

1 **RECOGNITION OF NON-COURT ORDERED**

2 **GUARDIANSHIPS**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Sheryl L. Allen**

6 AN ACT RELATING TO GUARDIANSHIPS; PROVIDING THAT A DOCUMENT ISSUED
7 BY OTHER THAN A COURT OF LAW WHICH PURPORTS TO AWARD
8 GUARDIANSHIP TO A PERSON WHO IS NOT A LEGAL RESIDENT OF THE
9 JURISDICTION IN WHICH THE GUARDIANSHIP IS AWARDED IS NOT VALID IN THE
10 STATE UNTIL REVIEWED AND APPROVED BY A UTAH COURT; AND PROVIDING
11 AN APPROVAL PROCEDURE.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **75-5-201**, as enacted by Chapter 150, Laws of Utah 1975

15 ENACTS:

16 **53A-2-203.5**, Utah Code Annotated 1953

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

18 Section 1. Section **53A-2-203.5** is enacted to read:

19 **53A-2-203.5. Recognition of guardianship.**

20 (1) A document issued by other than a court of law which purports to award guardianship
21 to a person who is not a legal resident of the jurisdiction in which the guardianship is awarded is
22 not valid in the state of Utah until reviewed and approved by a Utah court.

23 (2) The procedure for obtaining approval under Subsection (1) is the procedure required
24 under Title 75, Chapter 5, Part 2, for obtaining a court appointment of a guardian.

25 Section 2. Section **75-5-201** is amended to read:

26 **75-5-201. Status of guardian of minor -- General.**

27 (1) (a) A person becomes a guardian of a minor by acceptance of a testamentary

1 appointment, through appointment by a local school board under Section 53A-2-202, or upon
2 appointment by the court.

3 (b) The guardianship status continues until terminated, without regard to the location from
4 time to time of the guardian and minor ward.

5 (2) (a) A document issued by other than a court of law which purports to award
6 guardianship to a person who is not a legal resident of the jurisdiction in which the guardianship
7 is awarded is not valid in the state of Utah until reviewed and approved by a Utah court.

8 (b) The procedure for obtaining approval of a guardianship under Subsection (2)(a) shall
9 be identical to the procedure required under this part for obtaining a court appointment of a
10 guardian.

Legislative Review Note
as of 12-17-97 8:24 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel