapacitated person under Section 75-5-301 may initiate guardianship
- 180 proceedings pursuant to this Subsection (2) for a minor who is at least 17 years, six
- 181 months [~~of age~~] old and who is alleged to be incapacitated and request that a
- 182 guardianship order take effect immediately on the day the minor turns 18 years [~~of~~
- 183 ~~age~~] old.
- 184 (b)(i) The petitioner shall provide with the petition a written report of an evaluation
- 185 of the minor by a physician or psychologist that meets the requirements of
- 186 Subsection (2)(c).
- 187 (i) If the evaluation is conducted within six months after the date the petition is filed
- 188 with the court, the petitioner may ask in the petition that the court accept this
- 189 report in lieu of ordering any additional evaluation and the court may grant the
- 190 request.
- 191 (c) A written report filed pursuant to this section by a physician or psychologist acting
- 192 within that person's scope of practice shall include the following information:
- 193 (i) a specific description of the physical, psychiatric, or psychological diagnosis of
- 194 the person;
- 195 (ii) a comprehensive assessment listing any functional impairments of the alleged
- 196 incapacitated person and an explanation of how and to what extent these
- 197 functional impairments may prevent that person from receiving or evaluating
- 198 information in making decisions or in communicating informed decisions, with or
- 199 without assistance, regarding that person;
- 200 (iii) an analysis of the tasks of daily living the alleged incapacitated person is capable

- 201 of performing independently or with assistance;
- 202 (iv) a list of the medications the alleged incapacitated person is receiving, the dosage
- 203 of the medications, and a description of the effects each medication has on the
- 204 person's behavior to the best of the declarant's knowledge;
- 205 (v) a prognosis for improvement in the alleged incapacitated person's condition and a
- 206 recommendation for the most appropriate rehabilitation plan or care plan; and
- 207 (vi) other information the physician or psychologist considers appropriate.
- 208 (3)(a) Notwithstanding the priorities in Section 75-5-311, if the petition for appointment
- 209 of a guardian for the incapacitated person is filed pursuant to Subsection (2) or within
- 210 two years after the day the incapacitated person turns 18 years [~~of age~~] old, unless the
- 211 court finds the appointment to be contrary to the incapacitated person's best interest:
- 212 (i) the court shall appoint as the incapacitated person's guardian any person who, by
- 213 court order, had sole legal decision-making of the incapacitated person when the
- 214 incapacitated person attained 17 years, six months [~~of age~~] old; or
- 215 (ii) if two individuals had joint legal decision-making of the incapacitated person
- 216 when the incapacitated person attained 17 years, six months [~~of age~~] old, the court
- 217 shall appoint both individuals as the incapacitated person's coguardians.
- 218 (b) If under Subsection (3)(a) the court finds the appointment of an individual described
- 219 in Subsection (3)(a) is contrary to the incapacitated person's best interest or if the
- 220 individual is unwilling to be appointed or serve as a guardian, the court may apply
- 221 the priorities in Section 75-5-311 in appointing a guardian.

- 222 (4)(a) The court may appoint more than one person as the incapacitated person's
- 223 coguardians if the appointment is required by Subsection (3) or the court finds that
- 224 the appointment is in the incapacitated person's best interest.
- 225 (b) If the court appoints coguardians, the coguardians shall share legal decision-making
- 226 for the incapacitated person and neither coguardian's rights or responsibilities are
- 227 superior except as otherwise ordered by the court.

228 Section 5. Section **75-5-601** is enacted to read:

229 **Part 6. Guardian of Individual with a Severe Intellectual Disability**

230 **75-5-601 . Definitions for part.**

231 As used in this part:

- 232 (1)(a) "Individual with a severe intellectual disability" means an adult who:
- 233 (i) has lifelong functional limitations to the extent that the adult is incapacitated; and
- 234 (ii) has received a diagnosis from a physician or psychologist of a severe intellectual

235 disability that has existed since the adult was a minor.

236 (b) "Individual with a severe intellectual disability" does not include an adult who had
237 capacity at one time or may regain capacity.

238 (2) "Petitioner" means the person who brings a petition for guardianship under this part.

239 (3) "Remotely" means a participant will appear by video conference or other electronic
240 means approved by the court.

241 (4) "Respondent" means the adult who is alleged to be an individual with a severe
242 intellectual disability.

243 Section 6. Section **75-5-602** is enacted to read:

244 **75-5-602 . Applicability of this part.**

245 (1) This part only applies to a guardianship for an adult for whom there is a signed letter or
246 report from a physician or psychologist that indicates that the adult is an individual with
247 a severe intellectual disability.

248 (2) Except as provided in Subsection (4) or another provision of this part, the provisions of
249 Part 3, Guardians of Incapacitated Persons, do not apply to the guardianship of an adult
250 described in Subsection (1).

251 (3) This part does not apply to a guardianship for an adult if the court finds that the adult is
252 not an individual with a severe intellectual disability.

253 (4) Part 3, Guardians of Incapacitated Persons, applies to a guardianship for an adult who is
254 not an individual with a severe intellectual disability.

255 Section 7. Section **75-5-603** is enacted to read:

256 **75-5-603 . Rights of an individual with a severe intellectual disability.**

257 (1) An adult, who is allegedly incapacitated and for whom there is a signed letter or report
258 from a physician or psychologist that indicates that the adult is an individual with a
259 severe intellectual disability, has the right to:

260 (a) except as provided in Section 75-5-606, be represented by counsel before a
261 guardianship is imposed and have counsel represent the adult during the guardianship
262 proceeding;

263 (b) receive a copy of all documents filed in a guardianship proceeding;

264 (c) have a relative, physician, psychologist, physician assistant, or any interested person
265 speak about or raise any issue of concern on behalf of the adult during the
266 guardianship proceeding;

267 (d) receive information about guardianships from the court; and

268 (e) be treated with respect and dignity.

- 269 (2) Except as otherwise provided by this part, if a court orders a full guardianship for an
 270 adult and enters an order of appointment that specifies that the adult is an individual
 271 with a severe intellectual disability, the adult has the right to:
- 272 (a) have a relative, physician, psychologist, physician assistant, or any interested person
 273 speak about or raise any issue of concern on behalf of the adult in any court hearing
 274 about the guardianship;
- 275 (b) receive a copy of all documents filed in court regarding the guardianship;
- 276 (c) receive information about guardianships from the court;
- 277 (d) ask questions and express concerns or complaints about a guardian and the actions of
 278 a guardian to the court;
- 279 (e) to the extent practicable, receive timely, effective, and appropriate health care and
 280 medical treatment that does not violate the adult's rights;
- 281 (f) have all services provided by a guardian at a reasonable rate of compensation;
- 282 (g) have a court review any request for payment by a guardian to avoid excessive or
 283 unnecessary fees or duplicative billing; and
- 284 (h) receive prudent financial management of the adult's property, including
 285 Supplemental Security Income and Supplemental Security Disability Insurance.
- 286 (3) If the court enters an order for a limited guardianship for an adult or fails to specify in
 287 the order of appointment as to whether the adult is an individual with a severe
 288 intellectual disability, the adult has the rights of an incapacitated person described in
 289 Section 75-5-301.5.

290 Section 8. Section **75-5-604** is enacted to read:

291 **75-5-604 . Petition for guardianship of an individual with a severe intellectual**
 292 **disability -- Venue -- Proceedings.**

- 293 (1) A person interested in an adult's welfare may petition a court for a finding that:
- 294 (a) the adult is an individual with a severe intellectual disability; and
- 295 (b) the appointment of a guardian is necessary or desirable as a means of providing
 296 continuing care to the adult.
- 297 (2) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall bring
 298 a petition described in Subsection (1) in the county where:
- 299 (a) the respondent resides or is present; or
- 300 (b) if the respondent is admitted to an institution by an order of a court, the court is
 301 located.
- 302 (3)(a) Upon the filing of a petition under Subsection (1), the court shall set a date for a

- 303 hearing on the issue of whether the respondent is an individual with a severe
304 intellectual disability.
- 305 (b) The court shall hold any hearing on the petition remotely unless a party requests an
306 in-person hearing.
- 307 (4) Except as provided in Section 75-5-606, the respondent is entitled to be represented by
308 counsel, present evidence, and cross-examine witnesses, including a physician,
309 psychologist, physician assistant, or court visitor appointed under Section 75-5-607.
- 310 (5) The court shall determine the issue of whether the respondent is an individual with a
311 severe intellectual disability at a closed hearing, without a jury, if the respondent or the
312 respondent's counsel requests so.
- 313 (6) The respondent shall:
- 314 (a) be present at any hearing on the petition; or
- 315 (b) hear all evidence bearing upon the respondent's condition.
- 316 (7) If the petitioner requests a waiver of the presence of the respondent, the court shall order
317 an investigation by a court visitor in accordance with Section 75-5-607.
- 318 Section 9. Section **75-5-605** is enacted to read:
- 319 **75-5-605 . Notices for guardianship proceedings.**
- 320 (1) Upon a petition for the appointment or removal of a guardian for an adult who is an
321 individual with a severe intellectual disability, or is alleged to be an individual with a
322 severe intellectual disability, other than the appointment of an emergency guardian or
323 temporary suspension of a guardian, the petitioner shall give notice of the petition to:
- 324 (a) the adult and the adult's parents;
- 325 (b) any person who is serving as guardian or conservator or who has care and custody of
326 the adult;
- 327 (c) if the petitioner is unable to notify the adult's parents under Subsection (1)(a), at least
328 one of the closest adult relatives of the individual if any can be found; and
- 329 (d) Adult Protective Services if Adult Protective Services has received a referral under
330 Title 26B, Chapter 6, Part 2, Abuse, Neglect, or Exploitation of a Vulnerable Adult,
331 concerning the welfare of the adult or concerning the guardian or conservator or
332 proposed guardian or conservator.
- 333 (2) A notice described in Subsection (1) shall:
- 334 (a) be in plain language and large type and in a form with final approval of the Judicial
335 Council;
- 336 (b) indicate the time and place of the hearing, the possible adverse consequences to the

337 adult described in Subsection (1) who is receiving notice of rights, a list of rights,
338 including the adult's own or a court appointed counsel, and a copy of the petition;

339 (c) be served personally on:

340 (i) the adult described in Subsection (1); and

341 (ii) the adult's parents if the adult's parents can be found within the state; and

342 (d) be served in accordance with Section 75-1-401 on:

343 (i) the adult's parents if the adult's parents cannot be found within the state; and

344 (ii) any other person that is required to be served notice under Subsection (1).

345 Section 10. Section **75-5-606** is enacted to read:

346 **75-5-606 . Appointment of counsel.**

347 (1)(a) Except as provided in Subsection (2), the court may appoint an attorney to
348 represent a respondent on a petition for guardianship unless the respondent has
349 counsel of the respondent's own choice.

350 (b) The respondent shall pay the costs of an attorney appointed under Subsection (1)(a)
351 unless the respondent or the respondent's parents are indigent.

352 (2) Counsel for a respondent is not required under Subsection (1) if:

353 (a) the respondent is the child, grandchild, or sibling of the petitioner;

354 (b) the value of the respondent's entire estate does not exceed \$2,000 as established by
355 an affidavit from the petitioner;

356 (c) the respondent appears in court with the petitioner in-person or remotely; and

357 (d) the respondent is given the opportunity to communicate, to the extent possible, the
358 respondent's acceptance of the appointment of a guardian.

359 (3) If the court determines that a petition brought under this part is without merit, the
360 petitioner shall pay any attorney fees and court costs.

361 (4) The legal representation of the respondent by an attorney shall terminate upon the
362 appointment of a guardian, unless:

363 (a) there are separate conservatorship proceedings still pending before the court
364 subsequent to the appointment of a guardian;

365 (b) there is a timely filed appeal of the appointment of the guardian or the determination
366 that the respondent is an individual with a severe intellectual disability; or

367 (c) the court orders otherwise upon an express finding of good cause.

368 Section 11. Section **75-5-607** is enacted to read:

369 **75-5-607 . Appointment of physician, psychologist, physician assistant, or court**
370 **visitor.**

- 371 (1)(a) The court may appoint a physician, a psychologist, or a physician assistant to
372 examine the respondent.
- 373 (b) If the court appoints a physician, a psychologist, or a physician assistant under
374 Subsection (1)(a), the physician, psychologist, or physician assistant shall submit a
375 report in writing to the court.
- 376 (2) The court may appoint a court visitor to:
- 377 (a) interview the individual seeking appointment as guardian of the respondent;
378 (b) interview the physician or physician assistant who submitted a report under
379 Subsection (1);
- 380 (c) visit the present place of abode of the respondent and the place proposed where the
381 respondent will be detained or reside if a guardian is appointed; or
382 (d) conduct other investigations or observations as directed by the court.
- 383 (3) Except as provided in Subsection 75-5-604(7), the court shall presume under Subsection
384 (2) that the appointment of a court visitor is not necessary.
- 385 Section 12. Section **75-5-608** is enacted to read:
386 **75-5-608 . Emergency or temporary guardian.**
- 387 (1)(a) If a respondent does not have a guardian and an emergency exists, the court may,
388 without notice, appoint an emergency guardian for the respondent for a specified
389 period not to exceed 30 days pending notice and a hearing.
- 390 (b) The court may, without notice, appoint an emergency guardian for an individual with
391 a severe intellectual disability for a specified period not to exceed 30 days pending
392 notice and a hearing if:
- 393 (i) an appointed guardian for the individual is not effectively performing the
394 guardian's duties; and
- 395 (ii) the court further finds that the welfare of the respondent or individual requires
396 immediate action.
- 397 (c) Upon request by an interested person after the appointment of an emergency
398 guardian under Subsection (1)(a) or (b), the court shall hold a hearing within 14 days
399 in accordance with Section 75-5-604.
- 400 (2) If the court finds good cause after notice and hearing under Sections 75-5-604 and
401 75-5-605, the court may:
- 402 (a) appoint a temporary guardian;
403 (b) convert an emergency guardian to a temporary guardian if an emergency guardian
404 has been appointed under Subsection (1); or

- 405 (c) appoint a different person as temporary guardian to replace an emergency guardian
 406 appointed under Subsection (1).
- 407 (3) Unless the respondent or individual with a severe intellectual disability has already
 408 obtained or been appointed counsel or an attorney is not required as described in Section
 409 75-5-606, the court shall appoint an attorney to represent the respondent or individual.
- 410 (4) Until a full hearing and further order of the court, the temporary guardian:
- 411 (a) shall be charged with the care and custody of the respondent or individual with a
 412 severe intellectual disability; and
- 413 (b) may not permit the respondent or individual with a severe intellectual disability to be
 414 removed from the state.
- 415 (5) The authority of any permanent guardian previously appointed by the court is suspended
 416 so long as a temporary guardian has authority.
- 417 (6) A temporary guardian may be removed at any time, and shall obey all orders and make
 418 any reports required by the court.
- 419 (7) A temporary guardian has all of the powers and duties of a permanent guardian as set
 420 forth in Section 75-5-611.

