

SB0199S01 compared with SB0199

{Omitted text} shows text that was in SB0199 but was omitted in SB0199S01

inserted text shows text that was not in SB0199 but was inserted into SB0199S01

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Guardianship Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

LONG TITLE

General Description:

This bill addresses a guardianship for an individual with a severe intellectual disability.

Highlighted Provisions:

This bill:

- ▶ defines terms for guardianship;
- ▶ clarifies court jurisdiction for guardianships;
- ▶ enacts a guardianship proceeding for an individual with a severe intellectual disability;
- ▶ addresses the applicability of a guardianship proceeding for an individual with a severe intellectual disability;
- ▶ enacts certain rights for an individual with a severe intellectual disability for which a full guardianship is imposed;
- ▶ provides the requirements for a guardianship proceeding for an individual with a severe intellectual disability, including the requirements for the petition, venue, and in-person hearings;
- ▶ addresses the appointment of:
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an attorney for a respondent in a guardianship proceeding for an individual with a severe intellectual disability;

- 21 • a physician, psychologist, physician assistant, or court visitor to examine the respondent; and
- 23 • an emergency or temporary guardian while guardianship proceedings are pending;
- 24 ▶ provides that a court may appoint a guardian for a respondent if the court makes certain findings;
- 26 ▶ provides that the court shall prefer a full guardianship for an individual with a severe intellectual disability;
- 28 ▶ requires the court to include certain provisions in an order of appointment;
- 29 ▶ provides who may be a guardian for an individual with a severe intellectual disability;
- 30 ▶ addresses the duties, powers, and rights of a guardian for an individual with a severe intellectual disability in a full guardianship;
- 32 ▶ addresses the removal or resignation of a guardian for an individual with a severe intellectual disability;
- 34 ▶ addresses the termination of a guardianship for an individual with a severe intellectual disability;and
- 36 ▶ { ~~provides that a fee for a petition for guardianship is \$35 if the prospective ward is the child, grandchild, or sibling of the petitioner; and~~ }
- 38 ▶ makes technical and conforming changes.

37 Money Appropriated in this Bill:

38 None

39 None

42 AMENDS:

43 **75-5-311** , as last amended by Laws of Utah 2023, Chapter 330 , as last amended by Laws of Utah 2023, Chapter 330

44 **75-5-317** , as enacted by Laws of Utah 2018, Chapter 294 , as enacted by Laws of Utah 2018, Chapter 294

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

45 ENACTS:

46 **75-5-101.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

47 **75-5-601** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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48 **75-5-602** , Utah Code Annotated 1953 , Utah Code Annotated 1953
49 **75-5-603** , Utah Code Annotated 1953 , Utah Code Annotated 1953
50 **75-5-604** , Utah Code Annotated 1953 , Utah Code Annotated 1953
51 **75-5-605** , Utah Code Annotated 1953 , Utah Code Annotated 1953
52 **75-5-606** , Utah Code Annotated 1953 , Utah Code Annotated 1953
53 **75-5-607** , Utah Code Annotated 1953 , Utah Code Annotated 1953
54 **75-5-608** , Utah Code Annotated 1953 , Utah Code Annotated 1953
55 **75-5-609** , Utah Code Annotated 1953 , Utah Code Annotated 1953
56 **75-5-610** , Utah Code Annotated 1953 , Utah Code Annotated 1953
57 **75-5-611** , Utah Code Annotated 1953 , Utah Code Annotated 1953
58 **75-5-612** , Utah Code Annotated 1953 , Utah Code Annotated 1953
59 **75-5-613** , Utah Code Annotated 1953 , Utah Code Annotated 1953

60 RENUMBERS AND AMENDS:

61 **75-5-101.5** , (Renumbered from 75-5-101, as enacted by Laws of Utah 1975, Chapter 150) ,
(Renumbered from 75-5-101, as enacted by Laws of Utah 1975, Chapter 150)

63 REPEALS:

64 **75-5-308** , as enacted by Laws of Utah 1975, Chapter 150 , as enacted by Laws of Utah 1975,
Chapter 150

65

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

67 Section 1. Section **1** is enacted to read:

68 **75-5-101.1. Definitions for chapter.**

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 an officer,
employee, or special appointee of the court with no personal interest in the proceedings.
- 77 (3) "Full guardianship" means a guardianship that grants a guardian all the powers available to the
guardian under the law with respect to an individual who is incapacitated, including all the powers,
duties, and rights that a parent has with respect to the parent's unemancipated minor child.
- 81 (4) "Incapacitated" means the same as that term is defined in Section 75-1-201.

