

180 Section 5. Section **75-5-310.5** is enacted to read:

181 **75-5-310.5. Temporary guardians.**

182 (1) If, after notice and hearing as required by Section 75-5-303, the court finds good  
183 cause, the court may:

184 (a) appoint a temporary guardian;

185 (b) convert an emergency guardian to a temporary guardian if an emergency guardian  
186 has been appointed under Section 75-5-310; or

187 (c) appoint a different person as temporary guardian to replace an emergency guardian  
188 appointed under Section 75-5-310.

189 (2) Unless the allegedly incapacitated person has already obtained counsel in this  
190 proceeding or an attorney has been already appointed for the person, the court ~~shall~~ **may** ~~shall~~  
190a appoint an

191 attorney to represent the person in the proceeding.

192 (3) Until a full hearing and further order of the court, the temporary guardian shall be  
193 charged with the care and custody of the ward and may not permit the ward to be removed  
194 from the state. The authority of any permanent guardian previously appointed by the court is  
195 suspended so long as a temporary guardian has authority.

196 (4) A temporary guardian may be removed at any time, and shall obey all orders and  
197 make any reports required by the court.

198 (5) A temporary guardian has all of the powers and duties of a permanent guardian as  
199 set forth in Section 75-5-312.

200 Section 6. Section **75-5-312** is amended to read:

201 **75-5-312. General powers and duties of guardian -- Penalties.**

202 (1) A guardian of an incapacitated person has only the powers, rights, and duties  
203 respecting the ward granted in the order of appointment under Section 75-5-304.

204 (2) Absent a specific limitation on the guardian's power in the order of appointment,  
205 the guardian has the same powers, rights, and duties respecting the ward that a parent has  
206 respecting the parent's unemancipated minor child except that a guardian is not liable to third  
207 persons for acts of the ward solely by reason of the parental relationship. In particular, and  
208 without qualifying the foregoing, a guardian has the following powers and duties, except as  
209 modified by order of the court:

210 (a) To the extent that it is consistent with the terms of any order by a court of