421 Section 13. Section **75-5-609** is enacted to read:

422 **75-5-609 . Findings by court -- Appointment of guardian -- Acceptance of**
 423 **appointment.**

- 424 (1) The court may appoint a guardian for a respondent if the court finds:
- 425 (a) the respondent is an individual with a severe intellectual disability; and
- 426 (b) the appointment of a guardian is necessary or desirable as a means of providing
 427 continuing care to the respondent.
- 428 (2) If the court appoints a guardian as described in Subsection (1), the court shall:
- 429 (a) appoint a guardian for the respondent in accordance with Section 75-5-610;
- 430 (b) prefer a full guardianship for the respondent; and
- 431 (c) specify in the order of appointment that:
- 432 (i) the respondent is an individual with a severe intellectual disability; and
- 433 (ii) the respondent does not have capacity to execute or consent to any contract or
 434 written agreement.
- 435 (3)(a) If the court orders a limited guardianship for a respondent:
- 436 (i) the respondent is entitled to the rights described in Section 75-5-301.5 for an
 437 incapacitated person; and
- 438 (ii) the court shall state the limitations of the guardianship and the rights for which

- 439 the respondent is entitled in the order of appointment.
- 440 (4) If the court grants a guardian with the power to make or assist with health care decisions
441 for a respondent, the court shall include in the order of appointment the name of any
442 interested person for whom the guardian must notify of any significant health care or
443 treatment received by the individual.
- 444 (5)(a) By accepting an appointment, a guardian submits personally to the jurisdiction of
445 the court in any proceeding relating to the guardianship that may be instituted by any
446 interested person or any person interested in the welfare of the respondent.
- 447 (b) Notice of any proceeding shall be delivered to the guardian or mailed to the guardian
448 by ordinary mail at the guardian's address as listed in the court records and to the
449 guardian's address as known to the petitioner at the time of the appointment.
- 450 (6) If the court orders a limited guardianship for an individual with a severe intellectual
451 disability, the guardian has the same duties, powers, and rights described in Section
452 75-5-312 for a guardian of an incapacitated person.
- 453 (7) If the court orders a full guardianship for an individual with a severe intellectual
454 disability, the guardian has the duties, powers and rights described in Section 75-5-611.
455 Section 14. Section **75-5-610** is enacted to read:
456 **75-5-610 . Who may be a guardian -- Coguardians.**
- 457 (1) The court shall appoint a guardian for an individual with a severe intellectual disability
458 in the following order of priority:
- 459 (a) a parent of the individual with a severe intellectual disability;
460 (b) an adult sibling of the individual with a severe intellectual disability;
461 (c) a grandparent of the individual with a severe intellectual disability;
462 (d) an adult relative of the individual with a severe intellectual disability if the individual
463 has resided with the relative for more than 180 days before the day on which the
464 petition was filed;
- 465 (e) one of the closest adult relatives of the individual if any can be found;
466 (f) a specialized care professional, so long as the specialized care professional does not:
467 (i) profit financially or otherwise from or receive compensation for acting in that
468 capacity, except for the direct costs of providing guardianship or conservatorship
469 services; or
470 (ii) otherwise have a conflict of interest in providing those services;
- 471 (g) a competent person or suitable institution; or
472 (h) the Office of Public Guardian described in Title 26B, Chapter 6, Part 3, Office of

473 Public Guardian.

474 (2) The court may appoint more than one person as guardian for the individual with a
475 severe intellectual disability.

476 (3) If the court appoints coguardians for an individual with a severe intellectual disability:

477 (a) the coguardians shall share legal decision-making for the individual with a severe
478 intellectual disability; and

479 (b) each coguardian's rights and responsibilities are not superior to the other
480 coguardian's rights and responsibilities unless the court designates that a coguardian's
481 rights and responsibilities are superior.

482 Section 15. Section **75-5-611** is enacted to read:

483 **75-5-611 . Duties, powers, and rights of a guardian for an individual with a**
484 **severe intellectual disability in a full guardianship.**

485 (1) This section only applies to a guardian who is appointed by a court for an individual
486 with a severe intellectual disability in a full guardianship.

487 (2)(a) A guardian shall diligently and in good faith carry out the specific duties, powers,
488 and rights that the guardian is granted under this section and in the order of
489 appointment entered under Section 75-5-609.

490 (b) A guardian is not liable to a third person for acts of the individual with a severe
491 intellectual disability solely by reason of the guardian having the same powers,
492 rights, and duties as a parent with respect to the parent's unemancipated minor child.

493 (3)(a) In carrying out duties, powers, and rights that a guardian is granted, the guardian
494 shall encourage the individual with a severe intellectual disability, to the extent
495 practicable, to participate in decisions, exercise self-determination, act on the
496 individual's own behalf, and develop the skills to manage the individual's personal
497 affairs.

498 (b) To the extent known, a guardian shall consider the expressed desires, preferences,
499 and personal values of the individual with a severe intellectual disability when
500 making decisions about the individual.

501 (4) A guardian is entitled to custody of the individual with a severe intellectual disability to
502 the extent that the custody is consistent with the terms of any order by a court relating to
503 the detention and commitment of the individual.

504 (5) If a guardian has custody of the individual with a severe intellectual disability under
505 Subsection (4), the guardian:

506 (a) may establish the individual's place of residence within, or outside of, this state; and

- 507 (b) shall provide for the care, comfort, and maintenance of the individual and arrange for
508 the individual's training and education whenever appropriate.
- 509 (6) Without regard to the custodial rights of the individual with a severe intellectual
510 disability, a guardian shall take reasonable care of the individual's clothing, furniture,
511 vehicles, and other personal effects and commence protective proceedings if other
512 property of the individual is in need of protection.
- 513 (7) A guardian of the individual with a severe intellectual disability may:
- 514 (a) give the consent or approval that may be necessary to enable the individual to receive
515 medical or other professional care, counsel, treatment, or service;
- 516 (b) restrict or prohibit the individual's association with relatives and acquaintances if the
517 guardian deems that the association is harmful to the individual; and
- 518 (c) restrict the individual from taking or consuming:
- 519 (i) a drug, as defined in Section 58-17b-102, that has not been prescribed to the
520 individual;
- 521 (ii) a tobacco product, an electronic cigarette product, or a nicotine product, as those
522 terms are defined in Section 76-10-101;
- 523 (iii) alcohol; or
- 524 (iv) a legal substance that would be harmful to the health and wellbeing of the
525 individual.
- 526 (8)(a) A guardian of the individual with a severe intellectual disability shall:
- 527 (i) notify any interested person named in the order of appointment under Subsection
528 75-5-609(4) of any significant health care or treatment received by the individual;
- 529 (ii) immediately notify persons who request notification and are not restricted in
530 associating with the individual of:
- 531 (A) the individual's admission to a hospital for three or more days or to a hospice
532 program;
- 533 (B) the individual's death; or
- 534 (C) the arrangements for the disposition of the individual's remains;
- 535 (iii) immediately notify all interested persons if the guardian reasonably believes that
536 the individual's death is likely to occur within the next 10 days, based on:
- 537 (A) the guardian's own observations; or
- 538 (B) information from the individual's physician or other medical care providers;
539 and
- 540 (iv) provide the court with a current address of an individual if the guardian moves

- 541 the individual.
- 542 (b) For purposes of this Subsection (8), an interested person is a person required to
543 receive notice in guardianship proceedings as described in Section 75-5-605.
- 544 (9) If a conservator has not been appointed for the estate of the individual with a severe
545 intellectual disability, a guardian may:
- 546 (a) institute proceedings to compel any person under a duty to support the individual or
547 to pay sums for the welfare of the individual to perform that duty;
- 548 (b) receive money and tangible property deliverable to the individual and apply the
549 money and property for support, care, and education of the individual, except that:
- 550 (i) the guardian may not use funds from the individual's estate for room and board
551 that the guardian or the guardian's family member or relative has furnished unless
552 a charge for the service is approved by order of the court made upon notice to at
553 least one adult relative in the nearest degree of kinship to the individual in which
554 there is an adult; and
- 555 (ii) the guardian shall manage the individual's money and property in a prudential
556 manner to ensure that the individual qualifies for disability benefits.
- 557 (10)(a) If a conservator has not been appointed for the estate of the individual with a
558 severe intellectual disability, and except as provided in Subsection (13)(b), a guardian
559 shall:
- 560 (i) send a report with a full account to the court on an annual basis if the individual's
561 estate is in excess of \$50,000 excluding the residence, if any, owned by the
562 individual; or
- 563 (ii) fill out an informal annual report and mail the report to the court if the
564 individual's estate is less than \$50,000 excluding the residence, if any, owned by
565 the individual.
- 566 (b) An accounting report under Subsection (10)(a) shall include a statement regarding:
- 567 (i) all assets at the beginning and end of the reporting year;
- 568 (ii) any income received during the year;
- 569 (iii) any disbursements for the support of the individual with a severe intellectual
570 disability;
- 571 (iv) any investments or trusts that are held for the individual's benefit;
- 572 (v) any expenditures or fees charged to the individual's estate; and
- 573 (vi) any other expenses incurred by the individual's estate.
- 574 (c) The court may require additional information in an accounting report under

- 575 Subsection (10)(a).
- 576 (d) The Judicial Council shall approve forms for the accounting reports described in
577 Subsection (10)(a).
- 578 (e) An annual accounting report under Subsection (10)(a) shall be examined and
579 approved by the court.
- 580 (f) If the income of the individual with a severe intellectual disability is limited to a
581 federal or state program requiring an annual accounting report, a copy of that report
582 may be submitted to the court in lieu of the required annual accounting report under
583 Subsection (10)(a).
- 584 (g)(i) A corporate fiduciary is not required to petition the court, but shall submit the
585 corporate fiduciary's internal report annually to the court.
- 586 (ii) The report under Subsection (10)(g)(i) shall be examined and approved by the
587 court.
- 588 (h) If a fee is paid for an accounting of the estate of the individual with a severe
589 intellectual disability, a fee may not be charged for an accounting of the individual's
590 status under Subsection (13).
- 591 (11) If a conservator has been appointed for the estate of the individual with a severe
592 intellectual disability, a guardian shall:
- 593 (a) control the custody and care of the individual and is entitled to receive reasonable
594 sums for services and for room and board furnished to the individual as agreed upon
595 between the guardian and the conservator if the amounts agreed upon are reasonable
596 under the circumstances;
- 597 (b) pay all of the individual's estate received by the guardian in excess of those funds
598 expended to meet current expenses for support, care, and education of the individual
599 to the conservator for management of the individual's estate as provided in this
600 chapter; and
- 601 (c) account to the conservator for funds expended to meet current expenses for support,
602 care, and education of the individual.
- 603 (12) If a conservator has been appointed for the estate of the individual with a severe
604 intellectual disability, a guardian may request the conservator to expend the individual's
605 estate by payment to third persons or institutions for the individual's care and
606 maintenance.
- 607 (13)(a) Except as provided in Subsection (13)(b), the guardian shall provide an annual
608 accounting of the individual's status, including a report of the physical and mental

- 609 condition of the individual, the individual's estate that has been subject to the
 610 guardian's possession, and the individual's place of residence and others living in the
 611 same household, to the court in the petition or the annual report as required under
 612 Subsection (10).
- 613 (b) The guardian is not required to provide an annual report or accounting described in
 614 Subsection (10)(a) or (13)(a) if the guardian is the parent, grandparent, or sibling of
 615 the individual with a severe intellectual disability.
- 616 (14)(a) The court may impose a penalty in an amount not to exceed \$5,000 if a guardian:
 617 (i) makes a substantial misstatement on filings of annual reports;
 618 (ii) is guilty of gross impropriety in handling the property of the individual with a
 619 severe intellectual disability; or
 620 (iii) willfully fails to file the report required by this section after receiving written
 621 notice from the court of the failure to file and after a grace period of two months
 622 has elapsed.
- 623 (b) The court may order restitution of funds misappropriated from the estate of the
 624 individual with a severe intellectual disability.
- 625 (c) A penalty under this Subsection (14) shall be paid by the guardian and may not be
 626 paid by the individual or the individual's estate.
- 627 (15) A person who refuses to accept the authority of a guardian with authority over
 628 financial decisions to transact business with the assets of the individual with a severe
 629 intellectual disability after receiving a certified copy of letters of guardianship is liable
 630 for costs, expenses, attorney fees, and damages if the court determines that the person
 631 did not act in good faith in refusing to accept the authority of the guardian.
- 632 Section 16. Section **75-5-612** is enacted to read:
 633 **75-5-612 . Removal or resignation of a guardian.**
- 634 (1) On a petition of resignation from a guardian of an individual with a severe intellectual
 635 disability, the court may:
 636 (a) accept the guardian's resignation; or
 637 (b) make any other order that is appropriate.
- 638 (2) On a petition of removal of a guardian from the individual with a severe intellectual
 639 disability or any person interested in the individual's welfare, the court may remove a
 640 guardian if:
 641 (a) the guardian obtained the appointment by fraud, deceit, or gross misrepresentation;
 642 (b) the guardian fails to perform the guardian's duties or responsibilities described in:

- 643 (i) Section 75-5-611 if the individual is in full guardianship; or
644 (ii) Section 75-5-312 if the individual is in a limited guardianship;
645 (c) the guardian is unable to perform the guardian's duties or responsibilities due to
646 incapacity or illness;
647 (d) the guardian fails to use reasonable care and diligence in the management of the
648 individual's estate;
649 (e) the individual is in a limited guardianship, the guardian is not permitted to restrict the
650 individual's association, and the guardian is found by the court to have filed a petition
651 frivolously or in bad faith under Section 75-5-312.5;
652 (f) the guardian's interests have become adverse to the faithful performance of the
653 guardian's duties and there is a risk that the guardian will fail to faithfully perform the
654 guardian's duties; or
655 (g) removal of the guardian would be in the best interest of the individual.
656 (3) If the court removes a guardian under Subsection (2), the court may:
657 (a) appoint a successor guardian; or
658 (b) make any other order that is appropriate.
659 (4) On a petition of resignation or removal of a guardian, the court shall follow the same
660 procedures to safeguard the rights of the individual with a severe intellectual disability
661 on a petition for appointment of a guardian under Sections 75-5-603, 75-5-604, 75-5-606,
662 and 75-5-607.
663 (5) The court is not required to appoint an attorney to represent the individual with a severe
664 intellectual disability upon the removal or resignation of the individual's guardian if the
665 case is uncontested and the individual's incapacity is not at issue.