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- (5) "Joint legal decision-making" means two individuals, regardless of whether the individuals are married, sharing legal decision-making and each individual's rights or responsibilities are not being superior to the other individual's rights, except with respect 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 decisions for an individual who is incapacitated, including decisions regarding education, health care, religious training, and personal care decisions.
- 89 (7) "Letters of guardianship" means a legal document that establishes a guardian's authority to make decisions for an individual.
- 91 (8) "Limited guardianship" means, except as provided in Section 75-5-316, a guardianship that grants the guardian less than all powers available to the guardian under the law or 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 Certified Guardian or National Master Guardian by the Center for Guardianship Certification or similar organization.
- 100 (11) "Suitable institution" means any nonprofit or for profit corporation, partnership, sole proprietorship, or other type of business organization that is owned, operated by, or employs a specialized care professional.
- 100 Section 2. Section **75-5-101.5** is renumbered and amended to read:
- 102 ~~[75-5-101]~~ **75-5-101.5. Jurisdiction of subject matter -- Consolidation of proceedings.**
- 107 (1) [The] A court has jurisdiction over protective proceedings and guardianship proceedings in accordance with Chapter 5b, Uniform and Adult Guardianship and Protective Proceedings Jurisdiction Act, and Title 78A, Judiciary and Judicial Administration.
- 110 (2) When both guardianship and protective proceedings as to the same person are commenced or pending in the same court, the proceedings may be consolidated.
- 109 Section 3. Section **75-5-311** is amended to read:
- 110 **75-5-311. Who may be guardian -- Priorities.**
- 114 [(1) As used in this section:]

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- 115 ~~[(a) "Specialized care professional" means a person who is certified as a National Certified Guardian or~~
~~National Master Guardian by the Center for Guardianship Certification or similar organization.]~~
- 118 ~~[(b) "Suitable institution" means any nonprofit or for-profit corporation, partnership, sole proprietorship,~~
~~or other type of business organization that is owned, operated by, or employs a specialized care~~
~~professional.]~~
- 121 ~~[(2)] (1)~~
- . (a) The court shall appoint a guardian in accordance with the incapacitated person's most recent
nomination, unless that person is disqualified or the court finds 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 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 influence, do
hereby nominate (Name, current residence, and relationship, if any, of the nominee) to serve as my
guardian in the event that after the date of this instrument I become 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 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 than that
described in Subsection ~~[(2)] (1)~~, if the incapacitated person was 14 years old or older when the
nomination was executed and, in the opinion of the court, that 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 instrument, or
other writing signed by a deceased parent;

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- 146 (e) any relative of the incapacitated person with whom he has resided for more than six 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 capacity, except for
the direct costs of providing guardianship or conservatorship 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 Guardian.
- 154 Section 4. Section **75-5-317** is amended to read:
- 155 **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 whether they are
married, sharing legal decision-making and no individual's rights or responsibilities being superior
except with respect to specified decisions set forth by 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 nonemergency legal
decisions for a minor including those regarding education, health 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 Practice Act.
- 173 ~~[(f)] (b) "Psychologist" means a person licensed under Title 58, Chapter 61, Psychologist Licensing
Act, to engage in the practice of psychology as defined in Section 58-61-102.~~
- 176 ~~[(g)] (c) "Sole legal decision-making" means one parent or one individual having the 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 of an
incapacitated person under Section 75-5-301 may initiate guardianship proceedings pursuant to this

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Subsection (2) for a minor who is at least 17 years, six months [~~of age~~] old and who is alleged to be incapacitated and request that a guardianship order take effect immediately on the day the minor turns 18 years [~~of age~~] old.

184 (b)

. (i) The petitioner shall provide with the petition a written report of an evaluation of the minor by a physician or psychologist that meets the requirements of Subsection (2)(c).

