

62A-3-320 Petition for emergency order -- Protective services -- Temporary guardian -- Forcible entry.

- (1) Upon the filing of a petition for an emergency order, the court may, without notice, order appropriate protective services, if the court finds that:
 - (a) the subject of the petition is a vulnerable adult;
 - (b) the adult has no court-appointed guardian or conservator or the guardian or conservator is not effectively performing the guardian's or conservator's duties;
 - (c) an emergency exists; and
 - (d) the welfare, safety, or best interests of the adult require immediate action.
- (2) The order described in Subsection (1) shall specifically designate the protective services which are approved, together with supporting facts.
- (3) Protective services authorized in an emergency order may not include hospitalization, nursing or custodial care, or a change in residence, unless the court specifically finds that the action is necessary and authorizes the specific protective services in the order.
- (4)
 - (a) Protective services provided through an emergency order may not be provided longer than three business days, at which time the order shall expire unless a petition for guardianship, conservatorship, or other protective services is filed.
 - (b) If a petition for guardianship, conservatorship, or other protective services is filed within the three-business-day period described in Subsection (4)(a), the emergency order may be continued for as long as 15 days from the day on which the last petition was filed, to allow time for a hearing to determine whether the emergency order shall remain in effect.
- (5) In the emergency order, the court may appoint a temporary guardian, in accordance with Section 75-5-310.
- (6) To implement an emergency order, the court may authorize forcible entry by a peace officer into the premises where the protected person is residing, only upon a showing that voluntary access into the premises is not possible and that forcible entry is required.

Amended by Chapter 91, 2008 General Session