666 Section 17. Section **75-5-613** is enacted to read:

667 **75-5-613 . Termination of guardianship for an individual with a severe**
668 **intellectual disability.**

- 669 (1)(a) An individual with a severe intellectual disability, or any person interested in the
670 individual's welfare, may petition for an order:
671 (i) that the individual is not an individual with a severe intellectual disability; and
672 (ii) for removal or resignation of the guardian in accordance with Section 75-5-612.
673 (b) The court may specify a minimum period of time, not exceeding one year, during
674 which no petition for the termination of a guardianship for an individual with a
675 severe intellectual disability can be filed without leave from the court.
676 (c) A request for the order described in this Subsection (1) may be made by informal

- 677 letter to the court.
- 678 (d) Any person who knowingly interferes with a request described in Subsection (1)(a)
 679 may be sanctioned by the court.
- 680 (2) Notwithstanding Subsection (1), the authority and responsibility of a guardian for an
 681 individual with a severe intellectual disability terminates upon:
- 682 (a) the death of the guardian or the individual;
 683 (b) the determination that the guardian is incapacitated; or
 684 (c) the removal or resignation of the guardian in accordance with Section 75-5-612.
- 685 (3) Resignation of a guardian does not terminate the guardianship until the resignation has
 686 been approved by the court.
- 687 (4) Termination of a guardian does not affect the guardian's liability for the guardian's prior
 688 acts or the guardian's obligation to account for funds and assets of the individual with a
 689 severe intellectual disability.
- 690 (5) On a petition to order that an individual is no longer an individual with a severe
 691 intellectual disability, the court shall follow the same procedures to safeguard the rights
 692 of the individual with a severe intellectual disability on a petition for appointment of a
 693 guardian under Sections 75-5-603, 75-5-604, 75-5-606, and 75-5-607.

694 Section 18. Section **78A-2-301** is amended to read:

695 **78A-2-301 . Civil fees of the courts of record -- Courts complex design.**

- 696 (1)(a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
 697 court of record not governed by another subsection is \$375.
- 698 (b) The fee for filing a complaint or petition is:
- 699 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,
 700 interest, and attorney fees is \$2,000 or less;
- 701 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,
 702 interest, and attorney fees is greater than \$2,000 and less than \$10,000;
- 703 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;
- 704 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an
 705 action described in Title 81, Chapter 4, Dissolution of Marriage;
- 706 (v) \$35 for a petition for temporary separation described in Section 81-4-104;
- 707 (vi) \$125 if the petition is for removal from the The Sex, Kidnap, and Child Abuse
 708 Offender Registry under Section 77-41-112; and
- 709 (vii) \$35 if the petition is for guardianship and the prospective ward is the [biological
 710 or adoptive child of the petitioner] child, grandchild, or sibling of the petitioner.

- 711 (c) The fee for filing a small claims affidavit is:
- 712 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
713 interest, and attorney fees is \$2,000 or less;
- 714 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
715 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
- 716 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
717 interest, and attorney fees is \$7,500 or more.
- 718 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
719 complaint, or other claim for relief against an existing or joined party other than the
720 original complaint or petition is:
- 721 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
722 \$2,000 or less;
- 723 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is
724 greater than \$2,000 and less than \$10,000;
- 725 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is
726 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 727 (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4,
728 Dissolution of Marriage.
- 729 (e) The fee for filing a small claims counter affidavit is:
- 730 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
731 \$2,000 or less;
- 732 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
733 greater than \$2,000, but less than \$7,500; and
- 734 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
735 \$7,500 or more.
- 736 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
737 action already before the court is determined under Subsection (1)(b) based on the
738 amount deposited.
- 739 (g) The fee for filing a petition is:
- 740 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
741 department; and
- 742 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
743 Section 10-3-703.7.
- 744 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or

- 745 petition for writ of certiorari is \$240.
- 746 (i) The fee for filing a petition for expungement is \$150.
- 747 (j)(i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
748 allocated to and between the Judges' Contributory Retirement Trust Fund and the
749 Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter
750 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges'
751 Noncontributory Retirement Act.
- 752 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
753 allocated by the state treasurer to be deposited into the restricted account,
754 Children's Legal Defense Account, as provided in Section 51-9-408.
- 755 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
756 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account
757 as provided in Section 78B-6-209.
- 758 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
759 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state
760 treasurer to be deposited into the restricted account, Court Security Account, as
761 provided in Section 78A-2-602.
- 762 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)
763 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the
764 restricted account, Court Security Account, as provided in Section 78A-2-602.
- 765 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
766 United States is \$35.
- 767 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
768 50% of the fee for filing an original action seeking the same relief.
- 769 (m) The fee for filing probate or child custody documents from another state is \$35.
- 770 (n)(i) The fee for filing an abstract or transcript of judgment, order, or decree of the
771 State Tax Commission is \$30.
- 772 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this
773 state or a judgment, order, or decree of an administrative agency, commission,
774 board, council, or hearing officer of this state or of its political subdivisions other
775 than the State Tax Commission, is \$50.
- 776 (o) The fee for filing a judgment by confession without action under Section 78B-5-205
777 is \$35.
- 778 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation

- 779 under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
780 action before the court is \$35.
- 781 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
782 other than a protective order or stalking injunction is \$100.
- 783 (r) The fee for filing any accounting required by law is:
784 (i) \$15 for an estate valued at \$50,000 or less;
785 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
786 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
787 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
788 (v) \$175 for an estate valued at more than \$168,000.
- 789 (s) The fee for filing a demand for a civil jury is \$250.
- 790 (t) The fee for filing a notice of deposition in this state concerning an action pending in
791 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
- 792 (u) The fee for filing documents that require judicial approval but are not part of an
793 action before the court is \$35.
- 794 (v) The fee for a petition to open a sealed record is \$35.
- 795 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
796 addition to any fee for a complaint or petition.
- 797 (x)(i) The fee for a petition for authorization for a minor to marry required by Section
798 81-2-304 is \$5.
- 799 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,
800 Emancipation, is \$50.
- 801 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
- 802 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 803 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per
804 page.
- 805 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of
806 documents and forms and for the search and retrieval of records under Title 63G,
807 Chapter 2, Government Records Access and Management Act. Fees under
808 Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of
809 expenditures.
- 810 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of
811 the public to conduct a limited amount of searches on the Xchange database without
812 having to pay a monthly subscription fee.

- 813 (dd) There is no fee for services or the filing of documents not listed in this section or
814 otherwise provided by law.
- 815 (ee) Except as provided in this section, all fees collected under this section are paid to
816 the General Fund. Except as provided in this section, all fees shall be paid at the time
817 the clerk accepts the pleading for filing or performs the requested service.
- 818 (ff) The filing fees under this section may not be charged to the state, the state's
819 agencies, or political subdivisions filing or defending any action. In judgments
820 awarded in favor of the state, its agencies, or political subdivisions, except the Office
821 of Recovery Services, the court shall order the filing fees and collection costs to be
822 paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall
823 be applied to the fees after credit to the judgment, order, fine, tax, lien, or other
824 penalty and costs permitted by law.
- 825 (2)(a)(i) From March 17, 1994, until June 30, 1998, the state court administrator shall
826 transfer all revenues representing the difference between the fees in effect after
827 May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits
828 to the Division of Facilities Construction and Management Capital Projects Fund.
- 829 (ii)(A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
830 Construction and Management shall use up to \$3,750,000 of the revenue
831 deposited into the Capital Projects Fund under this Subsection (2)(a) to design
832 and take other actions necessary to initiate the development of a courts
833 complex in Salt Lake City.
- 834 (B) If the Legislature approves funding for construction of a courts complex in
835 Salt Lake City in the 1995 Annual General Session, the Division of Facilities
836 Construction and Management shall use the revenue deposited into the Capital
837 Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in
838 Salt Lake City.
- 839 (C) After the courts complex is completed and all bills connected with its
840 construction have been paid, the Division of Facilities Construction and
841 Management shall use any money remaining in the Capital Projects Fund under
842 this Subsection (2)(a)(ii) to fund the Vernal District Court building.
- 843 (iii) The Division of Facilities Construction and Management may enter into
844 agreements and make expenditures related to this project before the receipt of
845 revenues provided for under this Subsection (2)(a)(iii).
- 846 (iv) The Division of Facilities Construction and Management shall:

847 (A) make those expenditures from unexpended and unencumbered building funds
848 already appropriated to the Capital Projects Fund; and

849 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
850 under this Subsection (2).

851 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
852 representing the difference between the fees in effect after May 2, 1994, and the fees
853 in effect before February 1, 1994, are transferred to the Division of Finance for
854 deposit in the restricted account.

855 (c) The Division of Finance shall deposit all revenues received from the state court
856 administrator into the restricted account created by this section.

857 (d)(i) From May 1, 1995, until June 30, 1998, the state court administrator shall
858 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title
859 41, Motor Vehicles, in a court of record to the Division of Facilities Construction
860 and Management Capital Projects Fund. The division of money pursuant to
861 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
862 paid.

863 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer
864 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
865 Vehicles, in a court of record to the Division of Finance for deposit in the
866 restricted account created by this section. The division of money pursuant to
867 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
868 paid.

869 (3)(a) There is created within the General Fund a restricted account known as the State
870 Courts Complex Account.

871 (b) The Legislature may appropriate money from the restricted account to the state court
872 administrator for the following purposes only:

873 (i) to repay costs associated with the construction of the court complex that were
874 funded from sources other than revenues provided for under this Subsection

875 (3)(b)(i); and

876 (ii) to cover operations and maintenance costs on the court complex.

877 Section 19. **Repealer.**

878 This bill repeals:

879 Section **75-5-308, Visitor in guardianship proceeding.**

880 Section 20. **Effective Date.**

881 This bill takes effect on May 7, 2025.