187 (ii) If the evaluation is conducted within six months after the date the petition is filed with the court, the petitioner may ask in the petition that the court accept this report in lieu of ordering any additional evaluation and the court may grant the request.

191 (c) A written report filed pursuant to this section by a physician or psychologist acting 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 the person;

195 (ii) a comprehensive assessment listing any functional impairments of the alleged incapacitated person and an explanation of how and to what extent these functional impairments may prevent that person from receiving or evaluating information in making decisions or in communicating informed decisions, with or without assistance, regarding that person;

200 (iii) an analysis of the tasks of daily living the alleged incapacitated person is capable of performing independently or with assistance;

202 (iv) a list of the medications the alleged incapacitated person is receiving, the dosage of the medications, and a description of the effects each medication has on the 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 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 of a guardian for the incapacitated person is filed pursuant to Subsection (2) or within two years after the day the incapacitated person turns 18 years [~~of age~~] old, unless the court finds the appointment to be contrary to the incapacitated person's best interest:

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- (i) the court shall appoint as the incapacitated person's guardian any person who, by court order, had sole legal decision-making of the incapacitated person when the 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 when the incapacitated person attained 17 years, six months [~~of age~~] old, the court 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 in Subsection (3)(a) is contrary to the incapacitated person's best interest or if the individual is unwilling to be appointed or serve as a guardian, the court may apply 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 coguardians if the appointment is required by Subsection (3) or the court finds that the appointment is in the incapacitated person's best interest.
- 225 ~~(b)~~
- 222 (b) If the court appoints coguardians, the coguardians shall share legal decision-making for the incapacitated person and neither coguardian's rights or responsibilities are superior except as otherwise ordered by the court.

225 Section 5. Section 5 is enacted to read:

229

Part 6. Guardian of Individual with a Severe Intellectual Disability

75-5-601. Definitions for part.

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 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 capacity at one time or may regain capacity.

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

236 (3) "Physician" means an individual:

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- 237 (a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or
238 (b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
240 (4) "Psychologist" means an individual licensed under Title 58, Chapter 61, Psychologist Licensing
Act, to engage in the practice of psychology as defined in Section 58-61-102.
- 239 ~~{(3)}~~ (5) "Remotely" means a participant will appear by video conference or other electronic means
approved by the court.
- 241 ~~{(4)}~~ (6) "Respondent" means the adult who is alleged to be an individual with a severe intellectual
disability.
- 246 Section 6. Section 6 is enacted to read:
247 **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 report from
a physician or psychologist that indicates that the adult is an individual with a severe intellectual
disability.
- 248 (2) Except as provided in Subsection (4) or another provision of this part, the provisions of Part 3,
Guardians of Incapacitated Persons, do not apply to the guardianship of an adult 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 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 not an
individual with a severe intellectual disability.
- 258 Section 7. Section 7 is enacted to read:
259 **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 from a
physician or psychologist that indicates that the adult is an individual with a severe intellectual
disability, has the right to:
- 260 (a) except as provided in Section 75-5-606, be represented by counsel before a guardianship is imposed
and have counsel represent the adult during the guardianship 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 speak about or
raise any issue of concern on behalf of the adult during the guardianship proceeding;
- 267 (d) receive information about guardianships from the court; and

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- 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 adult and
enters an order of appointment that specifies that the adult is an individual with a severe intellectual
disability, the adult has the right to:
- 272 (a) have a relative, physician, psychologist, physician assistant, or any interested person speak about or
raise any issue of concern on behalf of the adult in any court hearing 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 a guardian to
the court;
- 279 (e) to the extent practicable, receive timely, effective, and appropriate health care and 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 unnecessary fees or
duplicative billing; and
- 284 (h) receive prudent financial management of the adult's property, including 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 the order of
appointment as to whether the adult is an individual with a severe intellectual disability, the adult
has the rights of an incapacitated person described in Section 75-5-301.5.

293 Section 8. Section 8 is enacted to read:

294 **75-5-604. Petition for guardianship of an individual with a severe intellectual 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 continuing care to
the adult.
- 297 (2) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, a petitioner shall bring 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 located.

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- 302 (3)
- 305 (a) Upon the filing of a petition under Subsection (1), the court shall set a date for a hearing on the issue of whether the respondent is an individual with a severe intellectual disability.
- 308 ~~{(b) {The court shall hold any hearing on the petition remotely unless a party requests an in-person hearing.}}~~
- 308 (b) The court shall, while preserving the due process rights of the respondent, conduct the hearing remotely in accordance with Utah Rules of Civil Procedure, Rule 87, unless the court finds good cause under Utah Rules of Civil Procedure, Rule 87, to not conduct the hearing remotely.
- 307 (4) Except as provided in Section 75-5-606, the respondent is entitled to be represented by counsel, present evidence, and cross-examine witnesses, including a physician, 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 severe intellectual disability at a closed hearing, without a jury, if the respondent or the 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 an investigation by a court visitor in accordance with Section 75-5-607.
- 323 Section 9. Section **9** is enacted to read:
- 324 **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 individual with a severe intellectual disability, or is alleged to be an individual with a severe intellectual disability, other than the appointment of an emergency guardian or 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 the adult;
- 327 (c) if the petitioner is unable to notify the adult's parents under Subsection (1)(a), at least one of the closest adult relatives of the individual if any can be found; and

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(d) Adult Protective Services if Adult Protective Services has received a referral under Title 26B, Chapter 6, Part 2, Abuse, Neglect, or Exploitation of a Vulnerable Adult, concerning the welfare of the adult or concerning the guardian or conservator or 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 Council;

336 (b) indicate the time and place of the hearing, the possible adverse consequences to the adult described in Subsection (1) who is receiving notice of rights, a list of rights, 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).

350 Section 10. Section **10** is enacted to read:

351 **75-5-606. Appointment of counsel.**

347 (1)

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

350 (b) The respondent shall pay the costs of an attorney appointed under Subsection (1)(a) 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 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 respondent's acceptance of the appointment of a guardian{ : } ; **and**

364 (e) **the court is satisfied that counsel is not necessary in order to protect the interests of the respondent.**

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

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

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

365 (b) there is a timely filed appeal of the appointment of the guardian or the determination 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.

375 Section 11. Section **11** is enacted to read:

376 **75-5-607. Appointment of physician, psychologist, physician assistant, or court visitor.**

371 (1)

(a) The court may appoint a physician, a psychologist, or a physician assistant to examine the respondent.

373 (b) If the court appoints a physician, a psychologist, or a physician assistant under Subsection (1)(a), the physician, psychologist, or physician assistant shall submit a 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 Subsection (1);-}}~~

380 ~~{(e)}~~ (b) visit the present place of abode of the respondent and the place proposed where the respondent will be detained or reside if a guardian is appointed; or

382 ~~{(d)}~~ (c) 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 (2) that the appointment of a court visitor is not necessary.-}}~~

388 Section 12. Section **12** is enacted to read:

389 **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, without notice, appoint an emergency guardian for the respondent for a specified period not to exceed 30 days pending notice and a hearing.

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- 393 (b) The court may, without notice, appoint an emergency guardian for an individual with a severe
395 intellectual disability for a specified period not to exceed 30 days pending notice and a hearing if:
397 (i) an appointed guardian for the individual is not effectively performing the guardian's duties; and
399 (ii) the court further finds that the welfare of the respondent or individual requires immediate action.
401 (c) Upon request by an interested person after the appointment of an emergency guardian under
403 Subsection (1)(a) or (b), the court shall hold a hearing within 14 days in accordance with Section
405 75-5-604.
- 407 (2) If the court finds good cause after notice and hearing under Sections 75-5-604 and 75-5-605, the
409 court may:
- 411 (a) appoint a temporary guardian;
413 (b) convert an emergency guardian to a temporary guardian if an emergency guardian has been
415 appointed under Subsection (1); or
417 (c) appoint a different person as temporary guardian to replace an emergency guardian appointed under
419 Subsection (1).
- 421 (3) Unless the respondent or individual with a severe intellectual disability has already obtained or been
423 appointed counsel or an attorney is not required as described in Section 75-5-606, the court shall
425 appoint an attorney to represent the respondent or individual.
- 427 (4) Until a full hearing and further order of the court, the temporary guardian:
- 429 (a) shall be charged with the care and custody of the respondent or individual with a severe intellectual
431 disability; and
433 (b) may not permit the respondent or individual with a severe intellectual disability to be removed from
435 the state.
- 437 (5) The authority of any permanent guardian previously appointed by the court is suspended so long as
439 a temporary guardian has authority.
- 441 (6) A temporary guardian may be removed at any time, and shall obey all orders and make any reports
443 required by the court.
- 445 (7) A temporary guardian has all of the powers and duties of a permanent guardian as set forth in
447 Section 75-5-611.

424 Section 13. Section 13 is enacted to read:

425 **75-5-609. Findings by court -- Appointment of guardian -- Acceptance of appointment.**

424 (1) The court may appoint a guardian for a respondent if the court finds:

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- 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 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 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 incapacitated
person; and
438 (ii) the court shall state the limitations of the guardianship and the rights {for} to which 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 for a
respondent, the court shall include in the order of appointment the name of any interested person
{for} whom the guardian must notify of any significant health care or treatment received by the
individual.
- 444 (5)
. (a) By accepting an appointment, a guardian submits personally to the jurisdiction of the court in any
proceeding relating to the guardianship that may be instituted by any 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 by ordinary
mail at the guardian's address as listed in the court records and to the 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 disability, the
guardian has the same duties, powers, and rights described in Section 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 disability, the
guardian has the duties, powers and rights described in Section 75-5-611.

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458 Section 14. Section 14 is enacted to read:

459 **75-5-610. Who may be a guardian -- Coguardians.**

457 (1) ~~{The}~~ Unless the court finds there is good cause that the person should not serve as guardian, the
court shall appoint a guardian for an individual with a severe intellectual disability 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 has resided
with the relative for more than 180 days before the day on which the 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 capacity, except for
the direct costs of providing guardianship or conservatorship 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 Public Guardian.

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

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

486 Section 15. Section 15 is enacted to read:

487 **75-5-611. Duties, powers, and rights of a guardian for an individual with a 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 with a severe
intellectual disability in a full guardianship.

487 (2)

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- . (a) A guardian shall diligently and in good faith carry out the specific duties, powers, and rights that the guardian is granted under this section and in the order of 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 intellectual disability solely by reason of the guardian having the same powers, 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 shall encourage the individual with a severe intellectual disability, to the extent practicable, to participate in decisions, exercise self-determination, act on the individual's own behalf, and develop the skills to manage the individual's personal affairs.
- 498 (b) To the extent known, a guardian shall consider the expressed desires, preferences, and personal values of the individual with a severe intellectual disability when making decisions about the individual.
- 501 (4) A guardian is entitled to custody of the individual with a severe intellectual disability to the extent that the custody is consistent with the terms of any order by a court relating to the detention and commitment of the individual.
- 504 (5) If a guardian has custody of the individual with a severe intellectual disability under 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 the individual's training and education whenever appropriate.
- 509 (6) Without regard to the custodial rights of the individual with a severe intellectual disability, a guardian shall take reasonable care of the individual's clothing, furniture, vehicles, and other personal effects and commence protective proceedings if other 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 medical or other professional care, counsel, treatment, or service;
- 516 (b) restrict or prohibit the individual's association with relatives and acquaintances if the guardian deems that the association is harmful to the individual; and

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- 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 individual;
- 521 (ii) a tobacco product, an electronic cigarette product, or a nicotine product, as those terms are defined
in Section 76-10-101;
- 523 (iii) alcohol; {or}
- 528 (iv) pornography; or
- 524 {(iv)} (v) a legal substance or activity that would be harmful to the health and wellbeing of the
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 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 associating with
the individual of:
- 531 (A) the individual's admission to a hospital for three or more days or to a hospice 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 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; and
- 540 (iv) provide the court with a current address of an individual if the guardian moves the individual.
- 542 (b) For purposes of this Subsection (8), an interested person is a person required to 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 intellectual
disability, a guardian may:
- 546 (a) institute proceedings to compel any person under a duty to support the individual or 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 money and property
for support, care, and education of the individual, except that:
- 550

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- (i) the guardian may not use funds from the individual's estate for room and board that the guardian or the guardian's family member or relative has furnished unless a charge for the service is approved by order of the court made upon notice to at least one adult relative in the nearest degree of kinship to the individual in which there is an adult; and
- 555 (ii) the guardian shall manage the individual's money and property in a prudential 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 severe intellectual disability, and except as provided in Subsection (13)(b), a guardian shall:
- 560 (i) send a report with a full account to the court on an annual basis if the individual's estate is in excess of \$50,000 excluding the residence, if any, owned by the individual; or
- 563 (ii) fill out an informal annual report and mail the report to the court if the individual's estate is less than \$50,000 excluding the residence, if any, owned by 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 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 Subsection (10)(a).
- 576 (d) The Judicial Council shall approve forms for the accounting reports described in Subsection (10)(a).
- 578 (e) An annual accounting report under Subsection (10)(a) shall be examined and approved by the court.
- 580 (f) If the income of the individual with a severe intellectual disability is limited to a federal or state program requiring an annual accounting report, a copy of that report may be submitted to the court in lieu of the required annual accounting report under Subsection (10)(a).
- 584 (g)
- . (i) A corporate fiduciary is not required to petition the court, but shall submit the 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 court.
- 588

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- (h) If a fee is paid for an accounting of the estate of the individual with a severe intellectual disability, a fee may not be charged for an accounting of the individual's status under Subsection (13).
- 591 (11) If a conservator has been appointed for the estate of the individual with a severe intellectual disability, a guardian shall:
- 593 (a) control the custody and care of the individual and is entitled to receive reasonable sums for services and for room and board furnished to the individual as agreed upon between the guardian and the conservator if the amounts agreed upon are reasonable under the circumstances;
- 597 (b) pay all of the individual's estate received by the guardian in excess of those funds expended to meet current expenses for support, care, and education of the individual to the conservator for management of the individual's estate as provided in this chapter; and
- 601 (c) account to the conservator for funds expended to meet current expenses for support, care, and education of the individual.
- 603 (12) If a conservator has been appointed for the estate of the individual with a severe intellectual disability, a guardian may request the conservator to expend the individual's estate by payment to third persons or institutions for the individual's care and maintenance.
- 607 (13)
- . (a) Except as provided in Subsection (13)(b), the guardian shall provide an annual accounting of the individual's status, including a report of the physical and mental condition of the individual, the individual's estate that has been subject to the guardian's possession, and the individual's place of residence and others living in the same household, to the court in the petition or the annual report as required under Subsection (10).
- 613 (b) The guardian is not required to provide an annual report or accounting described in Subsection (10)(a) or (13)(a) if the guardian is the parent, grandparent, or sibling of 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 severe intellectual disability; or
- 620 (iii) willfully fails to file the report required by this section after receiving written notice from the court of the failure to file and after a grace period of two months has elapsed.

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- 623 (b) The court may order restitution of funds misappropriated from the estate of the individual with a
625 severe intellectual disability.
- 627 (c) A penalty under this Subsection (14) shall be paid by the guardian and may not be 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 financial decisions
to transact business with the assets of the individual with a severe intellectual disability after
receiving a certified copy of letters of guardianship is liable for costs, expenses, attorney fees, and
damages if the court determines that the person did not act in good faith in refusing to accept the
authority of the guardian.

637 Section 16. Section **16** is enacted to read:

638 **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 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 disability or any
person interested in the individual's welfare, the court may remove a 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 incapacity or illness;
- 647 (d) the guardian fails to use reasonable care and diligence in the management of the individual's estate;
- 649 (e) the individual is in a limited guardianship, the guardian is not permitted to restrict the individual's
association, and the guardian is found by the court to have filed a petition 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 guardian's duties and
there is a risk that the guardian will fail to faithfully perform the 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

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- 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 procedures
to safeguard the rights of the individual with a severe intellectual disability on a petition for
appointment of a guardian under Sections 75-5-603, 75-5-604, 75-5-606, and 75-5-607.
- 663 (5) The court is not required to appoint an attorney to represent the individual with a severe intellectual
disability upon the removal or resignation of the individual's guardian if the case is uncontested and
the individual's incapacity is not at issue.
- 671 Section 17. Section **17** is enacted to read:
- 672 **75-5-613. Termination of guardianship for an individual with a severe intellectual disability.**
- 669 (1)
- . (a) An individual with a severe intellectual disability, or any person interested in the 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 which no petition
for the termination of a guardianship for an individual with a 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 letter to the court.
- 678 (d) Any person who knowingly interferes with a request described in Subsection (1)(a) may be
sanctioned by the court.
- 680 (2) Notwithstanding Subsection (1), the authority and responsibility of a guardian for an 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 been
approved by the court.
- 687 (4) Termination of a guardian does not affect the guardian's liability for the guardian's prior acts or
the guardian's obligation to account for funds and assets of the individual with a severe intellectual
disability.

690

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- (5) On a petition to order that an individual is no longer an individual with a severe intellectual disability, the court shall follow the same procedures to safeguard the rights of the individual with a severe intellectual disability on a petition for appointment of a guardian under Sections 75-5-603, 75-5-604, 75-5-606, and 75-5-607.

699 Section 18. **Repealer.**

This Bill Repeals:

700 This bill repeals:

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

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 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, 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, 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 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 Offender Registry under Section 77-41-112; and
- 709 (vii) \$35 if the petition is for guardianship and the prospective ward is the ~~[biological 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, 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, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

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- 716 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, 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 complaint, or
other claim for relief against an existing or joined party other than the original complaint or petition
is:
- 721 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 723 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is 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 \$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, 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 \$2,000 or less;
- 732 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is 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 \$7,500 or more.
- 736 (f) The fee for depositing funds under Section 57-1-29 when not associated with an action already
before the court is determined under Subsection (1)(b) based on the 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 department; and
- 742 (ii) \$80 for an appeal of a municipal administrative determination in accordance with Section
10-3-703.7.
- 744 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or 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 allocated to
and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory
Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act,
and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.

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- 752 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state treasurer to be deposited into the restricted account, 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), and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided in Section 78B-6-209.
- 758 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited into the restricted account, Court Security Account, as provided in Section 78A-2-602.
- 762 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the 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 United States is \$35.
- 767 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 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 State Tax Commission is \$30.
- 772 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer of this state or of its political subdivisions other than the State Tax Commission, is \$50.
- 776 (o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.
- 778 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is \$35.
- 781 (q) The fee for filing a petition or counter-petition to modify a domestic relations order 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;

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- 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 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 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 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 81-2-304 is \$5.
- 799 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7, 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 page.
- 805 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records Access and Management Act. Fees under Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of expenditures.
- 810 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of the public to conduct a limited amount of searches on the Xchange database without 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 otherwise provided by law.
- 815 (ee) Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time 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 agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies,

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or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

825 (2)

. (a)

. (i) From March 17, 1994, until June 30, 1998, the state court administrator shall transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits 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 Construction and Management shall use up to \$3,750,000 of the revenue deposited into the Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a courts complex in Salt Lake City.

834 (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use the revenue deposited into the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

839 (C) After the courts complex is completed and all bills connected with its construction have been paid, the Division of Facilities Construction and Management shall use any money remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.

843 (iii) The Division of Facilities Construction and Management may enter into agreements and make expenditures related to this project before the receipt of 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 already appropriated to the Capital Projects Fund; and

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

851

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- (b) After June 30, 1998, the state court administrator shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.
- 855 (c) The Division of Finance shall deposit all revenues received from the state court 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 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Facilities Construction and Management Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.
- 863 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Finance for deposit in the restricted account created by this section. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.
- 869 (3)
- . (a) There is created within the General Fund a restricted account known as the State Courts Complex Account.
- 871 (b) The Legislature may appropriate money from the restricted account to the state court administrator for the following purposes only:
- 873 (i) to repay costs associated with the construction of the court complex that were funded from sources other than revenues provided for under this Subsection (3)(b)(i); and
- 876 (ii) to cover operations and maintenance costs on the court complex.

702 Section 19. **Effective date.**

This bill takes effect on May 7, 2025.

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